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Bill No. HB 2017

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Henriquez offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

Section 1. Chapter 1000, Florida Statutes, shall be entitled "K-20 General Provisions" and shall consist of ss. 1000.01-1000.21.

Section 2. Part I of chapter 1000, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1000.01-1000.06.

Section 3. Section 1000.01, Florida Statutes, is created to read:

1000.01 The Florida K-20 Education System; technical provisions.--

(1) NAME.--Chapters 1000 through 1013 shall be known and cited as the "Florida K-20 Education Code."

(2) LIBERAL CONSTRUCTION.--The provisions of the Florida K-20 Education Code shall be liberally construed to the end that its objectives may be effected. It is the

1 legislative intent that if any section, subsection, sentence,  
2 clause or provision of the Florida K-20 Education Code is held  
3 invalid, the remainder of the code shall not be affected.

4 (3) PURPOSE.--The purpose of the Florida K-20  
5 Education Code is to provide by law for a state system of  
6 schools, courses, classes, and educational institutions and  
7 services adequate to allow, for all Florida's students, the  
8 opportunity to obtain a high quality education. The Florida  
9 K-20 education system is established to accomplish this  
10 purpose; however, nothing in this code shall be construed to  
11 require the provision of free public education beyond grade  
12 12.

13 (4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS  
14 INCLUDED.--As required by s. 1, Art. IX of the State  
15 Constitution, the Florida K-20 education system shall include  
16 the uniform system of free public K-12 schools. These public  
17 K-12 schools shall provide 13 consecutive years of  
18 instruction, beginning with kindergarten, and shall also  
19 provide such instruction for students with disabilities,  
20 gifted students, limited English proficient students, and  
21 students in Department of Juvenile Justice programs as may be  
22 required by law. The funds for support and maintenance of the  
23 uniform system of free public K-12 schools shall be derived  
24 from state, district, federal, and other lawful sources or  
25 combinations of sources, including any fees charged  
26 nonresidents as provided by law.

27 (5) EDUCATION GOVERNANCE TRANSFERS.--

28 (a) Effective July 1, 2001:

29 1. The Board of Regents is abolished.

30 2. All of the powers, duties, functions, records,

31 personnel, and property; unexpended balances of

1 appropriations, allocations, and other funds; administrative  
2 authority; administrative rules; pending issues; and existing  
3 contracts of the Board of Regents are transferred by a type  
4 two transfer, pursuant to s. 20.06(2), to the Florida Board of  
5 Education.

6 3. The State Board of Community Colleges is abolished.

7 4. All of the powers, duties, functions, records,  
8 personnel, and property; unexpended balances of  
9 appropriations, allocations, and other funds; administrative  
10 authority; administrative rules; pending issues; and existing  
11 contracts of the State Board of Community Colleges are  
12 transferred by a type two transfer, pursuant to s. 20.06(2),  
13 from the Department of Education to the Florida Board of  
14 Education.

15 5. The Postsecondary Education Planning Commission is  
16 abolished.

17 6. The Council for Education Policy Research and  
18 Improvement is created as an independent office under the  
19 Office of Legislative Services.

20 7. All personnel, unexpended balances of  
21 appropriations, and allocations of the Postsecondary Education  
22 Planning Commission are transferred to the Council for  
23 Education Policy Research and Improvement.

24 8. The Articulation Coordinating Committee and the  
25 Education Standards Commission are transferred by a type two  
26 transfer, pursuant to s. 20.06(2), from the Department of  
27 Education to the Florida Board of Education.

28 (b) Effective January 7, 2003:

29 1. The Florida Board of Education is renamed the State  
30 Board of Education.

31 2. The Secretary of the Florida Board of Education is

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1 renamed the Commissioner of Education.

2 (c) All rules of the State Board of Education, the  
3 Commissioner of Education, and the Department of Education,  
4 and all rules of the district school boards, the community  
5 college boards of trustees, and the state university boards of  
6 trustees, in effect on January 2, 2003, remain in effect until  
7 specifically amended or repealed in the manner provided by  
8 law.

9 (d) Effective January 7, 2003:

10 1. The administrative rules of the Department of  
11 Education and the Commissioner of Education shall become the  
12 rules of the State Board of Education.

13 2. The administrative rules of the State Board of  
14 Education shall become the rules of the appointed State Board  
15 of Education.

16 (e) All administrative rules of the State Board of  
17 Education, the Commissioner of Education, and the Department  
18 of Education are transferred by a type two transfer, as  
19 defined in s. 20.06(2), Florida Statutes, to the appointed  
20 State Board of Education.

21 (f) This act creating the Florida K-20 Education Code  
22 shall not affect the validity of any judicial or  
23 administrative action involving the Department of Education,  
24 pending on January 7, 2003. This act shall not affect the  
25 validity of any judicial or administrative action involving  
26 the Commissioner of Education or the State Board of Education,  
27 pending on January 7, 2003, and the appointed State Board of  
28 Education shall be substituted as a party of interest in any  
29 such action.

30 Section 4. Section 1000.02, Florida Statutes, is  
31 created to read:

1           1000.02 Policy and guiding principles for the Florida  
2 K-20 education system.--

3           (1) It is the policy of the Legislature:

4           (a) To achieve within existing resources a seamless  
5 academic educational system that fosters an integrated  
6 continuum of kindergarten through graduate school education  
7 for Florida's students.

8           (b) To promote enhanced academic success and funding  
9 efficiency of educational delivery systems by aligning  
10 responsibility with accountability.

11           (c) To provide consistent education policy across all  
12 educational delivery systems, focusing on students.

13           (d) To provide substantially improved articulation  
14 across all educational delivery systems.

15           (e) To provide for the decentralization of authority  
16 to the schools, community colleges, universities, and other  
17 education institutions that deliver educational services to  
18 the public.

19           (f) To ensure that independent education institutions  
20 and home education programs maintain their independence,  
21 autonomy, and nongovernmental status.

22           (2) The guiding principles for Florida's K-20  
23 education system are:

24           (a) A coordinated, seamless system for kindergarten  
25 through graduate school education.

26           (b) A system that is student-centered in every facet.

27           (c) A system that maximizes education access and  
28 allows the opportunity for a high-quality education for all  
29 Floridians.

30           (d) A system that safeguards equity and supports  
31 academic excellence.

1           (e) A system that provides for local operational  
2 flexibility while promoting accountability for student  
3 achievement and improvement.

4           Section 5. Section 1000.03, Florida Statutes, is  
5 created to read:

6           1000.03 Function, mission, and goals of the Florida  
7 K-20 education system.--

8           (1) Florida's K-20 education system shall be a  
9 decentralized system without excess layers of bureaucracy. The  
10 State Board of Education may appoint on an ad hoc basis a  
11 committee or committees to assist it on any and all issues  
12 within the K-20 education system. Florida's K-20 education  
13 system shall maintain a systemwide technology plan based on a  
14 common set of data definitions.

15           (2)(a) The Legislature shall establish education  
16 policy, enact education laws, and appropriate and allocate  
17 education resources.

18           (b) The State Board of Education shall oversee the  
19 enforcement of all laws and rules, and the timely provision of  
20 direction, resources, assistance, intervention when needed,  
21 and strong incentives and disincentives to force  
22 accountability for results.

23           (c) The Commissioner of Education shall serve as chief  
24 executive officer of the K-20 education system. The  
25 commissioner shall be responsible for enforcing compliance  
26 with the mission and goals of the K-20 education system. The  
27 commissioner's office shall operate all statewide functions  
28 necessary to support the State Board of Education and the K-20  
29 education system.

30           (3) Public education is a cooperative function of the  
31 state and local educational authorities. The state retains

1 responsibility for establishing a system of public education  
 2 through laws, standards, and rules to assure efficient  
 3 operation of a K-20 system of public education and adequate  
 4 educational opportunities for all individuals. Local  
 5 educational authorities have a duty to fully and faithfully  
 6 comply with state laws, standards, and rules and to  
 7 efficiently use the resources available to them to assist the  
 8 state in allowing adequate educational opportunities.

9       (4) The mission of Florida's K-20 education system is  
 10 to allow its students to increase their proficiency by  
 11 allowing them the opportunity to expand their knowledge and  
 12 skills through adequate learning opportunities, in accordance  
 13 with the mission statement and accountability requirements of  
 14 s. 1008.31.

15       (5) The priorities of Florida's K-20 education system  
 16 include:

17       (a) Learning and completion at all levels, including  
 18 increased high school graduation rate and readiness for  
 19 postsecondary education without remediation.--All students  
 20 demonstrate increased learning and completion at all levels,  
 21 graduate from high school and are prepared to enter  
 22 postsecondary education without remediation.

23       (b) Student performance.--Students demonstrate that  
 24 they meet the expected academic standards consistently at all  
 25 levels of their education.

26       (c) Alignment of standards and resources.--Academic  
 27 standards for every level of the K-20 education system are  
 28 aligned, and education financial resources are aligned with  
 29 student performance expectations at each level of the K-20  
 30 education system.

31       (d) Educational leadership.--The quality of

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1 educational leadership at all levels of K-20 education is  
2 improved.

3 (e) Workforce education.--Workforce education is  
4 appropriately aligned with the skills required by the new  
5 global economy.

6 (f) Parental, student, family, educational  
7 institution, and community involvement.--Parents, students,  
8 families, educational institutions, and communities are  
9 collaborative partners in education, and each plays an  
10 important role in the success of individual students.  
11 Therefore, the State of Florida cannot be the guarantor of  
12 each individual student's success. The goals of Florida's K-20  
13 education system are not guarantees that each individual  
14 student will succeed or that each individual school will  
15 perform at the level indicated in the goals.

16 Section 6. Section 1000.04, Florida Statutes, is  
17 created to read:

18 1000.04 Components for the delivery of public  
19 education within the Florida K-20 education system.--Florida's  
20 K-20 education system provides for the delivery of public  
21 education through publicly supported and controlled K-12  
22 schools, community colleges, state universities and other  
23 postsecondary educational institutions, other educational  
24 institutions, and other educational services as provided or  
25 authorized by the Constitution and laws of the state.

26 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools  
27 include charter schools and consist of kindergarten classes;  
28 elementary, middle, and high school grades and special  
29 classes; workforce development education; area technical  
30 centers; adult, part-time, career and technical, and evening  
31 schools, courses, or classes, as authorized by law to be



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1 operated under the control of district school boards; and lab  
2 schools operated under the control of state universities.

3 (2) PUBLIC POSTSECONDARY EDUCATIONAL  
4 INSTITUTIONS.--Public postsecondary educational institutions  
5 include workforce development education; community colleges;  
6 colleges; state universities; and all other state-supported  
7 postsecondary educational institutions that are authorized and  
8 established by law.

9 (3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.--The  
10 Florida School for the Deaf and the Blind is a component of  
11 the delivery of public education within Florida's K-20  
12 education system.

13 (4) THE FLORIDA VIRTUAL SCHOOL.--The Florida Virtual  
14 School is a component of the delivery of public education  
15 within Florida's K-20 education system.

16 Section 7. Section 1000.05, Florida Statutes, is  
17 created to read:

18 1000.05 Discrimination against students and employees  
19 in the Florida K-20 public education system prohibited;  
20 equality of access required.--

21 (1) This section may be cited as the "Florida  
22 Educational Equity Act."

23 (2)(a) Discrimination on the basis of race, ethnicity,  
24 national origin, gender, disability, or marital status against  
25 a student or an employee in the state system of public K-20  
26 education is prohibited. No person in this state shall, on the  
27 basis of race, ethnicity, national origin, gender, disability,  
28 or marital status, be excluded from participation in, be  
29 denied the benefits of, or be subjected to discrimination  
30 under any public K-20 education program or activity, or in any  
31 employment conditions or practices, conducted by a public

1 educational institution that receives or benefits from federal  
2 or state financial assistance.

3 (b) The criteria for admission to a program or course  
4 shall not have the effect of restricting access by persons of  
5 a particular race, ethnicity, national origin, gender,  
6 disability, or marital status.

7 (c) All public K-20 education classes shall be  
8 available to all students without regard to race, ethnicity,  
9 national origin, gender, disability, or marital status;  
10 however, this is not intended to eliminate the provision of  
11 programs designed to meet the needs of students with limited  
12 proficiency in English, gifted students, or students with  
13 disabilities or programs tailored to students with specialized  
14 talents or skills.

15 (d) Students may be separated by gender for any  
16 portion of a class that deals with human reproduction or  
17 during participation in bodily contact sports. For the  
18 purpose of this section, bodily contact sports include  
19 wrestling, boxing, rugby, ice hockey, football, basketball,  
20 and other sports in which the purpose or major activity  
21 involves bodily contact.

22 (e) Guidance services, counseling services, and  
23 financial assistance services in the state public K-20  
24 education system shall be available to students equally.  
25 Guidance and counseling services, materials, and promotional  
26 events shall stress access to academic, career and technical  
27 opportunities for students without regard to race, ethnicity,  
28 national origin, gender, disability, or marital status.

29 (3)(a) No person shall, on the basis of gender, be  
30 excluded from participating in, be denied the benefits of, or  
31 be treated differently from another person or otherwise be

1 discriminated against in any interscholastic, intercollegiate,  
2 club, or intramural athletics offered by a public K-20  
3 educational institution; and no public K-20 educational  
4 institution shall provide athletics separately on such basis.

5 (b) Notwithstanding the requirements of paragraph (a),  
6 a public K-20 educational institution may operate or sponsor  
7 separate teams for members of each gender if the selection for  
8 such teams is based upon competitive skill or the activity  
9 involved is a bodily contact sport. However, when a public  
10 K-20 educational institution operates or sponsors a team in a  
11 particular sport for members of one gender but does not  
12 operate or sponsor such a team for members of the other  
13 gender, and athletic opportunities for that gender have  
14 previously been limited, members of the excluded gender must  
15 be allowed to try out for the team offered.

16 (c) This subsection does not prohibit the grouping of  
17 students in physical education classes and activities by  
18 ability as assessed by objective standards of individual  
19 performance developed and applied without regard to gender.  
20 However, when use of a single standard of measuring skill or  
21 progress in a physical education class has an adverse effect  
22 on members of one gender, the educational institution shall  
23 use appropriate standards which do not have such effect.

24 (d) A public K-20 educational institution which  
25 operates or sponsors interscholastic, intercollegiate, club,  
26 or intramural athletics shall provide equal athletic  
27 opportunity for members of both genders. In determining  
28 whether equal opportunities are available, the Commissioner of  
29 Education shall consider, among other factors:

- 30 1. Whether the selection of sports and levels of  
31 competition effectively accommodate the interests and

- 1 abilities of members of both genders.
- 2       2. The provision of equipment and supplies.
- 3       3. Scheduling of games and practice times.
- 4       4. Travel and per diem allowances.
- 5       5. Opportunities to receive coaching and academic
- 6 tutoring.
- 7       6. Assignment and compensation of coaches and tutors.
- 8       7. Provision of locker room, practice, and competitive
- 9 facilities.
- 10       8. Provision of medical and training facilities and
- 11 services.
- 12       9. Provision of housing and dining facilities and
- 13 services.
- 14       10. Publicity.
- 15
- 16 Unequal aggregate expenditures for members of each gender or
- 17 unequal expenditures for male and female teams if a public
- 18 K-20 educational institution operates or sponsors separate
- 19 teams do not constitute nonimplementation of this subsection,
- 20 but the Commissioner of Education shall consider the failure
- 21 to provide necessary funds for teams for one gender in
- 22 assessing equality of opportunity for members of each gender.
- 23       (e) A public K-20 educational institution may provide
- 24 separate toilet, locker room, and shower facilities on the
- 25 basis of gender, but such facilities shall be comparable to
- 26 such facilities provided for students of the other gender.
- 27       (4) Educational institutions within the state public
- 28 K-20 education system shall develop and implement methods and
- 29 strategies to increase the participation of students of a
- 30 particular race, ethnicity, national origin, gender,
- 31 disability, or marital status in programs and courses in which

1 students of that particular race, ethnicity, national origin,  
2 gender, disability, or marital status have been traditionally  
3 underrepresented, including, but not limited to, mathematics,  
4 science, computer technology, electronics, communications  
5 technology, engineering, and career and technical education.

6 (5) The State Board of Education shall adopt rules to  
7 implement this section.

8 (6) The functions of the Office of Equal Educational  
9 Opportunity of the Department of Education shall include, but  
10 are not limited to:

11 (a) Requiring all district school boards, community  
12 college boards of trustees, and state university boards of  
13 trustees to develop and submit plans for the implementation of  
14 this section to the Department of Education.

15 (b) Conducting periodic reviews of public K-20  
16 educational agencies to determine compliance with this section  
17 and, after a finding that an educational agency is not in  
18 compliance with this section, notifying the agency of the  
19 steps that it must take to attain compliance and performing  
20 followup monitoring.

21 (c) Providing technical assistance, including  
22 assisting public K-20 educational agencies in identifying  
23 unlawful discrimination and instructing them in remedies for  
24 correction and prevention of such discrimination and  
25 performing followup monitoring.

26 (d) Conducting studies of the effectiveness of methods  
27 and strategies designed to increase the participation of  
28 students in programs and courses in which students of a  
29 particular race, ethnicity, national origin, gender,  
30 disability, or marital status have been traditionally  
31 underrepresented and monitoring the success of students in

1 such programs of courses, including performing followup  
2 monitoring.

3 (e) Requiring all district school boards, community  
4 college boards of trustees, and state university boards of  
5 trustees to submit data and information necessary to determine  
6 compliance with this section. The Commissioner of Education  
7 shall prescribe the format and the date for submission of such  
8 data and any other educational equity data. If any board does  
9 not submit the required compliance data or other required  
10 educational equity data by the prescribed date, the  
11 commissioner shall notify the board of this fact and, if the  
12 board does not take appropriate action to immediately submit  
13 the required report, the State Board of Education shall impose  
14 monetary sanctions.

15 (f) Based upon rules of the State Board of Education,  
16 developing and implementing enforcement mechanisms with  
17 appropriate penalties to ensure that public K-12 schools,  
18 community colleges, and state universities comply with Title  
19 IX of the Education Amendments of 1972 and subsection (3) of  
20 this section. However, the State Board of Education may not  
21 force an educational agency to conduct, nor penalize an  
22 educational agency for not conducting, a program of athletic  
23 activity or athletic scholarship for female athletes unless it  
24 is an athletic activity approved for women by a recognized  
25 association whose purpose is to promote athletics and a  
26 conference or league exists to promote interscholastic or  
27 intercollegiate competition for women in that athletic  
28 activity.

29 (g) Reporting to the Commissioner of Education any  
30 district school board, community college board of trustees, or  
31 state university board of trustees found to be out of

1 compliance with rules of the State Board of Education adopted  
2 as required by paragraph (f) or paragraph (3)(d). To penalize  
3 the board, the State Board of Education shall:

4 1. Declare the educational agency ineligible for  
5 competitive state grants.

6 2. Notwithstanding the provisions of s. 216.192,  
7 direct the Comptroller to withhold general revenue funds  
8 sufficient to obtain compliance from the educational agency.

9  
10 The educational agency shall remain ineligible and the funds  
11 shall not be paid until the agency comes into compliance or  
12 the State Board of Education approves a plan for compliance.

13 (7) A person aggrieved by a violation of this section  
14 or a violation of a rule adopted under this section has a  
15 right of action for such equitable relief as the court may  
16 determine. The court may also award reasonable attorney's  
17 fees and court costs to a prevailing party.

18 Section 8. Section 1000.06, Florida Statutes, is  
19 created to read:

20 1000.06 Display of flags.--Every public K-20  
21 educational institution that is provided or authorized by the  
22 Constitution and laws of Florida shall display daily the flag  
23 of the United States and the official flag of Florida when the  
24 weather permits upon one building or on a suitable flagstaff  
25 upon the grounds of each public postsecondary educational  
26 institution and upon every district school board building or  
27 grounds except when the institution or school is closed for  
28 vacation, provided that, if two or more buildings are located  
29 on the same or on adjacent sites, one flag may be displayed  
30 for the entire group of buildings.

31 Section 9. Part II of chapter 1000, Florida Statutes,

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1 shall be entitled "Systemwide Definitions" and shall consist  
2 of s. 1000.21.

3 Section 10. Section 1000.21, Florida Statutes, is  
4 created to read:

5 1000.21 Systemwide definitions.--As used in the  
6 Florida K-20 Education Code:

7 (1) "Articulation" is the systematic coordination that  
8 provides the means by which students proceed toward their  
9 educational objectives in as rapid and student-friendly manner  
10 as their circumstances permit, from grade level to grade  
11 level, from elementary to middle to high school, to and  
12 through postsecondary education, and when transferring from  
13 one educational institution or program to another.

14 (2) "Commissioner" is the Commissioner of Education.

15 (3) "Community college," except as otherwise  
16 specifically provided, includes the following institutions and  
17 any branch campuses, centers, or other affiliates of the  
18 institution:

19 (a) Brevard Community College.

20 (b) Broward Community College.

21 (c) Central Florida Community College.

22 (d) Chipola Junior College.

23 (e) Daytona Beach Community College.

24 (f) Edison Community College.

25 (g) Florida Community College at Jacksonville.

26 (h) Florida Keys Community College.

27 (i) Gulf Coast Community College.

28 (j) Hillsborough Community College.

29 (k) Indian River Community College.

30 (l) Lake City Community College.

31 (m) Lake-Sumter Community College.



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- 1       (n) Manatee Community College.
- 2       (o) Miami-Dade Community College.
- 3       (p) North Florida Community College.
- 4       (q) Okaloosa-Walton Community College.
- 5       (r) Palm Beach Community College.
- 6       (s) Pasco-Hernando Community College.
- 7       (t) Pensacola Junior College.
- 8       (u) Polk Community College.
- 9       (v) St. Johns River Community College.
- 10      (w) St. Petersburg College.
- 11      (x) Santa Fe Community College.
- 12      (y) Seminole Community College.
- 13      (z) South Florida Community College.
- 14      (aa) Tallahassee Community College.
- 15      (bb) Valencia Community College.
- 16      (4) "Department" is the Department of Education.
- 17      (5) "Parent" is either or both parents of a student,  
18 any guardian of a student, any person in a parental  
19 relationship to a student, or any person exercising  
20 supervisory authority over a student in place of the parent.
- 21      (6) "State university," except as otherwise  
22 specifically provided, includes the following institutions and  
23 any branch campuses, centers, or other affiliates of the  
24 institution:
- 25      (a) The University of Florida.
- 26      (b) The Florida State University.
- 27      (c) The Florida Agricultural and Mechanical  
28 University.
- 29      (d) The University of South Florida.
- 30      (e) The Florida Atlantic University.
- 31      (f) The University of West Florida.

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- 1           (g) The University of Central Florida.
- 2           (h) The University of North Florida.
- 3           (i) The Florida International University.
- 4           (j) The Florida Gulf Coast University.
- 5           (k) New College of Florida.
- 6           (7) "Sunshine State Standards" are standards that
- 7 identify what public school students should know and be able
- 8 to do. These standards delineate the academic achievement of
- 9 students for which the state will hold its public schools
- 10 accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects
- 11 of language arts, mathematics, science, social studies, the
- 12 arts, health and physical education, foreign languages,
- 13 reading, writing, history, government, geography, economics,
- 14 and computer literacy.

15           Section 11. Part III of chapter 1000, Florida  
 16 Statutes, shall be entitled "Educational Compacts" and shall  
 17 consist of ss. 1000.31-1000.34.

18           Section 12. Section 1000.31, Florida Statutes, is  
 19 created to read:

20           1000.31 Regional education; state policy.--It is  
 21 hereby declared to be the policy of the state to promote the  
 22 development and maintenance of regional education services and  
 23 facilities in the Southern States in the professional,  
 24 technological, scientific, literary and other fields so as to  
 25 provide greater educational advantages for the citizens of the  
 26 state and the citizens in the several states in said region;  
 27 and it is found and determined by the Legislature of the state  
 28 that greater educational advantages and facilities for the  
 29 citizens of the state in certain phases of the professional,  
 30 technological, scientific, literary and other fields in  
 31 education can best be accomplished by the development and

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1 maintenance of regional educational services and facilities,  
2 under the plan embodied in "The Regional Pact" hereinafter  
3 adopted; and this law shall be liberally construed to  
4 accomplish such purposes.

5 Section 13. Section 1000.32, Florida Statutes, is  
6 created to read:

7 1000.32 Regional compact.--The compact entered into by  
8 the state and other Southern States by and through their  
9 respective governors on February 8, 1948, as amended, relative  
10 to the development and maintenance of regional education  
11 services and schools in the Southern States in the  
12 professional, technological, scientific, literary and other  
13 fields so as to promote greater educational facilities for the  
14 citizens of the several states who reside in said region, a  
15 copy of said compact, as amended, being as follows:

16  
17 THE REGIONAL COMPACT

18 (as amended)

19  
20 WHEREAS, The States who are parties hereto have during  
21 the past several years conducted careful investigation looking  
22 toward the establishment and maintenance of jointly owned and  
23 operated regional educational institutions in the Southern  
24 States in the professional, technological, scientific,  
25 literary, and other fields, so as to provide greater  
26 educational advantages and facilities for the citizens of the  
27 several states who reside within such region; and

28 WHEREAS, Meharry Medical College of Nashville,  
29 Tennessee, has proposed that its lands, buildings, equipment,  
30 and the net income from its endowment be turned over to the  
31 Southern States, or to an agency acting in their behalf, to be

1 operated as a regional institution for medical, dental and  
 2 nursing education upon terms and conditions to be hereafter  
 3 agreed upon between the Southern States and Meharry Medical  
 4 College, which proposal, because of the present financial  
 5 condition of the institution, has been approved by the said  
 6 states who are parties hereto; and

7 WHEREAS, the said states desire to enter into a compact  
 8 with each other providing for the planning and establishment  
 9 of regional educational facilities;

10 NOW, THEREFORE, in consideration of the mutual  
 11 agreements, covenants and obligations assumed by the  
 12 respective states who are parties hereto (hereinafter referred  
 13 to as "states"), the said several states do hereby form a  
 14 geographical district or region consisting of the areas lying  
 15 within the boundaries of the contracting states which, for the  
 16 purposes of this compact, shall constitute an area for  
 17 regional education supported by public funds derived from  
 18 taxation by the constituent states and derived from other  
 19 sources for the establishment, acquisition, operation and  
 20 maintenance of regional educational schools and institutions  
 21 for the benefit of citizens of the respective states residing  
 22 within the region so established as may be determined from  
 23 time to time in accordance with the terms and provisions of  
 24 this compact.

25 The states do further hereby establish and create a  
 26 joint agency which shall be known as the Board of Control for  
 27 Southern Regional Education (hereinafter referred to as the  
 28 "board"), the members of which board shall consist of the  
 29 governor of each state, ex officio, and four additional  
 30 citizens of each state to be appointed by the governor  
 31 thereof, at least one of whom shall be selected from the field

1 of education, and at least one of whom shall be a member of  
2 the legislature of that state. The governor shall continue as  
3 a member of the board during his or her tenure of office as  
4 governor of the state, but the members of the board appointed  
5 by the governor shall hold office for a period of four years  
6 except that in the original appointments one board member so  
7 appointed by the governor shall be designated at the time of  
8 his or her appointment to serve an initial term of two years,  
9 one board member to serve an initial term of three years, and  
10 the remaining board member to serve the full term of four  
11 years, but thereafter the successor of each appointed board  
12 member shall serve the full term of four years. Vacancies on  
13 the board caused by death, resignation, refusal or inability  
14 to serve, shall be filled by appointment by the governor for  
15 the unexpired portion of the term. The officers of the board  
16 shall be a chair, a vice chair, a secretary, a treasurer, and  
17 such additional officers as may be created by the board from  
18 time to time. The board shall meet annually and officers  
19 shall be elected to hold office until the next annual meeting.  
20 The board shall have the right to formulate and establish  
21 bylaws not inconsistent with the provisions of this compact to  
22 govern its own actions in the performance of the duties  
23 delegated to it including the right to create and appoint an  
24 executive committee and a finance committee with such powers  
25 and authority as the board may delegate to them from time to  
26 time. The board may, within its discretion, elect as its  
27 chair a person who is not a member of the board, provided such  
28 person resides within a signatory state, and upon such  
29 election such person shall become a member of the board with  
30 all the rights and privileges of such membership. This  
31 paragraph as amended in 1957 shall be effective when eight or

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1 more of the states party to the compact have given legislative  
2 approval to the amendment.

3 It shall be the duty of the board to submit plans and  
4 recommendations to the states from time to time for their  
5 approval and adoption by appropriate legislative action for  
6 the development, establishment, acquisition, operation and  
7 maintenance of educational schools and institutions within the  
8 geographical limits of the regional area of the states, of  
9 such character and type and for such educational purposes,  
10 professional, technological, scientific, literary, or  
11 otherwise, as they may deem and determine to be proper,  
12 necessary or advisable. Title to all such educational  
13 institutions when so established by appropriate legislative  
14 actions of the states and to all properties and facilities  
15 used in connection therewith shall be vested in said board as  
16 the agency of and for the use and benefit of the said states  
17 and the citizens thereof, and all such educational  
18 institutions shall be operated, maintained and financed in the  
19 manner herein set out, subject to any provisions or  
20 limitations which may be contained in the legislative acts of  
21 the states authorizing the creation, establishment and  
22 operation of such educational institutions.

23 In addition to the power and authority heretofore  
24 granted, the board shall have the power to enter into such  
25 agreements or arrangements with any of the states and with  
26 educational institutions or agencies, as may be required in  
27 the judgment of the board, to provide adequate services and  
28 facilities for the graduate, professional, and technical  
29 education for the benefit of the citizens of the respective  
30 states residing within the region, and such additional and  
31 general power and authority as may be vested in the board from

1 time to time by legislative enactment of the said states.  
 2 Any two or more states who are parties of this compact  
 3 shall have the right to enter into supplemental agreements  
 4 providing for the establishment, financing and operation of  
 5 regional educational institutions for the benefit of citizens  
 6 residing within an area which constitutes a portion of the  
 7 general region herein created, such institutions to be  
 8 financed exclusively by such states and to be controlled  
 9 exclusively by the members of the board representing such  
 10 states provided such agreement is submitted to and approved by  
 11 the board prior to the establishment of such institutions.

12 Each state agrees that, when authorized by the  
 13 legislature, it will from time to time make available and pay  
 14 over to said board such funds as may be required for the  
 15 establishment, acquisition, operation and maintenance of such  
 16 regional educational institutions as may be authorized by the  
 17 states under the terms of this compact, the contribution of  
 18 each state at all times to be in the proportion that its  
 19 population bears to the total combined population of the  
 20 states who are parties hereto as shown from time to time by  
 21 the most recent official published report of the bureau of the  
 22 census of the United States of America; or upon such other  
 23 basis as may be agreed upon.

24 This compact shall not take effect or be binding upon  
 25 any state unless and until it shall be approved by proper  
 26 legislative action of as many as six or more of the states  
 27 whose governors have subscribed hereto within a period of  
 28 eighteen months from the date hereof. When and if six or more  
 29 states shall have given legislative approval to this compact  
 30 within said eighteen months period, it shall be and become  
 31 binding upon such six or more states sixty days after the date

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1 of legislative approval by the sixth state and the governors  
2 of such six or more states shall forthwith name the members of  
3 the board from their states as hereinabove set out, and the  
4 board shall then meet on call of the governor of any state  
5 approving this compact, at which time the board shall elect  
6 officers, adopt bylaws, appoint committees and otherwise fully  
7 organize. Other states whose names are subscribed hereto  
8 shall thereafter become parties hereto upon approval of this  
9 compact by legislative action within two years from the date  
10 hereof, upon such conditions as may be agreed upon at the  
11 time. Provided, however, that with respect to any state whose  
12 constitution may require amendment in order to permit  
13 legislative approval of the compact, such state or states  
14 shall become parties hereto upon approval of this compact by  
15 legislative action within seven years from the date hereof,  
16 upon such conditions as may be agreed upon at the time.

17 After becoming effective this compact shall thereafter  
18 continue without limitation of time; provided, however, that  
19 it may be terminated at any time by unanimous action of the  
20 states and provided further that any state may withdraw from  
21 this compact if such withdrawal is approved by its  
22 legislature, such withdrawal to become effective two years  
23 after written notice thereof to the board accompanied by a  
24 certified copy of the requisite legislative action, but such  
25 withdrawal shall not relieve the withdrawing state from its  
26 obligations hereunder accruing up to the effective date of  
27 such withdrawal. Any state so withdrawing shall ipso facto  
28 cease to have any claim to or ownership of any of the property  
29 held or vested in the board or to any of the funds of the  
30 board held under the terms of this compact.

31 If any state shall at any time become in default in the



1 performance of any of its obligations assumed herein or with  
 2 respect to any obligation imposed upon said state as  
 3 authorized by and in compliance with the terms and provisions  
 4 of this compact, all rights, privileges and benefits of such  
 5 defaulting state, its members on the board and its citizens  
 6 shall ipso facto be and become suspended from and after the  
 7 date of such default. Unless such default shall be remedied  
 8 and made good within a period of one year immediately  
 9 following the date of such default this compact may be  
 10 terminated with respect to such defaulting state by an  
 11 affirmative vote of three-fourths of the members of the board  
 12 (exclusive of the members representing the state in default),  
 13 from and after which time such state shall cease to be a party  
 14 to this compact and shall have no further claim to or  
 15 ownership of any of the property held by or vested in the  
 16 board or to any of the funds of the board held under the terms  
 17 of this compact, but such termination shall in no manner  
 18 release such defaulting state from any accrued obligation or  
 19 otherwise affect this compact or the rights, duties,  
 20 privileges or obligations of the remaining states thereunder.

21 IN WITNESS WHEREOF this compact has been approved and  
 22 signed by governors of the several states, subject to the  
 23 approval of their respective legislatures in the manner  
 24 hereinabove set out, as of the 8th day of February, 1948.

25 STATE OF FLORIDA BY Millard F. Caldwell, Governor.  
 26 STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE  
 27 OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA  
 28 BY J. H. Davis, Governor. STATE OF ALABAMA BY James E.  
 29 Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright,  
 30 Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE  
 31 OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA

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1 BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg  
 2 Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom  
 3 Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester,  
 4 Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE  
 5 OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

6  
 7 be and the same is hereby approved and the State of Florida is  
 8 hereby declared to be a party to said compact and the  
 9 agreements, covenants and obligations contained therein are  
 10 hereby declared to be binding upon the State of Florida.

11 Section 14. Section 1000.33, Florida Statutes, is  
 12 created to read:

13 1000.33 Copies to other states approving.--After the  
 14 effective date of this law the Secretary of State of Florida  
 15 shall furnish to each of the states approving the said compact  
 16 an engrossed copy of this bill.

17 Section 15. Section 1000.34, Florida Statutes, is  
 18 created to read:

19 1000.34 Member jurisdictions.--The compact for  
 20 education is entered into with all jurisdictions legally  
 21 joining therein and enacted into law in the following form:

22  
 23 COMPACT FOR EDUCATION

24  
 25 ARTICLE I

26  
 27 PURPOSE AND POLICY.--

28 A. It is the purpose of this compact to:

29 1. Establish and maintain close cooperation and  
 30 understanding among executive, legislative, professional  
 31 educational and lay leadership on a nationwide basis at the

1 state and local levels.

2 2. Provide a forum for the discussion, development,  
3 crystallization and recommendation of public policy  
4 alternatives in the field of education.

5 3. Provide a clearinghouse of information on matters  
6 relating to educational problems and how they are being met in  
7 different places throughout the nation, so that the executive  
8 and legislative branches of state government and of local  
9 communities may have ready access to the experience and record  
10 of the entire country, and so that both lay and professional  
11 groups in the field of education may have additional avenues  
12 for the sharing of experience and the interchange of ideas in  
13 the formation of public policy in education.

14 4. Facilitate the improvement of state and local  
15 educational systems so that all of them will be able to meet  
16 adequate and desirable goals in a society which requires  
17 continuous qualitative and quantitative advance in educational  
18 opportunities, methods and facilities.

19 B. It is the policy of this compact to encourage and  
20 promote local and state initiative in the development,  
21 maintenance, improvement and administration of educational  
22 systems and institutions in a manner which will accord with  
23 the needs and advantages of diversity among localities and  
24 states.

25 C. The party states recognize that each of them has an  
26 interest in the quality and quantity of education furnished in  
27 each of the other states, as well as in the excellence of its  
28 own educational systems and institutions, because of the  
29 highly mobile character of individuals within the nation, and  
30 because the products and services contributing to the health,  
31 welfare and economic advancement of each state are supplied in

1 significant part by persons educated in other states.

2

3 ARTICLE II

4

5 STATE DEFINED.--

6 As used in this compact, "state" means a state,  
7 territory, or possession of the United States, the District of  
8 Columbia, or the Commonwealth of Puerto Rico.

9

10 ARTICLE III

11

12 THE COMMISSION.--

13 A. The Education Commission of the States, hereinafter  
14 called "the commission," is hereby established. The  
15 commission shall consist of seven members representing each  
16 party state. One of such members representing Florida shall  
17 be the governor; two shall be members of the state senate  
18 appointed by the president; two shall be members of the house  
19 of representatives appointed by the speaker; and two shall be  
20 appointed by and serve at the pleasure of the governor. The  
21 guiding principle for the composition of the membership on the  
22 commission shall be that the members, by virtue of their  
23 training, experience, knowledge or affiliations be in a  
24 position collectively to reflect broadly the interests of the  
25 state government, higher education, the state education  
26 system, local education, lay and professional, public and  
27 nonpublic educational leadership. Of those appointees, one  
28 shall be the head of a state agency or institution, designated  
29 by the governor, having responsibility for one or more  
30 programs of public education. In addition to the members of  
31 the commission representing the party states, there may be not

1 to exceed ten nonvoting commissioners selected by the steering  
 2 committee for terms of one year. Such commissioners shall  
 3 represent leading national organizations of professional  
 4 educators or persons concerned with educational  
 5 administration.

6 B. The members of the commission shall be entitled to  
 7 one vote each on the commission. No action of the commission  
 8 shall be binding unless taken at a meeting at which a majority  
 9 of the total number of votes on the commission are cast in  
 10 favor thereof. Action of the commission shall be only at a  
 11 meeting at which a majority of the commissioners are present.  
 12 The commission shall meet at least once a year. In its  
 13 bylaws, and subject to such directions and limitations as may  
 14 be contained therein, the commission may delegate the exercise  
 15 of any of its powers to the steering committee or the  
 16 executive director, except for the power to approve budgets or  
 17 requests for appropriations, the power to make policy  
 18 recommendations pursuant to Article IV and adoption of the  
 19 annual report pursuant to Article III, J.

20 C. The commission shall have a seal.

21 D. The commission shall elect annually, from among its  
 22 members, a chair, who shall be a governor, a vice chair and a  
 23 treasurer. The commission shall provide for the appointment  
 24 of an executive director. Such executive director shall serve  
 25 at the pleasure of the commission, and, together with the  
 26 treasurer and such other personnel as the commission may deem  
 27 appropriate, shall be bonded in such amount as the commission  
 28 shall determine. The executive director shall be secretary.

29 E. Irrespective of the civil service, personnel or  
 30 other merit system laws of any of the party states, the  
 31 executive director, subject to the approval of the steering

1 committee, shall appoint, remove or discharge such personnel  
 2 as may be necessary for the performance of the functions of  
 3 the commission, and shall fix the duties and compensation of  
 4 such personnel. The commission in its bylaws shall provide  
 5 for the personnel policies and programs of the commission.

6 F. The commission may borrow, accept or contract for  
 7 the services of personnel from any party jurisdiction, the  
 8 United States, or any subdivision or agency of the  
 9 mentioned governments, or from any agency of two or more  
 10 of the party jurisdictions or their subdivisions.

11 G. The commission may accept for any of its purposes  
 12 and functions under this compact any and all donations and  
 13 grants of money, equipment, supplies, materials and services,  
 14 conditional or otherwise, from any state, the United States,  
 15 or any other governmental agency, or from any person, firm,  
 16 association, foundation, or corporation, and may receive,  
 17 utilize and dispose of the same. Any donation or grant  
 18 accepted by the commission pursuant to this paragraph or  
 19 services borrowed pursuant to paragraph F of this Article  
 20 shall be reported in the annual report of the commission.  
 21 Such report shall include the nature, amount and conditions,  
 22 if any, of the donation, grant, or services borrowed, and the  
 23 identity of the donor or lender.

24 H. The commission may establish and maintain such  
 25 facilities as may be necessary for the transacting of its  
 26 business. The commission may acquire, hold, and convey real  
 27 and personal property and any interest therein.

28 I. The commission shall adopt bylaws for the conduct  
 29 of its business and shall have the power to amend and rescind  
 30 these bylaws. The commission shall publish its bylaws in  
 31 convenient form and shall file a copy thereof and a copy of

1 any amendment thereto, with the appropriate agency or officer  
2 in each of the party states.

3 J. The commission annually shall make to the governor  
4 and legislature of each party state a report covering the  
5 activities of the commission for the preceding year. The  
6 commission may make such additional reports as it may deem  
7 desirable.

8  
9 ARTICLE IV

10  
11 POWERS.--

12 In addition to authority conferred on the commission by  
13 other provisions of the compact, the commission shall have  
14 authority to:

15 1. Collect, correlate, analyze and interpret  
16 information and data concerning educational needs and  
17 resources.

18 2. Encourage and foster research in all aspects of  
19 education, but with special reference to the desirable scope  
20 of instruction, organization, administration, and  
21 instructional methods and standards employed or suitable for  
22 employment in public educational systems.

23 3. Develop proposals for adequate financing of  
24 education as a whole and at each of its many levels.

25 4. Conduct or participate in research of the types  
26 referred to in this article in any instance where the  
27 commission finds that such research is necessary for the  
28 advancement of the purposes and policies of this compact,  
29 utilizing fully the resources of national associations,  
30 regional compact organizations for higher education, and other  
31 agencies and institutions, both public and private.





1           COMMITTEES.--

2           A. To assist in the expeditious conduct of its

3 business when the full commission is not meeting, the

4 commission shall elect a steering committee of thirty-two

5 members which, subject to the provisions of this compact and

6 consistent with the policies of the commission, shall be

7 constituted and function as provided in the bylaws of the

8 commission. One-fourth of the voting membership of the

9 steering committee shall consist of governors, one-fourth

10 shall consist of legislators, and the remainder shall consist

11 of other members of the commission. A federal representative

12 on the commission may serve with the steering committee, but

13 without vote. The voting members of the steering committee

14 shall serve for terms of two years, except that members

15 elected to the first steering committee of the commission

16 shall be elected as follows: sixteen for one year and sixteen

17 for two years. The chair, vice chair, and treasurer of the

18 commission shall be members of the steering committee and,

19 anything in this paragraph to the contrary notwithstanding,

20 shall serve during their continuance in these offices.

21 Vacancies in the steering committee shall not affect its

22 authority to act, but the commission at its next regularly

23 ensuing meeting following the occurrence of any vacancy shall

24 fill it for the unexpired term. No person shall serve more

25 than two terms as a member of the steering committee; provided

26 that service for a partial term of one year or less shall not

27 be counted toward the two term limitations.

28           B. The commission may establish advisory and technical

29 committees composed of state, local, and federal officials,

30 and private persons to advise it with respect to any one or

31 more of its functions. Any advisory or technical committee

1 may, on request of the states concerned, be established to  
2 consider any matter of special concern to two or more of the  
3 party states.

4 C. The commission may establish such additional  
5 committees as its bylaws may provide.

7 ARTICLE VII

9 FINANCE.--

10 A. The commission shall advise the governor or  
11 designated officer or officers of each party state of its  
12 budget and estimated expenditures for such period as may be  
13 required by the laws of that party state. Each of the  
14 commission's budgets of estimated expenditures shall contain  
15 specific recommendations of the amount or amounts to be  
16 appropriated by each of the party states.

17 B. The total amount of appropriation requests under  
18 any budget shall be apportioned among the party states. In  
19 making such apportionment, the commission shall devise and  
20 employ a formula which takes equitable account of the  
21 populations and per capita income levels of the party states.

22 C. The commission shall not pledge the credit of any  
23 party states. The commission may meet any of its obligations  
24 in whole or in part with funds available to it pursuant to  
25 Article III, G of this compact, provided that the commission  
26 takes specific action setting aside such funds prior to  
27 incurring an obligation to be met in whole or in part in such  
28 manner. Except where the commission makes use of funds  
29 available to it pursuant to Article III, G thereof, the  
30 commission shall not incur any obligation prior to the  
31 allotment of funds by the party states adequate to meet the

1 same.

2 D. The commission shall keep accurate accounts of all  
3 receipts and disbursements. The receipts and disbursements of  
4 the commission shall be subject to the audit and accounting  
5 procedures established by its bylaws. However, all receipts  
6 and disbursements of funds handled by the commission shall be  
7 audited yearly by a qualified public accountant, and the  
8 report of the audit shall be included in and become part of  
9 the annual reports of the commission.

10 E. The accounts of the commission shall be open at any  
11 reasonable time for inspection by duly constituted officers of  
12 the party states and by any persons authorized by the  
13 commission.

14 F. Nothing contained herein shall be construed to  
15 prevent commission compliance with laws relating to audit or  
16 inspection of accounts by or on behalf of any government  
17 contributing to the support of the commission.

18  
19 ARTICLE VIII

20  
21 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

22 A. This compact shall have as eligible parties all  
23 states, territories, and possessions of the United States, the  
24 District of Columbia, and the Commonwealth of Puerto Rico. In  
25 respect of any such jurisdiction not having a governor, the  
26 term "governor," as used in this compact, shall mean the  
27 closest equivalent official of such jurisdiction.

28 B. Any state or other eligible jurisdiction may enter  
29 into this compact and it shall become binding thereon when it  
30 has adopted the same; provided that in order to enter into  
31 initial effect, adoption by at least ten eligible party

1 jurisdictions shall be required.

2 C. Adoption of the compact may be either by enactment  
3 thereof or by adherence thereto by the governor; provided that  
4 in the absence of enactment, adherence by the governor shall  
5 be sufficient to make his or her state a party only until  
6 December 31, 1967. During any period when a state is  
7 participating in this compact through gubernatorial action,  
8 the governor shall appoint those persons who, in addition to  
9 himself or herself, shall serve as the members of the  
10 commission from his or her state, and shall provide to the  
11 commission an equitable share of the financial support of the  
12 commission from any source available to him or her.

13 D. Except for a withdrawal effective on December 31,  
14 1967, in accordance with paragraph C of this article, any  
15 party state may withdraw from this compact by enacting a  
16 statute repealing the same, but no such withdrawal shall take  
17 effect until one year after the governor of the withdrawing  
18 state has given notice in writing of the withdrawal to the  
19 governors of all other party states. No withdrawal shall  
20 affect any liability already incurred by or chargeable to a  
21 party state prior to the time of such withdrawal.

22  
23 ARTICLE IX

24  
25 CONSTRUCTION AND SEVERABILITY.--

26 This compact shall be liberally construed so as to  
27 effectuate the purposes thereof. The provisions of this  
28 compact shall be severable, and if any phrase, clause,  
29 sentence or provision of this compact is declared to be  
30 contrary to the constitution of any state or of the United  
31 States, or the application thereof to any government, agency,

1 person or circumstance is held invalid, the validity of the  
 2 remainder of this compact and the applicability thereof to any  
 3 government, agency, person or circumstance shall not be  
 4 affected thereby. If this compact shall be held contrary to  
 5 the constitution of any state participating therein, the  
 6 compact shall remain in full force and effect as to the state  
 7 affected as to all severable matters.

8       Section 16. Chapter 1001, Florida Statutes, shall be  
 9 entitled "K-20 Governance" and shall consist of ss.  
 10 1001.01-1001.75.

11       Section 17. Part I of chapter 1001, Florida Statutes,  
 12 shall be entitled "State-Level Governance" and shall consist  
 13 of ss. 1001.01-1001.28.

14       Section 18. Part I.a. of chapter 1001, Florida  
 15 Statutes, shall be entitled "State Board of Education" and  
 16 shall consist of ss. 1001.01-1001.03.

17       Section 19. Section 1001.01, Florida Statutes, is  
 18 created to read:

19       1001.01 State Board of Education generally.--

20       (1) The State Board of Education is established as a  
 21 body corporate. The board shall be a citizen board consisting  
 22 of seven members who are residents of the state appointed by  
 23 the Governor to staggered 4-year terms, subject to  
 24 confirmation by the Senate. Members of the board shall serve  
 25 without compensation but shall be entitled to reimbursement of  
 26 travel and per diem expenses in accordance with s. 112.061.  
 27 Members may be reappointed by the Governor for additional  
 28 terms not to exceed 8 years of consecutive service.

29       (2) The State Board of Education shall select a chair  
 30 and a vice chair from its appointed members. The chair shall  
 31 serve a 2-year term and may be reselected for one additional

1 consecutive term.

2 (3) Four members of the state board shall constitute a  
3 quorum. No business may be transacted at any meeting unless a  
4 quorum is present.

5 Section 20. Section 1001.02, Florida Statutes, is  
6 created to read:

7 1001.02 General powers of State Board of Education.--

8 (1) The State Board of Education is the chief  
9 implementing and coordinating body of public education in  
10 Florida, and it shall focus on high-level policy decisions. It  
11 has authority to adopt rules pursuant to ss. 120.536(1) and  
12 120.54 to implement the provisions of law conferring duties  
13 upon it for the improvement of the state system of K-20 public  
14 education. Except as otherwise provided herein, it may, as it  
15 finds appropriate, delegate its general powers to the  
16 Commissioner of Education or the directors of the divisions of  
17 the department.

18 (2) The State Board of Education has the following  
19 duties:

20 (a) To adopt comprehensive educational objectives for  
21 public education.

22 (b) To adopt comprehensive long-range plans and  
23 short-range programs for the development of the state system  
24 of public education.

25 (c) To exercise general supervision over the divisions  
26 of the Department of Education as necessary to ensure  
27 coordination of educational plans and programs and resolve  
28 controversies and to minimize problems of articulation and  
29 student transfers, to ensure that students moving from one  
30 level of education to the next have acquired competencies  
31 necessary for satisfactory performance at that level, and to

1 ensure maximum utilization of facilities.

2 (d) To adopt for state universities and community  
3 colleges, and from time to time modify, minimum and uniform  
4 standards of college-level communication and computation  
5 skills generally associated with successful performance and  
6 progression through the baccalaureate level and to identify  
7 college-preparatory high school coursework and  
8 postsecondary-level coursework that prepares students with the  
9 academic skills necessary to succeed in postsecondary  
10 education.

11 (e) To adopt and submit to the Governor and  
12 Legislature, on or before September 1 of each year, a  
13 coordinated K-20 education budget that estimates the  
14 expenditure requirements for the State Board of Education,  
15 including the Department of Education, the Commissioner of  
16 Education, and all of the boards, institutions, agencies, and  
17 services under the general supervision of the State Board of  
18 Education for the ensuing fiscal year. Any program recommended  
19 by the State Board of Education which will require increases  
20 in state funding for more than 1 year must be presented in a  
21 multiyear budget plan.

22 (f) To hold meetings, transact business, keep records,  
23 adopt a seal, and perform such other duties as may be  
24 necessary for the enforcement of all laws and rules relating  
25 to the state system of public education.

26 (g) To approve plans for cooperating with the Federal  
27 Government.

28 (h) To approve plans for cooperating with other public  
29 agencies in the development of rules and in the enforcement of  
30 laws for which the state board and such agencies are jointly  
31 responsible.

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1           (i) To review plans for cooperating with appropriate  
2 nonpublic agencies for the improvement of conditions relating  
3 to the welfare of schools.

4           (j) To create such subordinate advisory bodies as are  
5 required by law or as it finds necessary for the improvement  
6 of education.

7           (k) To constitute any education bodies or other  
8 structures as required by federal law.

9           (l) To assist in the economic development of the state  
10 by developing a state-level planning process to identify  
11 future training needs for industry, especially high-technology  
12 industry.

13           (m) To assist in the planning and economic development  
14 of the state by establishing a clearinghouse for information  
15 on educational programs of value to economic development.

16           (n) To adopt cohesive rules pursuant to ss. 120.536(1)  
17 and 120.54, within statutory authority, for education  
18 systemwide issues.

19           (o) To authorize the allocation of resources in  
20 accordance with law and rule.

21           (p) To contract with independent institutions  
22 accredited by an agency whose standards are comparable to the  
23 minimum standards required to operate a postsecondary  
24 educational institution at that level in the state. The  
25 purpose of the contract is to provide those educational  
26 programs and facilities which will meet needs unfulfilled by  
27 the state system of public postsecondary education.

28           (q) To recommend that a district school board take  
29 action consistent with the state board's decision relating to  
30 an appeal of a charter school application.

31           (r) To enforce systemwide education goals and



1 policies.

2 (s) To establish a detailed procedure for the  
3 implementation and operation of a systemwide K-20 technology  
4 plan that is based on a common set of data definitions.

5 (t) To establish accountability standards for existing  
6 legislative performance goals, standards, and measures, and  
7 order the development of mechanisms to implement new  
8 legislative goals, standards, and measures.

9 (u) To adopt criteria and implementation plans for  
10 future growth issues, such as new colleges and universities  
11 and campus mergers, and to provide for cooperative agreements  
12 between and within public and private education sectors.

13 (v) To develop, and periodically review for  
14 adjustment, a coordinated 5-year plan for postsecondary  
15 enrollment and annually submit the plan to the Legislature.

16 (w) To approve a new program at the professional level  
17 or doctoral level, if:

18 1. The university has taken into account the need and  
19 demand for the program, the university's mission, and similar  
20 program offerings by public and nonpublic counterparts.

21 2. The addition of the program will not alter the  
22 university's emphasis on undergraduate education.

23 (x) To review, and approve or disapprove, degree  
24 programs identified as unique pursuant to s. 1007.25.

25 (y) To recommend to the Legislature a plan for  
26 implementing block tuition programs and providing other  
27 incentives to encourage students to graduate within 4 years.

28 (3) The State Board of Education shall adopt rules to  
29 establish the criteria for assigning, reviewing, and removing  
30 limited-access status to an educational program. The State  
31 Board of Education shall monitor the extent of limited-access

1 programs within the state universities and report to the  
 2 Legislature admissions and enrollment data for limited-access  
 3 programs. Such report shall be submitted annually by December  
 4 1 and shall assist in determining the potential need for  
 5 academic-program contracts with independent institutions  
 6 pursuant to paragraph (2)(p). The report must specify, for  
 7 each limited-access program within each institution, the  
 8 following categories, by race and gender:

- 9       (a) The number of applicants.
- 10       (b) The number of applicants granted admission.
- 11       (c) The number of applicants who are granted admission  
 12 and enroll.
- 13       (d) The number of applicants denied admission.
- 14       (e) The number of applicants neither granted admission  
 15 nor denied admission.

16

17 Each category must be reported for each term. Each category  
 18 must be reported by type of student, including the following  
 19 subcategories: native students, community college associate in  
 20 arts degree transfer students, and other students. Each  
 21 category and subcategory must further be reported according to  
 22 the number of students who meet or exceed the minimum  
 23 eligibility requirements for admission to the program and the  
 24 number of students who do not meet or exceed the minimum  
 25 eligibility requirements for admission to the program.

26       (4) The State Board of Education shall review, and  
 27 approve or disapprove, baccalaureate-degree programs that  
 28 exceed 120 semester hours, after considering accreditation  
 29 requirements, employment and earnings of graduates,  
 30 comparative program lengths nationally, and comparisons with  
 31 similar programs offered by independent institutions. By

1 December 31 of each year, the State Board of Education must  
 2 report to the Legislature any degrees in the state  
 3 universities that require more than 120 hours, along with  
 4 appropriate evidence of need. At least every 5 years, the  
 5 State Board of Education must determine whether the programs  
 6 still require more than the standard length of 120 hours.

7 (5)(a) The State Board of Education shall adopt a  
 8 systemwide strategic plan that specifies goals and objectives  
 9 for the state universities and community colleges. In  
 10 developing this plan, the State Board of Education shall  
 11 consider the role of individual public and independent  
 12 institutions within the state. The plan shall provide for the  
 13 roles of the universities and community colleges to be  
 14 coordinated to best meet state needs and reflect  
 15 cost-effective use of state resources. The strategic plan must  
 16 clarify mission statements and identify degree programs to be  
 17 offered at each university and community college in accordance  
 18 with the objectives provided in this subsection. The  
 19 systemwide strategic plan must cover a period of 5 years, with  
 20 modification of the program lists after 2 years. Development  
 21 of each 5-year plan must be coordinated with and initiated  
 22 after completion of the master plan. The systemwide and  
 23 university and community college strategic plans must  
 24 specifically include programs and procedures for responding to  
 25 the educational needs of teachers and students in the public  
 26 schools of this state. The state board shall submit a report  
 27 to the President of the Senate and the Speaker of the House of  
 28 Representatives upon modification of the system plan.

29 (b) The State Board of Education shall develop  
 30 long-range plans and annual reports for financial aid in this  
 31 state. The long-range plans shall establish goals and

1 objectives for a comprehensive program of financial aid for  
 2 Florida students and shall be updated every 5 years. The  
 3 annual report shall include an assessment of progress made in  
 4 achieving goals and objectives established in the long-range  
 5 plans and recommendations for repealing or modifying existing  
 6 financial aid programs or establishing new programs. A  
 7 long-range plan shall be submitted by January 1, 2004, and  
 8 every 5 years thereafter. An annual report shall be submitted  
 9 on January 1, 2004, and in each successive year that a  
 10 long-range plan is not submitted, to the President of the  
 11 Senate and the Speaker of the House of Representatives.

12 (6) The State Board of Education shall coordinate the  
 13 programs with the Council for Education Policy Research and  
 14 Improvement, including doctoral programs. The programs shall  
 15 be reviewed every 5 years or whenever the state board  
 16 determines that the effectiveness or efficiency of a program  
 17 is jeopardized. The State Board of Education shall define the  
 18 indicators of quality and the criteria for program review for  
 19 every program. Such indicators include need, student demand,  
 20 industry-driven competencies for advanced technology and  
 21 related programs, and resources available to support  
 22 continuation. The results of the program reviews must be tied  
 23 to the university and community college budget requests.

24 (7) The State Board of Education shall:

25 (a) Provide for each community college to offer  
 26 educational training and service programs designed to meet the  
 27 needs of both students and the communities served.

28 (b) Specify, by rule, procedures to be used by the  
 29 boards of trustees in the annual evaluations of presidents and  
 30 review the evaluations of presidents by the boards of  
 31 trustees.

1           (c) Establish an effective information system that  
 2 will provide composite data concerning the community colleges  
 3 and state universities and ensure that special analyses and  
 4 studies concerning the institutions are conducted, as  
 5 necessary, for provision of accurate and cost-effective  
 6 information concerning the institutions.

7           (d) Establish criteria for making recommendations for  
 8 modifying district boundary lines for community colleges.

9           (e) Establish criteria for making recommendations  
 10 concerning all proposals for the establishment of additional  
 11 centers or campuses for community colleges and state  
 12 universities.

13           (f) Examine the annual administrative review of each  
 14 community college and state university.

15           (g) Specify, by rule, the degree program courses that  
 16 may be taken by students concurrently enrolled in  
 17 college-preparatory instruction.

18           (h) Adopt and submit to the Legislature a 3-year list  
 19 of priorities for fixed-capital-outlay projects.

20           (8) The State Board of Education is responsible for  
 21 reviewing and administering the state program of support for  
 22 the community colleges and, subject to existing law, shall  
 23 establish the tuition and out-of-state fees for  
 24 college-preparatory instruction and for credit instruction  
 25 that may be counted toward an associate in arts degree, an  
 26 associate in applied science degree, or an associate in  
 27 science degree.

28           (9) The State Board of Education shall prescribe  
 29 minimum standards, definitions, and guidelines for community  
 30 colleges and state universities that will ensure the quality  
 31 of education, coordination among the community colleges and

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1 state universities, and efficient progress toward  
2 accomplishing the community college and state university  
3 mission. At a minimum, these rules must address:

4 (a) Personnel.

5 (b) Contracting.

6 (c) Program offerings and classification, including  
7 college-level communication and computation skills associated  
8 with successful performance in college and with tests and  
9 other assessment procedures that measure student achievement  
10 of those skills. The performance measures must provide that  
11 students moving from one level of education to the next  
12 acquire the necessary competencies for that level.

13 (d) Provisions for curriculum development, graduation  
14 requirements, college calendars, and program service areas.  
15 These provisions must include rules that:

16 1. Provide for the award of an associate in arts  
17 degree to a student who successfully completes 60 semester  
18 credit hours at the community college.

19 2. Require all of the credits accepted for the  
20 associate in arts degree to be in the statewide course  
21 numbering system as credits towards a baccalaureate degree  
22 offered by a state university.

23 3. Require no more than 36 semester credit hours in  
24 general education courses in the subject areas of  
25 communication, mathematics, social sciences, humanities, and  
26 natural sciences.

27  
28 The rules should encourage community colleges to enter into  
29 agreements with state universities that allow community  
30 college students to complete upper-division-level courses at a  
31 community college. An agreement may provide for concurrent

1 enrollment at the community college and the state university  
2 and may authorize the community college to offer an  
3 upper-division-level course or distance learning.

4 (e) Student admissions, conduct and discipline,  
5 nonclassroom activities, and fees.

6 (f) Budgeting.

7 (g) Business and financial matters.

8 (h) Student services.

9 (i) Reports, surveys, and information systems,  
10 including forms and dates of submission.

11 Section 21. Section 1001.03, Florida Statutes, is  
12 created to read:

13 1001.03 Specific powers of State Board of Education.--

14 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The  
15 State Board of Education shall approve the student performance  
16 standards known as the Sunshine State Standards in key  
17 academic subject areas and grade levels.

18 (2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF  
19 EDUCATION.--The State Board of Education shall govern issues  
20 relating to use of property, facilities, and personal services  
21 between the Department of Education and its direct-support  
22 organization and shall certify that the organization operates  
23 at all times in a manner consistent with the goals and best  
24 interest of the department, pursuant to s. 1001.24.

25 (3) PROFESSIONAL CERTIFICATES.--The State Board of  
26 Education shall classify school services, designate the  
27 certification subject areas, establish competencies, including  
28 the use of technology to enhance student learning, and  
29 certification requirements for all school-based personnel, and  
30 prescribe rules in accordance with which the professional,  
31 temporary, and part-time certificates shall be issued by the

1 Department of Education to applicants who meet the standards  
2 prescribed by such rules for their class of service, as  
3 described in chapter 1012.

4 (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State  
5 Board of Education shall ensure that not-for-profit,  
6 professional teacher associations that offer membership to all  
7 teachers, noninstructional personnel, and administrators, and  
8 that offer teacher training and staff development at no fee to  
9 the district, shall be given equal access to voluntary teacher  
10 meetings, be provided access to teacher mailboxes for  
11 distribution of professional literature, and be authorized to  
12 collect voluntary membership fees through payroll deduction.

13 (5) IDENTIFICATION OF CRITICAL TEACHER SHORTAGE  
14 AREAS.--The State Board of Education shall identify critical  
15 teacher shortage areas pursuant to s. 1012.07.

16 (6) CAPITAL OUTLAY BOND AND MOTOR VEHICLE TAX  
17 ANTICIPATION CERTIFICATE RESOLUTIONS.--The State Board of  
18 Education shall issue bonds and approve resolutions regarding  
19 the expenditure of funds for capital projects and purposes  
20 pursuant to the State Constitution and other applicable law.

21 (7) ARTICULATION ACCOUNTABILITY.--The State Board of  
22 Education shall develop articulation accountability measures  
23 that assess the status of systemwide articulation processes,  
24 and shall establish an articulation accountability process in  
25 accordance with the provisions of chapter 1008.

26 (8) SYSTEMWIDE ENFORCEMENT.--The State Board of  
27 Education shall enforce compliance with law and state board  
28 rule by all school districts and public postsecondary  
29 institutions, in accordance with the provisions of s. 1008.32.

30 (9) MANAGEMENT INFORMATION DATABASES.--The State Board  
31 of Education shall continue to collect and maintain, at a



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1 minimum, the management information databases for state  
2 universities, and all other components of the public K-20  
3 education system as such databases existed on June 30, 2002.

4 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY  
5 EDUCATION.--The State Board of Education shall develop and  
6 implement a common placement test to assess the basic  
7 computation and communication skills of students who intend to  
8 enter a degree program at any community college or state  
9 university.

10 (11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY  
11 EDUCATION.--The State Board of Education shall adopt minimum  
12 standards relating to nonpublic postsecondary education and  
13 institutions, in accordance with the provisions of chapter  
14 1005.

15 (12) COMMON POSTSECONDARY DEFINITIONS.--The State  
16 Board of Education shall adopt, by rule, common definitions  
17 for associate in science degrees and for certificates.

18 (13) The State Board of Education shall provide for  
19 the cyclic review of all academic programs in community  
20 colleges and state universities at least every seven years.  
21 Program reviews shall document how individual academic  
22 programs are achieving stated student learning and program  
23 objectives within the context of the institution's mission.  
24 The results of the program reviews shall inform strategic  
25 planning, program development, and budgeting decisions at the  
26 institutional level.

27 Section 22. Part I.b. of chapter 1001, Florida  
28 Statutes, shall be entitled "Commissioner of Education" and  
29 shall consist of ss. 1001.10-1001.11.

30 Section 23. Section 1001.10, Florida Statutes, is  
31 created to read:

1           1001.10 Commissioner of Education; general powers and  
 2 duties.--The Commissioner of Education is the chief  
 3 educational officer of the state, and is responsible for  
 4 giving full assistance to the State Board of Education in  
 5 enforcing compliance with the mission and goals of the  
 6 seamless K-20 education system. The commissioner has the  
 7 following general powers and duties:

8           (1) To appoint staff necessary to carry out his or her  
 9 powers and duties.

10           (2) To advise and counsel with the State Board of  
 11 Education on all matters pertaining to education; to recommend  
 12 to the State Board of Education actions and policies as, in  
 13 the commissioner's opinion, should be acted upon or adopted;  
 14 and to execute or provide for the execution of all acts and  
 15 policies as are approved.

16           (3) To keep such records as are necessary to set forth  
 17 clearly all acts and proceedings of the State Board of  
 18 Education.

19           (4) To have a seal for his or her office with which,  
 20 in connection with his or her own signature, the commissioner  
 21 shall authenticate true copies of decisions, acts, or  
 22 documents.

23           (5) To recommend to the State Board of Education  
 24 policies and steps designed to protect and preserve the  
 25 principal of the State School Fund; to provide an assured and  
 26 stable income from the fund; to execute such policies and  
 27 actions as are approved; and to administer the State School  
 28 Fund.

29           (6) To take action on the release of mineral rights  
 30 based upon the recommendations of the Board of Trustees of the  
 31 Internal Improvement Trust Fund.

1           (7) To submit to the State Board of Education, on or  
 2 before August 1 of each year, recommendations for a  
 3 coordinated K-20 education budget that estimates the  
 4 expenditures for the State Board of Education, including the  
 5 Department of Education, the Commissioner of Education, and  
 6 all of the boards, institutions, agencies, and services under  
 7 the general supervision of the State Board of Education for  
 8 the ensuing fiscal year. Any program recommended to the State  
 9 Board of Education that will require increases in state  
 10 funding for more than 1 year must be presented in a multiyear  
 11 budget plan.

12           (8) To develop and implement a plan for cooperating  
 13 with the Federal Government in carrying out any or all phases  
 14 of the educational program and to recommend policies for  
 15 administering funds that are appropriated by Congress and  
 16 apportioned to the state for any or all educational purposes.

17           (9) To develop and implement policies for cooperating  
 18 with other public agencies in carrying out those phases of the  
 19 program in which such cooperation is required by law or is  
 20 deemed by the commissioner to be desirable and to cooperate  
 21 with public and nonpublic agencies in planning and bringing  
 22 about improvements in the educational program.

23           (10) To prepare forms and procedures as are necessary  
 24 to be used by district school boards and all other educational  
 25 agencies to assure uniformity, accuracy, and efficiency in the  
 26 keeping of records, the execution of contracts, the  
 27 preparation of budgets, or the submission of reports; and to  
 28 furnish at state expense, when deemed advisable by the  
 29 commissioner, those forms that can more economically and  
 30 efficiently be provided.

31           (11) To implement a program of school improvement and

1 education accountability designed to provide all students the  
 2 opportunity to make adequate learning gains in each year of  
 3 school as provided by statute and State Board of Education  
 4 rule based upon the achievement of the state education goals,  
 5 recognizing the following:

6       (a) The State Board of Education is the body corporate  
 7 responsible for the supervision of the system of public  
 8 education.

9       (b) The district school board is responsible for  
 10 school and student performance.

11       (c) The individual school is the unit for education  
 12 accountability.

13       (d) The community college board of trustees is  
 14 responsible for community college performance and student  
 15 performance.

16       (e) The university board of trustees is responsible  
 17 for university performance and student performance.

18       (12) To establish a Citizen Information Center  
 19 responsible for the preparation, publication, and distribution  
 20 of materials relating to the state system of seamless K-20  
 21 public education.

22       (13) To prepare and publish annually reports giving  
 23 statistics and other useful information pertaining to the  
 24 Opportunity Scholarship Program.

25       (14) To have printed or electronic copies of school  
 26 laws, forms, instruments, instructions, and rules of the State  
 27 Board of Education and provide for their distribution.

28       (15) To develop criteria for use by state  
 29 instructional materials committees in evaluating materials  
 30 submitted for adoption consideration. The criteria shall, as  
 31 appropriate, be based on instructional expectations reflected

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1 in curriculum frameworks and student performance standards.  
 2 The criteria for each subject or course shall be made  
 3 available to publishers of instructional materials pursuant to  
 4 the requirements of chapter 1006.

5 (16) To prescribe procedures for evaluating  
 6 instructional materials submitted by publishers and  
 7 manufacturers in each adoption.

8  
 9 The commissioner's office shall operate all statewide  
 10 functions necessary to support the State Board of Education  
 11 and the K-20 education system, including strategic planning  
 12 and budget development, general administration, and assessment  
 13 and accountability.

14 Section 24. Section 1001.11, Florida Statutes, is  
 15 created to read:

16 1001.11 Commissioner of Education; other duties.--

17 (1) The Commissioner of Education must independently  
 18 perform the following duties:

19 (a) Cooperate with and coordinate responses to  
 20 requests from the members of the Legislature.

21 (b) Serve as the primary source of information to the  
 22 Legislature, including the President of the Senate and the  
 23 Speaker of the House of Representatives, concerning the State  
 24 Board of Education and the K-20 education system.

25 (c) Develop and implement a process for receiving and  
 26 processing requests, in conjunction with the Legislature, for  
 27 the allocation of PECO funds for qualified postsecondary  
 28 education projects.

29 (d) Integrally work with the boards of trustees of the  
 30 state universities, colleges, and community colleges.

31 (e) Monitor the activities of the State Board of

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1 Education and provide information related to current and  
2 pending policies to the members of the boards of trustees of  
3 the community colleges and state universities.

4 (f) Ensure the timely provision of information  
5 requested by the Legislature from the State Board of  
6 Education, the commissioner's office, and the Department of  
7 Education.

8 (2)(a) The Commissioner of Education shall recommend  
9 to the State Board of Education performance goals addressing  
10 the educational needs of the state for the K-20 education  
11 system. The Council for Education Policy Research and  
12 Improvement, as an independent entity, shall develop a report  
13 card assigning grades to indicate Florida's progress toward  
14 meeting those goals. The annual report card shall contain  
15 information showing Florida's performance relative to other  
16 states on selected measures, as well as Florida's ability to  
17 meet the need for postsecondary degrees and programs and how  
18 well the Legislature has provided resources to meet this need.  
19 The information shall include the results of the National  
20 Assessment of Educational Progress or a similar national  
21 assessment program administered to students in Florida. By  
22 January 1 of each year, the Council for Education Policy  
23 Research and Improvement shall submit the report card to the  
24 Legislature, the Governor, and the public.

25 (b) Prior to the regular legislative session, the  
26 Commissioner of Education shall present to the Legislature a  
27 plan for correcting any deficiencies identified in the report  
28 card.

29 (3) Notwithstanding any other provision of law to the  
30 contrary, the Commissioner of Education, in conjunction with  
31 the Legislature, must recommend funding priorities for the

1 distribution of capital outlay funds for public postsecondary  
2 educational institutions, based on priorities that include,  
3 but are not limited to, the following criteria:

4 (a) Growth at the institutions.

5 (b) Need for specific skills statewide.

6 (c) Need for maintaining and repairing existing  
7 facilities.

8 (4) The commissioner shall develop and implement an  
9 integrated K-20 information system for educational management  
10 in accordance with the requirements of chapter 1008.

11 (5) The commissioner shall design and implement a  
12 statewide program of educational assessment that provides  
13 information for the improvement of the operation and  
14 management of the public schools, including schools operating  
15 for the purpose of providing educational services to youth in  
16 Department of Juvenile Justice programs, in accordance with  
17 the requirements of chapter 1008.

18 (6) The commissioner is responsible for implementing  
19 and maintaining a system of intensive school improvement and  
20 stringent education accountability, in accordance with the  
21 requirements of chapter 1008.

22 Section 25. Part I.c. of chapter 1001, Florida  
23 Statutes, shall be entitled "Department of Education" and  
24 shall consist of ss. 1001.20-1001.28.

25 Section 26. Section 1001.20, Florida Statutes, is  
26 created to read:

27 1001.20 Department under direction of state board.--

28 (1) The Department of Education shall be organized  
29 consistently with the requirements of s. 20.15, and shall act  
30 as an administrative and supervisory agency under the  
31 implementation direction of the State Board of Education.

1           (2) The department is to be located in the offices of  
 2 the Commissioner of Education and shall assist in providing  
 3 professional leadership and guidance and in carrying out the  
 4 policies, procedures, and duties authorized by law or by the  
 5 State Board of Education or found necessary by it to attain  
 6 the purposes and objectives of this code.

7           (3) The Department of Education shall maintain an  
 8 Office of the Commissioner of Education that includes the  
 9 general areas of operation that are common to all delivery  
 10 sectors, such as administration, communication, legal  
 11 services, financial aid, and government and public relations,  
 12 in order to increase efficiency, improve service delivery to  
 13 students, and fully support the operational needs of the State  
 14 Board of Education.

15           (4) The Department of Education shall establish the  
 16 following offices within the Office of the Commissioner of  
 17 Education which shall coordinate their activities with all  
 18 other divisions and offices:

19           (a) Office of Technology and Information  
 20 Services.--Responsible for developing a systemwide technology  
 21 plan, making budget recommendations to the commissioner,  
 22 providing data collection and management for the system, and  
 23 coordinating services with other state, local, and private  
 24 agencies. The office shall develop a method to address the  
 25 need for a statewide approach to planning and operations of  
 26 library and information services to achieve a single K-20  
 27 education system library information portal and a unified  
 28 higher education library management system. The Florida  
 29 Virtual High School shall be administratively housed within  
 30 the office.

31           (b) Office of Workforce and Economic



1 Development.--Responsible for evaluating the role of each  
 2 sector of education in Florida's workforce and economic  
 3 development, assessing the specific work skills and variety of  
 4 careers provided, and reporting to the State Board of  
 5 Education the effectiveness of each sector.

6 (c) Office of Educational Facilities and SMART Schools  
 7 Clearinghouse.--Responsible for validating all educational  
 8 plant surveys and verifying Florida Inventory of School Houses  
 9 (FISH) data. The office shall provide technical assistance to  
 10 public school districts when requested.

11 (d) Office of Student Financial  
 12 Assistance.--Responsible for providing access to and  
 13 administering state and federal grants, scholarships, and  
 14 loans to those students seeking financial assistance for  
 15 postsecondary study pursuant to program criteria and  
 16 eligibility requirements.

17 Section 27. Section 1001.21, Florida Statutes, is  
 18 created to read:

19 1001.21 Office of Private Schools and Home Education  
 20 Programs.--The state recognizes the contributions of private  
 21 schools and home education programs in providing alternatives  
 22 to public school education. These nongovernmental educational  
 23 systems serve the public, but are not considered to be a part  
 24 of the public system of education.

25 (1) The Office of Private Schools and Home Education  
 26 Programs is established within the Department of Education.  
 27 The Department of Education and the Commissioner of Education  
 28 have no authority over the institutions or students served by  
 29 the office. The office shall:

30 (a) Serve the interests of students and the parents of  
 31 students in private schools and home education programs.

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1           (b) Serve the interests of private institutions.

2           (c) Provide general information to the public about  
3 private and home education delivery systems.

4           (2) The Commissioner of Education shall appoint an  
5 executive director for the office who shall:

6           (a) Serve as a source of communication between private  
7 schools, home education programs, the Commissioner of  
8 Education, and the State Board of Education.

9           (b) Evaluate pending policy to ensure that the policy  
10 does not subject private schools and home education programs  
11 to additional regulation or mandates.

12           (c) Establish a clearinghouse of information for the  
13 public.

14           (d) Foster a collaborative spirit and working  
15 relationship among private schools, home education programs,  
16 and the public sector.

17           (e) Identify and convey the best practices of private  
18 schools and home education programs for the benefit of the  
19 public and private education delivery sectors.

20           (f) Represent issues and concerns relating to home  
21 education programs and private schools on all applicable ad  
22 hoc advisory bodies.

23           Section 28. Section 1001.22, Florida Statutes, is  
24 created to read:

25           1001.22 Commission for Independent Education.--The  
26 Commission for Independent Education shall authorize granting  
27 of certificates, diplomas, and degrees for independent  
28 postsecondary educational institutions pursuant to chapter  
29 1005.

30           Section 29. Section 1001.23, Florida Statutes, is  
31 created to read:

1           1001.23 Specific powers and duties of the Department  
2 of Education.--In addition to all other duties assigned to it  
3 by law or by rule of the State Board of Education, the  
4 department shall:

5           (1) Adopt the school readiness uniform screening  
6 developed by the Florida Partnership for School Readiness, in  
7 accordance with the criteria itemized in chapter 1008.

8           (2) Implement a training program to develop among  
9 state and district educators a cadre of facilitators of school  
10 improvement in accordance with the provisions of chapter 1008.

11           (3) Identify the needs of the state system of public  
12 education as they relate to the development and production of  
13 materials used in instruction, in accordance with the  
14 requirements of chapter 1006.

15           (4) After complying with the provisions of s. 257.37,  
16 the Department of Education may:

17           (a) Photograph, microphotograph, or reproduce on film  
18 or prints, documents, records, data, and information of a  
19 permanent character and destroy any of the documents after  
20 they have been photographed and after audit of the department  
21 has been completed for the period embracing the dates of the  
22 instruments. Photographs or microphotographs in the form of  
23 film or prints made in compliance with the provisions of this  
24 subsection shall have the same force and effect as the  
25 originals would have, and shall be treated as originals for  
26 the purpose of their admissibility in evidence. Duly certified  
27 or authenticated reproductions of such photographs or  
28 microphotographs shall be admitted in evidence equally with  
29 the original photographs or microphotographs.

30           (b) Destroy general correspondence that is over 3  
31 years old; records of bills, accounts, vouchers, and

1 requisitions that are over 5 years old and copies of which  
 2 have been filed with the Comptroller; and other records,  
 3 papers, and documents over 3 years old that do not serve as  
 4 part of an agreement or understanding and do not have value as  
 5 permanent records.

6 Section 30. Section 1001.24, Florida Statutes, is  
 7 created to read:

8 1001.24 Direct-support organization; use of property;  
 9 board of directors; audit.--

10 (1) DEFINITIONS.--For the purposes of this section,  
 11 the term:

12 (a) "Department of Education direct-support  
 13 organization" means an organization:

14 1. That is a corporation not for profit that is  
 15 incorporated under the provisions of chapter 617 and approved  
 16 by the Department of State.

17 2. That is organized and operated exclusively to  
 18 receive, hold, invest, and administer property and to make  
 19 expenditures to or for the benefit of public prekindergarten  
 20 through 12th grade education in this state.

21 3. That the State Board of Education, after review,  
 22 has certified to be operating in a manner consistent with the  
 23 goals and best interest of the Department of Education.

24 (b) "Personal services" includes full-time or  
 25 part-time personnel, as well as payroll processing.

26 (2) USE OF PROPERTY.--The State Board of Education:

27 (a) May permit the use of property, facilities, and  
 28 personal services of the department by the direct-support  
 29 organization, subject to the provisions of this section.

30 (b) Shall prescribe by rule conditions with which the  
 31 direct-support organization must comply in order to use

1 property, facilities, or personal services of the department.  
2 Such rules shall provide for budget and audit review and for  
3 oversight by the department.

4 (c) Shall not permit the use of property, facilities,  
5 or personal services of the direct-support organization if  
6 such organization does not provide equal employment  
7 opportunities to all persons, regardless of race, color,  
8 national origin, sex, age, or religion.

9 (3) BOARD OF DIRECTORS.--The board of directors of the  
10 department direct-support organization shall be appointed by  
11 the commissioner and shall include representation from  
12 business, industry, and other components of Florida's economy.

13 (4) ANNUAL AUDIT.--Each direct-support organization  
14 shall provide for an annual financial audit of its accounts  
15 and records to be conducted by an independent certified public  
16 accountant in accordance with rules adopted by the Auditor  
17 General pursuant to s. 11.45(8). The annual audit report shall  
18 be submitted, within 9 months after the end of the fiscal  
19 year, to the Auditor General for review. The Auditor General  
20 and the Office of Program Policy Analysis and Government  
21 Accountability shall have the authority to require and receive  
22 from the organization or from its independent auditor any  
23 records relative to the operation of the organization. The  
24 identity of donors who desire to remain anonymous shall be  
25 protected, and that anonymity shall be maintained in the  
26 auditor's report. All records of the organization other than  
27 the auditor's report, management letter, and any supplemental  
28 data requested by the Auditor General and the Office of  
29 Program Policy Analysis and Government Accountability shall be  
30 confidential and exempt from the provisions of s. 119.07(1).

31 Section 31. Section 1001.25, Florida Statutes, is

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1 created to read:

2 1001.25 Educational television.--

3 (1) ESTABLISHMENT AND UTILIZATION OF NETWORK.--The  
4 department may establish a television network connecting such  
5 communities or such stations as it designates. For this  
6 purpose, it may lease facilities in the name of the state from  
7 communications' common carriers and use such transmission  
8 channels as are necessary; however, if the department decides,  
9 upon investigation, that it could more economically construct  
10 and maintain such transmission channels, it may design,  
11 construct, operate, and maintain them, including a television  
12 microwave network. The network shall be utilized primarily for  
13 the instruction of students at existing and future public and  
14 private educational institutions and of the general public, as  
15 practical. The origination and transmission of all programs  
16 over such networks shall be as directed under policies  
17 approved by the State Board of Education. The department may  
18 cooperate with and assist all local and state educational  
19 agencies in making surveys pertaining to the use and economics  
20 of educational television in the fields of primary,  
21 elementary, secondary, or college level education and in the  
22 field of adult education, and may assist all public agencies  
23 in the planning of programs calculated to further the  
24 education of the state's citizens.

25 (2) POWERS OF DEPARTMENT.--

26 (a) The department may encourage:

27 1. The extension of educational television network  
28 facilities.

29 2. The coordination of Florida's educational  
30 television with that of other states and with the Federal  
31 Government.

1           3. The further development of educational television  
2 within the state.

3           (b) The department shall provide through educational  
4 television and other electronic media a means of extending  
5 educational services to all the state system of public  
6 education, except the state universities, which provision by  
7 the department is limited by paragraph (c) and by s.  
8 1006.26(1). The department shall recommend to the State Board  
9 of Education rules necessary to provide such services.

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

23           (3) PROHIBITED USE, PENALTY.--

24           (a) None of the facilities, plant, or personnel of any  
25 educational television system that is supported in whole or in  
26 part by state funds shall be used directly or indirectly for  
27 the promotion, advertisement, or advancement of any political  
28 candidate for any municipal, county, legislative,  
29 congressional, or state office. However, fair, open, and free  
30 discussion between political candidates for municipal, county,  
31 legislative, congressional, or state office may be permitted

1 in order to help materially reduce the excessive cost of  
 2 campaigns and to ensure that the state's citizens are fully  
 3 informed about issues and candidates in campaigns. The  
 4 provisions of this paragraph apply to the advocacy for, or  
 5 opposition to, any specific program, existing or proposed, of  
 6 governmental action which includes, but is not limited to,  
 7 constitutional amendments, tax referenda, and bond issues. The  
 8 provisions of this paragraph shall be in accordance with rules  
 9 of the State Board of Education.

10 (b) Violation of any prohibition contained in this  
 11 section is a misdemeanor of the second degree, punishable as  
 12 provided in s. 775.082 or s. 775.083.

13 (4) DUTY OF DEPARTMENT.--The department is responsible  
 14 for identifying the needs of the state system of public  
 15 education as they relate to the development and production of  
 16 materials used in instruction. When such identified needs are  
 17 considered to be best satisfied by the production of new  
 18 materials, the department may commission or contract for the  
 19 production of such materials.

20 Section 32. Section 1001.26, Florida Statutes, is  
 21 created to read:

22 1001.26 Public broadcasting program system.--

23 (1) There is created a public broadcasting program  
 24 system for the state. The department shall administer this  
 25 program system pursuant to rules adopted by the State Board of  
 26 Education. This program system must complement and share  
 27 resources with the instructional programming service of the  
 28 Department of Education and educational UHF, VHF, ITFS, and FM  
 29 stations in the state. The program system must include:

30 (a) Support for existing Corporation for Public  
 31 Broadcasting qualified program system educational radio and



1 television stations and new stations meeting Corporation for  
2 Public Broadcasting qualifications and providing a first  
3 service to an audience that does not currently receive a  
4 broadcast signal or providing a significant new program  
5 service as defined by rule by the State Board of Education.

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

8 (c) Interconnection of all educational stations that  
9 are part of the program system for simultaneous broadcast and  
10 of such stations with all universities and other institutions  
11 as necessary for sharing of resources and delivery of  
12 programming.

13 (d) Establishment and maintenance of a capability for  
14 statewide program distribution with facilities and staff,  
15 provided such facilities and staff complement and strengthen  
16 existing or future educational television and radio stations  
17 in accordance with paragraph (a) and s. 1001.25(2)(c).

18 (e) Provision of both statewide programming funds and  
19 station programming support for educational television and  
20 educational radio to meet statewide priorities. Priorities for  
21 station programming need not be the same as priorities for  
22 programming to be used statewide. Station programming may  
23 include, but shall not be limited to, citizens' participation  
24 programs, music and fine arts programs, coverage of public  
25 hearings and governmental meetings, equal air time for  
26 political candidates, and other public interest programming.

27 (2)(a) The Department of Education is responsible for  
28 implementing the provisions of this section pursuant to part  
29 III of chapter 287 and may employ personnel, acquire equipment  
30 and facilities, and perform all duties necessary for carrying  
31 out the purposes and objectives of this section.

1           (b) The department shall provide through educational  
 2 television and other electronic media a means of extending  
 3 educational services to all the state system of public  
 4 education. The department shall recommend to the State Board  
 5 of Education rules necessary to provide such services.

6           (c) The department is authorized to provide equipment,  
 7 funds, and other services to extend and update both the  
 8 existing and the proposed educational television and radio  
 9 systems of tax-supported and nonprofit, corporate-owned  
 10 facilities. All stations funded must be qualified by the  
 11 Corporation for Public Broadcasting. New stations eligible  
 12 for funding shall provide a first service to an audience that  
 13 is not currently receiving a broadcast signal or provide a  
 14 significant new program service as defined by State Board of  
 15 Education rules. Funds appropriated to the department for  
 16 educational television and funds appropriated to the  
 17 department for educational radio may be used by the department  
 18 for either educational television or educational radio, or for  
 19 both.

20           (3) The State Board of Education shall adopt rules for  
 21 the proper enforcement and carrying out of these provisions.

22           Section 33. Section 1001.27, Florida Statutes, is  
 23 created to read:

24           1001.27 State satellite network.--

25           (1) There is created a state satellite network, which  
 26 shall provide one-way video and audio transmissions with  
 27 regional access for all Floridians, state agencies, county and  
 28 municipal governments, business and industry, and other public  
 29 and private entities to participate in classroom instruction,  
 30 continuing education, special events programs, and one-way  
 31 video teleconferencing.

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1           (2) The network shall consist of compatible satellite  
2 receiving equipment at public educational institutions in each  
3 of the 28 community college regions.

4           (3) The department, in consultation with the  
5 Department of Management Services, shall implement the  
6 provisions of this section and coordinate the network.  
7 Specifically, the department shall:

8           (a) Provide for technical analysis of suitable  
9 existing satellite receiving equipment at Florida public  
10 postsecondary institutions for inclusion in the network.

11           (b) Acquire by competitive sealed bid and place  
12 appropriate receiving equipment in those community college  
13 regions of the state in which such equipment is presently not  
14 available at a public postsecondary educational institution.

15           (c) Develop an implementation plan that provides for  
16 designation of a site in each community college region for  
17 inclusion in the initial network. Criteria for selection  
18 shall include:

19           1. Accessibility to a substantial portion of the  
20 population of the region.

21           2. Demonstrated institutional commitment to support  
22 and encourage use of the network both within the region and  
23 statewide.

24           3. Willingness to complement state support with  
25 matching institutional resources.

26           4. Evidence of cooperation and coordinated planning  
27 with other postsecondary institutions in the region.

28           5. Availability of existing telecommunications  
29 equipment which is compatible or adaptable for use in the  
30 network.

31           (d) Identify additional sites for inclusion in the

1 network in the event that demand exceeds the capacity of the  
2 initial network.

3 (e) Coordinate scheduling and encourage use of the  
4 network.

5 (f) Develop operating procedures for the system and  
6 recommend fee schedules for both public and private entities  
7 wishing to transmit or receive programming through the  
8 network. Scheduling procedures shall assign the highest  
9 priority to educational programming.

10 (g) Provide training for institutional, state agency,  
11 and other personnel in effective techniques for the use of the  
12 network.

13 (h) Provide initial startup support for operations,  
14 maintenance, and publicity costs of the network. Continuation  
15 costs in these areas shall be recovered through user fees and  
16 local resources.

17 (4) All audio components of this system that are not  
18 transmitted simultaneously with video to a domestic satellite  
19 shall be transmitted through common carriers regulated  
20 pursuant to chapter 364.

21 (5) The State Board of Education may adopt any rules  
22 necessary for the implementation of this section.

23 (6) This section shall be implemented only to the  
24 extent specifically authorized and funded by law.

25 Section 34. Section 1001.28, Florida Statutes, is  
26 created to read:

27 1001.28 Distance learning duties.--The duties of the  
28 Department of Education concerning distance learning include,  
29 but are not limited to, the duty to:

30 (1) Facilitate the implementation of a statewide  
31 coordinated system and resource system for cost-efficient

1 advanced telecommunications services and distance education  
2 which will increase overall student access to education.

3 (2) Coordinate the use of existing resources,  
4 including, but not limited to, the state's satellite  
5 transponders on the education satellites, the SUNCOM Network,  
6 the Florida Information Resource Network (FIRN), the  
7 Department of Management Services, the Department of  
8 Corrections, and the Department of Children and Family  
9 Services' satellite communication facilities to support a  
10 statewide advanced telecommunications services and distance  
11 learning network.

12 (3) Assist in the coordination of the utilization of  
13 the production and uplink capabilities available through  
14 Florida's public television stations, eligible facilities,  
15 independent colleges and universities, private firms, and  
16 others as needed.

17 (4) Seek the assistance and cooperation of Florida's  
18 cable television providers in the implementation of the  
19 statewide advanced telecommunications services and distance  
20 learning network.

21 (5) Seek the assistance and cooperation of Florida's  
22 telecommunications carriers to provide affordable student  
23 access to advanced telecommunications services and to distance  
24 learning.

25 (6) Coordinate partnerships for development,  
26 acquisition, use, and distribution of distance learning.

27 (7) Secure and administer funding for programs and  
28 activities for distance learning from federal, state, local,  
29 and private sources and from fees derived from services and  
30 materials.

31 (8) Manage the state's satellite transponder resources

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1 and enter into lease agreements to maximize the use of  
 2 available transponder time. All net revenue realized through  
 3 the leasing of available transponder time, after deducting the  
 4 costs of performing the management function, shall be recycled  
 5 to support the public education distance learning in this  
 6 state based upon an allocation formula of one-third to the  
 7 Department of Education, one-third to community colleges, and  
 8 one-third to state universities.

9       (9) Hire appropriate staff which may include a  
 10 position that shall be exempt from part II of chapter 110 and  
 11 is included in the Senior Management Service in accordance  
 12 with s. 110.205.

13  
 14 Nothing in this section shall be construed to abrogate,  
 15 supersede, alter, or amend the powers and duties of any state  
 16 agency, district school board, community college board of  
 17 trustees, university board of trustees, or the State Board of  
 18 Education.

19       Section 35. Part II of chapter 1001, Florida Statutes,  
 20 shall be entitled "School District Governance" and shall  
 21 consist of ss. 1001.30-1001.55.

22       Section 36. Section 1001.30, Florida Statutes, is  
 23 created to read:

24       1001.30 District unit.--Each county shall constitute a  
 25 school district and shall be known as the school district of  
 26 ... County, Florida. Each district shall constitute a unit  
 27 for the control, organization, and administration of schools.  
 28 The responsibility for the actual operation and administration  
 29 of all schools needed within the districts in conformity with  
 30 rules and minimum standards prescribed by the state, and also  
 31 the responsibility for the provision of any desirable and

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1 practicable opportunities authorized by law beyond those  
2 required by the state, are delegated by law to the school  
3 officials of the respective districts.

4 Section 37. Section 1001.31, Florida Statutes, is  
5 created to read:

6 1001.31 Scope of district system.--A district school  
7 system shall include all public schools, classes, and courses  
8 of instruction and all services and activities directly  
9 related to education in that district which are under the  
10 direction of the district school officials. A district school  
11 system may also include alternative site schools for  
12 disruptive or violent youth. Such schools for disruptive or  
13 violent youth may be funded by each district or provided  
14 through cooperative programs administered by a consortium of  
15 school districts, private providers, state and local law  
16 enforcement agencies, and the Department of Juvenile Justice.  
17 Pursuant to cooperative agreement, a district school system  
18 shall provide instructional personnel at juvenile justice  
19 facilities of 50 or more beds or slots with access to the  
20 district school system database for the purpose of accessing  
21 student academic, immunization, and registration records for  
22 students assigned to the programs. Such access shall be in the  
23 same manner as provided to other schools in the district.

24 Section 38. Section 1001.32, Florida Statutes, is  
25 created to read:

26 1001.32 Management, control, operation,  
27 administration, and supervision.--The district school system  
28 must be managed, controlled, operated, administered, and  
29 supervised as follows:

30 (1) DISTRICT SYSTEM.--The district school system shall  
31 be considered as a part of the state system of public

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1 education. All actions of district school officials shall be  
 2 consistent and in harmony with state laws and with rules and  
 3 minimum standards of the state board and the commissioner.  
 4 District school officials, however, shall have the authority  
 5 to provide additional educational opportunities, as desired,  
 6 which are authorized, but not required, by law or by the  
 7 district school board.

8 (2) DISTRICT SCHOOL BOARD.--In accordance with the  
 9 provisions of s. 4(b) of Art. IX of the State Constitution,  
 10 district school boards shall operate, control, and supervise  
 11 all free public schools in their respective districts and may  
 12 exercise any power except as expressly prohibited by the State  
 13 Constitution or general law.

14 (3) DISTRICT SCHOOL SUPERINTENDENT.--Responsibility  
 15 for the administration and management of the schools and for  
 16 the supervision of instruction in the district shall be vested  
 17 in the district school superintendent as the secretary and  
 18 executive officer of the district school board, as provided by  
 19 law.

20 (4) SCHOOL PRINCIPAL OR HEAD OF  
 21 SCHOOL.--Responsibility for the administration of any school  
 22 or schools at a given school center, for the supervision of  
 23 instruction therein, and for providing leadership in the  
 24 development or revision and implementation of a school  
 25 improvement plan required pursuant to s. 1001.42(16) shall be  
 26 delegated to the school principal or head of the school or  
 27 schools in accordance with rules established by the district  
 28 school board.

29 Section 39. Section 1001.33, Florida Statutes, is  
 30 created to read:

31 1001.33 Schools under control of district school board



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1 and district school superintendent.--Except as otherwise  
 2 provided by law, all public schools conducted within the  
 3 district shall be under the direction and control of the  
 4 district school board with the district school superintendent  
 5 as executive officer.

6 Section 40. Part II.a. of chapter 1001, Florida  
 7 Statutes, shall be entitled "District School Boards" and shall  
 8 consist of ss. 1001.34-1001.452.

9 Section 41. Section 1001.34, Florida Statutes, is  
 10 created to read:

11 1001.34 Membership of district school board.--Each  
 12 district school board shall be composed of not less than five  
 13 members. Each member of the district school board shall be a  
 14 qualified elector of the district in which she or he serves,  
 15 shall be a resident of the district school board member  
 16 residence area from which she or he is elected, and shall  
 17 maintain said residency throughout her or his term of office.

18 Section 42. Section 1001.35, Florida Statutes, is  
 19 created to read:

20 1001.35 Term of office.--District school board members  
 21 shall be elected at the general election in November for terms  
 22 of 4 years.

23 Section 43. Section 1001.36, Florida Statutes, is  
 24 created to read:

25 1001.36 District school board member residence  
 26 areas.--

27 (1) For the purpose of electing district school board  
 28 members, each district shall be divided into at least five  
 29 district school board member residence areas, which shall be  
 30 numbered one to five, inclusive, and which shall, as nearly as  
 31 practicable, be equal in population.

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1           (a) For those school districts, which have seven  
 2 district school board members, the district may be divided  
 3 into five district school board member residence areas, with  
 4 two district school board members elected at large, or the  
 5 district may be divided into seven district school board  
 6 member residence areas. In the latter case, the residence  
 7 areas shall be numbered one to seven inclusive and shall be  
 8 equal in population as nearly as practicable.

9           (b) For those school districts which have seven  
 10 district school board members, the number of district school  
 11 board member residence areas shall be determined by resolution  
 12 passed by a majority vote of the district school board.

13           (2) Any district school board may make any change that  
 14 it deems necessary in the boundaries of any district school  
 15 board member residence area at any meeting of the district  
 16 school board, provided that such changes shall be made only in  
 17 odd-numbered years and that no change that would affect the  
 18 residence qualifications of any incumbent member shall  
 19 disqualify such incumbent member during the term for which he  
 20 or she is elected.

21           (3) Such changes in boundaries shall be shown by  
 22 resolutions spread upon the minutes of the district school  
 23 board, shall be recorded in the office of the clerk of the  
 24 circuit court, and shall be published at least once in a  
 25 newspaper published in the district within 30 days after the  
 26 adoption of the resolution, or, if there be no newspaper  
 27 published in the district, shall be posted at the county  
 28 courthouse door for 4 weeks thereafter. A certified copy of  
 29 this resolution shall be transmitted to the Department of  
 30 State.

31           Section 44. Section 1001.361, Florida Statutes, is

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1 created to read:

2 1001.361 Election of board by districtwide  
3 vote.--Notwithstanding any provision of local law or any  
4 county charter, the election of members of the district school  
5 board shall be by vote of the qualified electors of the entire  
6 district in a nonpartisan election as provided in chapter 105.  
7 Each candidate for district school board member shall, at the  
8 time she or he qualifies, be a resident of the district school  
9 board member residence area from which the candidate seeks  
10 election. Each candidate who qualifies to have her or his name  
11 placed on the ballot shall be listed according to the district  
12 school board member residence area in which she or he resides.  
13 Each qualified elector of the district shall be entitled to  
14 vote for one candidate from each district school board member  
15 residence area. The candidate from each district school board  
16 member residence area who receives the highest number of votes  
17 in the general election shall be elected to the district  
18 school board.

19 Section 45. Section 1001.362, Florida Statutes, is  
20 created to read:

21 1001.362 Alternate procedure for the election of  
22 district school board members to provide for single-member  
23 representation.--

24 (1) This section shall be known and may be referred to  
25 as "The School District Local Option Single-Member  
26 Representation Law of 1984."

27 (2) District school board members shall be elected to  
28 office in accordance with the provisions of ss. 1001.36 and  
29 1001.361, or as otherwise provided by law, unless a  
30 proposition calling for single-member representation within  
31 the residence areas of the district is submitted to and

1 approved by a majority of the qualified electors voting on  
2 such proposition in the manner provided in subsection (3).

3 (a) If the district school board is composed of five  
4 members, such proposition shall provide that the five members  
5 shall reside one in each of five residence areas, the areas  
6 together covering the entire district and as nearly equal in  
7 population as practicable, pursuant to s. 1001.36, each of  
8 whom shall be elected only by the qualified electors who  
9 reside in the same residence area as the member.

10 (b) If the district school board is composed of seven  
11 members, at the option of the school board, such proposition  
12 shall provide that:

13 1. Five of the seven members shall reside one in each  
14 of five residence areas, the areas together covering the  
15 entire district and as nearly equal in population as  
16 practicable, pursuant to s. 1001.36, each of whom shall be  
17 elected only by the qualified electors who reside in the same  
18 residence area as the member, and two of the seven members  
19 shall be elected at large; or

20 2. All seven members shall reside one in each of seven  
21 residence areas, the areas together covering the entire  
22 district and as nearly equal in population as practicable,  
23 pursuant to s. 1001.36, each of whom shall be elected only by  
24 the qualified electors who reside in the same residence area  
25 as the member.

26 (c) All members shall be elected for 4-year terms, but  
27 such terms shall be staggered so that, alternately, one more  
28 or one less than half of the members elected from residence  
29 areas and, if applicable, one of the members elected at large  
30 from the entire district are elected every 2 years. Any  
31 member may be elected to an initial term of less than 4 years

1 if necessary to achieve or maintain such system of staggered  
2 terms.

3 (3) A proposition calling for single-member  
4 representation within the residence areas of the district  
5 shall be submitted to the electors of the district at any  
6 primary, general, or otherwise-called special election, in  
7 either manner following:

8 (a) The district school board may adopt a formal  
9 resolution directing an election to be held to place the  
10 proposition on the ballot.

11 (b) The electors of the school district may petition  
12 to have the proposition placed on the ballot by presenting to  
13 the school board petitions signed by not less than 10 percent  
14 of the duly qualified electors residing within the school  
15 district. The number of signatures required shall be  
16 determined by the supervisor of elections according to the  
17 number of registered electors in the district as of the date  
18 the petitioning electors register as a political committee as  
19 provided in subsection (4).

20 (4) The electors petitioning to have the proposition  
21 placed on the ballot shall register as a political committee  
22 pursuant to s. 106.03, and a specific person shall be  
23 designated therein as chair of the committee to act for the  
24 committee.

25 (5)(a) Each petition form circulated for single-member  
26 representation within the residence areas of a district where  
27 the school board is composed of five members shall include the  
28 wording: "As a registered elector of the school district of  
29 ... County, Florida, I am petitioning for a referendum  
30 election to determine whether the five school board members of  
31 said district shall be elected from single-member residence

1 areas by electors residing in each of those areas only."

2 (b) Each petition form circulated for single-member  
3 representation within the residence areas of a district where  
4 the district school board is composed of seven members, none  
5 of whom are to be elected at large, shall include the wording:  
6 "As a registered elector of the school district of ....

7 County, Florida, I am petitioning for a referendum election to  
8 determine whether the seven members of said district shall be  
9 elected from single-member residence areas by electors  
10 residing in each of those areas only."

11 (c) Each petition form circulated for single-member  
12 representation within the residence areas of a district where  
13 the school board is composed of seven members, two of whom are  
14 to be elected at large, shall include the wording: "As a  
15 registered elector of the school district of .... County,  
16 Florida, I am petitioning for a referendum election to  
17 determine whether five of the seven district school board  
18 members of said district shall be elected from single-member  
19 residence areas by electors residing in each of those areas  
20 only, with the two remaining members being elected at large."

21  
22 The petition shall also include space for the signature and  
23 address of the elector. Each signature obtained shall be  
24 dated when made and is valid for a period of 4 years following  
25 that date.

26 (6) Upon the filing of the petitions with the district  
27 school board by the chair of the committee, the district  
28 school board shall submit the petitions to the supervisor of  
29 elections for verification of the signatures. Within a period  
30 of not more than 30 days, the supervisor of elections shall  
31 determine whether the petitions contain the required number of

1 valid signatures. The supervisor of elections shall be paid  
2 by the committee seeking verification the sum of 10 cents for  
3 each name checked.

4 (7) If it is determined that the petitions have the  
5 required signatures, the supervisor of elections shall certify  
6 the petitions to the district school board, which shall adopt  
7 a resolution requesting that an election date be set to  
8 conform to the earliest primary, general, or otherwise-called  
9 special election that occurs not less than 30 days after  
10 certification of the petitions. If it is determined that the  
11 petitions do not contain the required signatures, the  
12 supervisor of elections shall so notify the district school  
13 board, which shall file the petitions without taking further  
14 action, and the matter shall be at an end. No additional names  
15 may be added to the petitions, and the petitions may not be  
16 used in any other proceeding.

17 (8) No special election may be called for the sole  
18 purpose of presenting the proposition to the vote of the  
19 electors.

20 (9) Any district adopting any of the propositions set  
21 forth in this section may thereafter return to the procedures  
22 otherwise provided by law by following the same procedure  
23 outlined in subsection (3).

24 (10) No district school board member elected prior to  
25 or at the election that approves any revision as permitted  
26 herein shall be affected in his or her term of office. The  
27 resolution adopted by the district school board under  
28 paragraph (3)(a) or subsection (7) which presents the proposed  
29 revision to the electorate for approval shall specify an  
30 orderly method and procedure for implementing the revision  
31 contemplated in the resolution.

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1           Section 46. Section 1001.363, Florida Statutes, is  
2 created to read:

3           1001.363 District school board members to represent  
4 entire district.--Each district school board of each district  
5 shall represent the entire district. Each member of the  
6 district school board shall serve as the representative of the  
7 entire district, rather than as the representative of a  
8 district school board member residence area.

9           Section 47. Section 1001.37, Florida Statutes, is  
10 created to read:

11           1001.37 District school board members shall  
12 qualify.--Before entering upon the duties of office after  
13 being elected, or, if appointed, within 10 days after  
14 receiving notice of appointment, each member of the district  
15 school board shall take the prescribed oath of office.

16           Section 48. Section 1001.371, Florida Statutes, is  
17 created to read:

18           1001.371 Organization of district school board.--On  
19 the third Tuesday after the first Monday in November of each  
20 year, the district school board shall organize by electing a  
21 chair. It may elect a vice chair, and the district school  
22 superintendent shall act ex officio as the secretary. If a  
23 vacancy should occur in the position of chair, the district  
24 school board shall proceed to elect a chair at the next  
25 ensuing regular or special meeting. At the organization  
26 meeting, the district school superintendent shall act as chair  
27 until the organization is completed. The chair and secretary  
28 shall then make and sign a copy of the proceedings of  
29 organization, including the schedule for regular meetings and  
30 the names and addresses of all district school officers, and  
31 annex their affidavits that the same is a true and correct



1 copy of the original, and the secretary shall file the  
2 document within 2 weeks with the Department of Education.

3 Section 49. Section 1001.372, Florida Statutes, is  
4 created to read:

5 1001.372 District school board meetings.--

6 (1) REGULAR AND SPECIAL MEETINGS.--The district school  
7 board shall hold not less than one regular meeting each month  
8 for the transaction of business according to a schedule  
9 arranged by the district school board and shall convene in  
10 special sessions when called by the district school  
11 superintendent or by the district school superintendent on  
12 request of the chair of the district school board, or on  
13 request of a majority of the members of the district school  
14 board; provided that actions taken at special meetings shall  
15 have the same force and effect as if taken at a regular  
16 meeting; and provided further that in the event the district  
17 school superintendent should fail to call a special meeting  
18 when requested to do so, as prescribed herein, such a meeting  
19 may be called by the chair of the district school board or by  
20 a majority of the members of the district school board by  
21 giving 2 days' written notice of the time and purpose of the  
22 meeting to all members and to the district school  
23 superintendent, in which event the minutes of the meeting  
24 shall set forth the facts regarding the procedure in calling  
25 the meeting and the reason therefor and shall be signed either  
26 by the chair or by a majority of the members of the district  
27 school board.

28 (2) PLACE OF MEETINGS.--

29 (a) Except as provided in paragraph (b), all regular  
30 and special meetings of the district school board shall be  
31 held in the office of the district school superintendent or in

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1 a room convenient to that office and regularly designated as  
2 the district school board meeting room.

3 (b) Upon the giving of due public notice, regular or  
4 special meetings of the district school board may be held at  
5 any appropriate public place in the county.

6 (c) For purpose of this section, due public notice  
7 shall consist of publication in a newspaper of general  
8 circulation in the county or in each county where there is no  
9 newspaper of general circulation in the county an announcement  
10 over at least one radio station whose signal is generally  
11 received in the county, a reasonable number of times daily  
12 during the 48 hours immediately preceding the date of such  
13 meeting, or by posting a notice at the courthouse door if no  
14 newspaper is published in the county, at least 2 days prior to  
15 the meeting.

16 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The  
17 presiding officer of any district school board may order the  
18 removal, from a public meeting held by the district school  
19 board, of any person interfering with the expeditious or  
20 orderly process of such meeting, provided such officer has  
21 first issued a warning that continued interference with the  
22 orderly processes of the meeting will result in removal. Any  
23 law enforcement authority or a sergeant-at-arms designated by  
24 the officer shall remove any person ordered removed pursuant  
25 to this section.

26 (4) MAJORITY A QUORUM.--A majority shall constitute a  
27 quorum for any meeting of the district school board. No  
28 business may be transacted at any meeting unless a quorum is  
29 present, except that a minority of the district school board  
30 may adjourn the meeting from time to time until a quorum is  
31 present.

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1 Section 50. Section 1001.38, Florida Statutes, is  
2 created to read:

3 1001.38 Vacancies; how filled.--The office of any  
4 district school board member shall be vacant when the member  
5 removes his or her residence from the district school board  
6 member residence area from which he or she was elected. All  
7 vacancies on the district school board shall be filled by  
8 appointment by the Governor.

9 Section 51. Section 1001.39, Florida Statutes, is  
10 created to read:

11 1001.39 District school board members; travel  
12 expenses.--

13 (1) In addition to the salary provided in s. 1001.395,  
14 each member of a district school board shall be allowed, from  
15 the district school fund, reimbursement of travel expenses as  
16 authorized in s. 112.061, except as provided in subsection  
17 (2). Any travel outside the district shall also be governed  
18 by the rules of the State Board of Education.

19 (2) Each district school board may reimburse a  
20 district school board member for travel expenses for travel  
21 from the member's residence incurred in the performance of a  
22 public purpose authorized by law to be performed by the  
23 district school board, including, but not limited to,  
24 attendance at regular and special board meetings. Mileage  
25 allowance in the amount provided by law for reimbursement of  
26 travel expenses, when authorized, shall be computed from the  
27 member's place of residence to the place of the meeting or  
28 function and return.

29 Section 52. Section 1001.395, Florida Statutes, is  
30 created to read:

31 1001.395 District school board members;

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1 compensation.--

2 (1) Each member of the district school board shall  
3 receive as salary the amount indicated, based on the  
4 population of the member's county. In addition, compensation  
5 shall be made for population increments over the minimum for  
6 each population group, which shall be determined by  
7 multiplying the population in excess of the minimum for the  
8 group times the group rate. Laws which increase the base  
9 salary herein provided shall contain provisions on no other  
10 subject.

	<u>County Pop. Range</u>		<u>Base Salary</u>	<u>Group Rate</u>
	<u>Minimum</u>	<u>Maximum</u>		
<u>I</u>	<u>-0-</u>	<u>9,999</u>	<u>\$ 5,000</u>	<u>\$0.083300</u>
<u>II</u>	<u>10,000</u>	<u>49,999</u>	<u>5,833</u>	<u>0.020830</u>
<u>III</u>	<u>50,000</u>	<u>99,999</u>	<u>6,666</u>	<u>0.016680</u>
<u>IV</u>	<u>100,000</u>	<u>199,999</u>	<u>7,500</u>	<u>0.008330</u>
<u>V</u>	<u>200,000</u>	<u>399,999</u>	<u>8,333</u>	<u>0.004165</u>
<u>VI</u>	<u>400,000</u>	<u>999,999</u>	<u>9,166</u>	<u>0.001390</u>
<u>VII</u>	<u>1,000,000</u>		<u>10,000</u>	<u>0.000000</u>

21  
22 (2) Notwithstanding provisions of chapter 145 or this  
23 chapter to the contrary, the annual salaries of district  
24 school board members for 1993 and each year thereafter shall  
25 be established at the same amounts as those members were paid  
26 for fiscal year 1991-1992, adjusted by each annual increase  
27 provided for in chapter 145. Any salary previously paid to  
28 district school board members which was consistent with  
29 chapter 145 and this section is hereby ratified and validated.

30 Section 53. Section 1001.40, Florida Statutes, is  
31 created to read:

1           1001.40 District school board to constitute a  
2 corporation.--The governing body of each school district shall  
3 be a district school board. Each district school board is  
4 constituted a body corporate by the name of "The School Board  
5 of .... County, Florida." In all suits against district  
6 school boards, service of process shall be had on the chair of  
7 the district school board or, if he or she cannot be found, on  
8 the district school superintendent as executive officer of the  
9 district school board or, in the absence of the chair and the  
10 district school superintendent, on another member of the  
11 district school board.

12           Section 54. Section 1001.41, Florida Statutes, is  
13 created to read:

14           1001.41 General powers of district school board.--The  
15 district school board, after considering recommendations  
16 submitted by the district school superintendent, shall  
17 exercise the following general powers:

18           (1) Determine policies and programs consistent with  
19 state law and rule deemed necessary by it for the efficient  
20 operation and general improvement of the district school  
21 system.

22           (2) Adopt rules pursuant to ss. 120.536(1) and 120.54  
23 to implement the provisions of law conferring duties upon it  
24 to supplement those prescribed by the State Board of Education  
25 and the Commissioner of Education.

26           (3) Prescribe and adopt standards as are considered  
27 desirable by it for improving the district school system.

28           (4) Contract, sue, and be sued. The district school  
29 board shall constitute the contracting agent for the district  
30 school system.

31           (5) Perform duties and exercise those responsibilities

1 that are assigned to it by law or by rules of the State Board  
2 of Education or the Commissioner of Education and, in addition  
3 thereto, those that it may find to be necessary for the  
4 improvement of the district school system in carrying out the  
5 purposes and objectives of the education code.

6 (6) Assign students to schools.

7 (7) Enter into agreements for accepting credit card,  
8 charge card, and debit card payments as compensation for  
9 goods, services, tuition, and fees, as authorized by law.

10 Section 55. Section 1001.42, Florida Statutes, is  
11 created to read:

12 1001.42 Powers and duties of district school  
13 board.--The district school board, acting as a board, shall  
14 exercise all powers and perform all duties listed below:

15 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.--Require  
16 the district school superintendent, as secretary, to keep such  
17 minutes and records as are necessary to set forth clearly all  
18 actions and proceedings of the school board.

19 (a) Minutes, recording.--The minutes of each meeting  
20 shall be reviewed, corrected if necessary, and approved at the  
21 next regular meeting, provided that this action may be taken  
22 at an intervening special meeting if the district school board  
23 desires. The minutes shall be kept as a public record in a  
24 permanent location.

25 (b) Minutes, contents.--The minutes shall show the  
26 vote of each member present on all matters on which the  
27 district school board takes action. It shall be the duty of  
28 each member to see to it that both the matter and his or her  
29 vote thereon are properly recorded in the minutes. Unless  
30 otherwise shown by the minutes, it shall be presumed that the  
31 vote of each member present supported any action taken by the

1 district school board in either the exercise of, violation of,  
 2 or neglect of the powers and duties imposed upon the district  
 3 school board by law or rule, whether such action is recorded  
 4 in the minutes or is otherwise established. It shall also be  
 5 presumed that the policies, appointments, programs, and  
 6 expenditures not recorded in the minutes but made and actually  
 7 in effect in the district school system were made and put into  
 8 effect at the direction of the district school board, unless  
 9 it can be shown that they were done without the actual or  
 10 constructive knowledge of the members of the district school  
 11 board.

12 (2) CONTROL PROPERTY.--Subject to rules of the State  
 13 Board of Education, control property and convey the title to  
 14 real and personal property.

15 (3) ADOPT SCHOOL PROGRAM.--Adopt a school program for  
 16 the entire school district.

17 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
 18 SCHOOLS.--Adopt and provide for the execution of plans for the  
 19 establishment, organization, and operation of the schools of  
 20 the district, including, but not limited to, the following:

21 (a) Schools and enrollment plans.--Establish schools  
 22 and adopt enrollment plans that may include school attendance  
 23 areas and open enrollment provisions.

24 (b) Elimination of school centers and consolidation of  
 25 schools.--Provide for the elimination of school centers and  
 26 the consolidation of schools.

27 (c) Adequate educational facilities for all children  
 28 without tuition.--Provide adequate educational facilities for  
 29 all children without payment of tuition.

30 (d) Cooperate with school boards of adjoining  
 31 districts in maintaining schools.--Approve plans for

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1 cooperating with school boards of adjoining districts in this  
 2 state or in adjoining states for establishing school  
 3 attendance areas composed of territory lying within the  
 4 districts and for the joint maintenance of district-line  
 5 schools or other schools which are to serve those attendance  
 6 areas. The conditions of such cooperation shall be as  
 7 follows:

8       1. Establishment.--The establishment of a school to  
 9 serve attendance areas lying in more than one district and the  
 10 plans for maintaining the school and providing educational  
 11 services to students shall be effected by annual resolutions  
 12 spread upon the minutes of each district school board  
 13 concerned, which resolutions shall set out the territorial  
 14 limits of the areas from which children are to attend the  
 15 school and the plan to be followed in maintaining and  
 16 operating the school.

17       2. Control.--Control of the school or schools involved  
 18 shall be vested in the district school board of the district  
 19 in which the school or schools are located unless otherwise  
 20 agreed by the district school boards.

21       3. Settlement of disagreements.--In the event an  
 22 agreement cannot be reached relating to such attendance areas  
 23 or to the school or schools therein, the matter may be  
 24 referred jointly by the cooperating district school boards or  
 25 by either district school board to the Department of Education  
 26 for decision under rules of the State Board of Education, and  
 27 its decision shall be binding on both school boards.

28       (e) Classification and standardization of  
 29 schools.--Provide for the classification and standardization  
 30 of schools.

31       (f) Opening and closing of schools; fixing uniform



1 date.--Adopt policies for the opening and closing of schools  
2 and fix uniform dates.

3 (g) Observance of school holidays and vacation  
4 periods.--Designate the observance of school holidays and  
5 vacation periods.

6 (h) Career and technical classes and schools.--Provide  
7 for the establishment and maintenance of career and technical  
8 schools, departments, or classes, giving instruction in career  
9 and technical education as defined by rules of the State Board  
10 of Education, and use any moneys raised by public taxation in  
11 the same manner as moneys for other school purposes are used  
12 for the maintenance and support of public schools or classes.

13 (i) District school boards may establish public  
14 evening schools.--Have the authority to establish public  
15 evening schools.

16 (j) Cooperate with other agencies in joint  
17 projects.--Cooperate with other agencies in joint projects.

18 (k) Planning time for teachers.--The district school  
19 board may adopt rules for planning time for teachers in  
20 accordance with the provisions of chapter 1012.

21 (l) Exceptional students.--Provide for an appropriate  
22 program of special instruction, facilities, and services for  
23 exceptional students as prescribed by the State Board of  
24 Education as acceptable in accordance with the provisions of  
25 s. 1003.57.

26 (m) Alternative education programs for students in  
27 residential care facilities.--Provide in accordance with the  
28 provisions of chapter 1006, educational programs according to  
29 rules of the State Board of Education to students who reside  
30 in residential care facilities operated by the Department of  
31 Children and Family Services.

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1           (n) Educational services in detention facilities.--In  
2 accordance with the provisions of chapter 1006, district  
3 school boards shall offer services to students in detention  
4 facilities.

5           (5) PERSONNEL.--Designate positions to be filled,  
6 prescribe qualifications for those positions, and provide for  
7 the appointment, compensation, promotion, suspension, and  
8 dismissal of employees as follows, subject to the requirements  
9 of chapter 1012.

10           (6) CHILD WELFARE.--In accordance with the provisions  
11 of chapters 1003 and 1006, provide for the proper accounting  
12 for all children of school age, for the attendance and control  
13 of students at school, and for proper attention to health,  
14 safety, and other matters relating to the welfare of children.

15           (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
16 MATERIALS.--Provide adequate instructional materials for all  
17 students in accordance with the requirements of chapter 1006.

18           (8) TRANSPORTATION OF STUDENTS.--After considering  
19 recommendations of the district school superintendent, make  
20 provision for the transportation of students to the public  
21 schools or school activities they are required or expected to  
22 attend; authorize transportation routes arranged efficiently  
23 and economically; provide the necessary transportation  
24 facilities, and, when authorized under rules of the State  
25 Board of Education and if more economical to do so, provide  
26 limited subsistence in lieu thereof; and adopt the necessary  
27 rules and regulations to ensure safety, economy, and  
28 efficiency in the operation of all buses, as prescribed in  
29 chapter 1006.

30           (9) SCHOOL PLANT.--Approve plans for locating,  
31 planning, constructing, sanitating, insuring, maintaining,

1 protecting, and condemning school property as prescribed in  
2 chapter 1013 and as follows:

3 (a) School building program.--Approve and adopt a  
4 districtwide school building program.

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

6 1. Select and purchase school sites, playgrounds, and  
7 recreational areas located at centers at which schools are to  
8 be constructed, of adequate size to meet the needs of  
9 projected students to be accommodated.

10 2. Approve the proposed purchase of any site,  
11 playground, or recreational area for which district funds are  
12 to be used.

13 3. Expand existing sites.

14 4. Rent buildings when necessary.

15 5. Enter into leases or lease-purchase arrangements,  
16 in accordance with the requirements and conditions provided in  
17 s. 1013.15(2), with private individuals or corporations for  
18 the rental of necessary grounds and educational facilities for  
19 school purposes or of educational facilities to be erected for  
20 school purposes. Current or other funds authorized by law may  
21 be used to make payments under a lease-purchase agreement.

22 Notwithstanding any other statutes, if the rental is to be  
23 paid from funds received from ad valorem taxation and the  
24 agreement is for a period greater than 12 months, an approving  
25 referendum must be held. The provisions of such contracts,  
26 including building plans, shall be subject to approval by the  
27 Department of Education, and no such contract shall be entered  
28 into without such approval. As used in this section,

29 "educational facilities" means the buildings and equipment  
30 that are built, installed, or established to serve educational  
31 purposes and that may lawfully be used. The State Board of

1 Education may adopt such rules as are necessary to implement  
2 these provisions.

3 6. Provide for the proper supervision of construction.

4 7. Make or contract for additions, alterations, and  
5 repairs on buildings and other school properties.

6 8. Ensure that all plans and specifications for  
7 buildings provide adequately for the safety and well-being of  
8 students, as well as for economy of construction.

9 (c) Maintenance and upkeep of school plant.--Provide  
10 adequately for the proper maintenance and upkeep of school  
11 plants, so that students may attend school without sanitary or  
12 physical hazards, and provide for the necessary heat, lights,  
13 water, power, and other supplies and utilities necessary for  
14 the operation of the schools.

15 (d) Insurance of school property.--Carry insurance on  
16 every school building in all school plants including contents,  
17 boilers, and machinery, except buildings of three classrooms  
18 or less that are of frame construction and located in a tenth  
19 class public protection zone as defined by the Florida  
20 Inspection and Rating Bureau, and on all school buses and  
21 other property under the control of the district school board  
22 or title to which is vested in the district school board,  
23 except as exceptions may be authorized under rules of the  
24 State Board of Education.

25 (e) Condemnation of buildings.--Condemn and prohibit  
26 the use for public school purposes of any building that can be  
27 shown for sanitary or other reasons to be no longer suitable  
28 for such use and, when any building is condemned by any state  
29 or other government agency as authorized in chapter 1013, see  
30 that it is no longer used for school purposes.

31 (10) FINANCE.--Take steps to assure students adequate

1 educational facilities through the financial procedure  
2 authorized in chapters 1010 and 1011 and as prescribed below:  
3       (a) Provide for all schools to operate at least 180  
4 days.--Provide for the operation of all public schools, both  
5 elementary and secondary, as free schools for a term of at  
6 least 180 days or the equivalent on an hourly basis as  
7 specified by rules of the State Board of Education; determine  
8 district school funds necessary in addition to state funds to  
9 operate all schools for such minimum term; and arrange for the  
10 levying of district school taxes necessary to provide the  
11 amount needed from district sources.  
12       (b) Annual budget.--Cause to be prepared, adopt, and  
13 have submitted to the Department of Education as required by  
14 law and rules of the State Board of Education, the annual  
15 school budget, such budget to be so prepared and executed as  
16 to promote the improvement of the district school system.  
17       (c) Tax levies.--Adopt and spread on its minutes a  
18 resolution fixing the district school tax levy, provided for  
19 under s. 9, Art. VII of the State Constitution, necessary to  
20 carry on the school program adopted for the district for the  
21 next ensuing fiscal year as required by law, and fixing the  
22 district bond interest and sinking fund tax levy necessary for  
23 districts against which bonds are outstanding; and adopt and  
24 spread on its minutes a resolution suggesting the tax levy  
25 provided for in s. 9, Art. VII of the State Constitution,  
26 found necessary to carry on the school program adopted for the  
27 district for the next ensuing fiscal year.  
28       (d) School funds.--Require that an accurate account is  
29 kept of all funds that should be transmitted to the district  
30 school board for school purposes at various periods during the  
31 year from all sources and, if any funds are not transmitted

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1 promptly, take the necessary steps to have such funds made  
2 available.

3 (e) Borrow money.--Borrow money, as prescribed in ss.  
4 1011.12-1011.16, when necessary in anticipation of funds  
5 reasonably to be expected during the year as shown by the  
6 budget.

7 (f) Financial records and accounts.--Provide for  
8 keeping of accurate records of all financial transactions.

9 (g) Approval and payment of accounts.--Implement a  
10 system of accounting and budgetary control to ensure that  
11 payments do not exceed amounts budgeted, as required by law;  
12 make available all records for proper audit by state  
13 officials; and have prepared required periodic statements to  
14 be filed with the Department of Education as provided by rules  
15 of the State Board of Education.

16 (h) Bonds of employees.--Fix and prescribe the bonds,  
17 and pay the premium on all such bonds, of all school employees  
18 who are responsible for school funds in order to provide  
19 reasonable safeguards for all such funds or property.

20 (i) Contracts for materials, supplies, and  
21 services.--Contract for materials, supplies, and services  
22 needed for the district school system. No contract for  
23 supplying these needs shall be made with any member of the  
24 district school board, with the district school  
25 superintendent, or with any business organization in which any  
26 district school board member or the district school  
27 superintendent has any financial interest whatsoever.

28 (j) Purchasing regulations to be secured from  
29 Department of Management Services.--Secure purchasing  
30 regulations and amendments and changes thereto from the  
31 Department of Management Services and prior to any purchase

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1 have reported to it by its staff, and give consideration to  
 2 the lowest price available to it under such regulations,  
 3 provided a regulation applicable to the item or items being  
 4 purchased has been adopted by the department. The department  
 5 should meet with educational administrators to expand the  
 6 inventory of standard items for common usage in all schools  
 7 and postsecondary educational institutions.

8       (k) Protection against loss.--Provide for adequate  
 9 protection against any loss or damage to school property or  
 10 loss resulting from any liability for which the district  
 11 school board or its officers, agents, or employees may be  
 12 responsible under law. In fulfilling this responsibility, the  
 13 district school board may purchase insurance, to be  
 14 self-insured, to enter into risk management programs managed  
 15 by district school boards, school-related associations, or  
 16 insurance companies, or to have any combination thereof in any  
 17 area to the extent the district school board is either  
 18 authorized or required by law to contract for insurance. Any  
 19 risk management program entered into pursuant to this  
 20 subsection shall provide for strict accountability of all  
 21 funds to the member district school boards and an annual audit  
 22 by an independent certified public accountant of all receipts  
 23 and disbursements.

24       (l) Internal auditor.--The district school board may  
 25 employ an internal auditor to perform ongoing financial  
 26 verification of the financial records of the school district.  
 27 The internal auditor shall report directly to the district  
 28 school board or its designee.

29       (m) Financial and performance audits.--In addition to  
 30 the audits required by ss. 11.45 and 218.39, the district  
 31 school board may contract with an independent certified public

1 accountant to conduct a financial or performance audit of its  
2 accounts and records retained by it and paid from its public  
3 funds.

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

7 (a) Forms, blanks, and reports.--Require all employees  
8 to keep accurately all records and to make promptly in the  
9 proper form all reports required by law or by rules of the  
10 State Board of Education.

11 (b) Reports to the department.--Require that the  
12 district school superintendent prepare all reports to the  
13 Department of Education that may be required by law or rules  
14 of the State Board of Education; see that all such reports are  
15 promptly transmitted to the department; withhold the further  
16 payment of salary to the superintendent or employee when  
17 notified by the department that he or she has failed to file  
18 any report within the time or in the manner prescribed; and  
19 continue to withhold the salary until the district school  
20 board is notified by the department that such report has been  
21 received and accepted, provided that when any report has not  
22 been received by the date due and after due notice has been  
23 given to the district school board of that fact, the  
24 department, if it deems necessary, may require the report to  
25 be prepared by a member of its staff, and the district school  
26 board shall pay all expenses connected therewith. Any member  
27 of the district school board who is responsible for the  
28 violation of this provision is subject to suspension and  
29 removal.

30 (c) Reports to parents.--Require that, at regular  
31 intervals, reports are made by school principals or teachers



1 to parents, apprising them of the progress being made by the  
2 students in their studies and giving other needful  
3 information.

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

12 (13) ENFORCEMENT OF LAW AND RULES.--Require that all  
13 laws and rules of the State Board of Education or of the  
14 district school board are properly enforced.

15 (14) SCHOOL LUNCH PROGRAM.--Assume such  
16 responsibilities and exercise such powers and perform such  
17 duties as may be assigned to it by law or as may be required  
18 by rules of the State Board of Education or, as in the opinion  
19 of the district school board, are necessary to ensure school  
20 lunch services, consistent with needs of students; effective  
21 and efficient operation of the program; and the proper  
22 articulation of the school lunch program with other phases of  
23 education in the district.

24 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT  
25 PROGRAM.--

26 (a) Adopt procedures whereby the general public can be  
27 adequately informed of the educational programs, needs, and  
28 objectives of public education within the district.

29 (b) Encourage teachers and administrators to keep  
30 parents informed of student progress, student programs,  
31 student attendance requirements pursuant to ss. 1003.26,

1 1003.27, 414.1251, and 984.151, and availability of resources  
2 for academic assistance.

3 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
4 ACCOUNTABILITY.--Maintain a system of school improvement and  
5 education accountability as provided by statute and State  
6 Board of Education rule. This system of school improvement and  
7 education accountability shall be consistent with, and  
8 implemented through, the district's continuing system of  
9 planning and budgeting required by this section and ss.  
10 1008.385, 1010.01, and 1011.01. This system of school  
11 improvement and education accountability shall include, but is  
12 not limited to, the following:

13 (a) School improvement plans.--Annually approve and  
14 require implementation of a new, amended, or continuation  
15 school improvement plan for each school in the district,  
16 except that a district school board may establish a district  
17 school improvement plan that includes all schools in the  
18 district operating for the purpose of providing educational  
19 services to youth in Department of Juvenile Justice programs.  
20 Such plan shall be designed to achieve the state education  
21 priorities pursuant to s. 1000.03(5) and student performance  
22 standards. Each plan shall also address issues relative to  
23 budget, training, instructional materials, technology,  
24 staffing, student support services, specific school safety and  
25 discipline strategies, and other matters of resource  
26 allocation, as determined by district school board policy, and  
27 shall be based on an analysis of student achievement and other  
28 school performance data.

29 (b) Approval process.--Develop a process for approval  
30 of a school improvement plan presented by an individual school  
31 and its advisory council. In the event a district school board

1 does not approve a school improvement plan after exhausting  
2 this process, the Department of Education shall be notified of  
3 the need for assistance.

4 (c) Assistance and intervention.--

5 1. Develop a 2-year plan of increasing individualized  
6 assistance and intervention for each school in danger of not  
7 meeting state standards or making adequate progress, as  
8 defined pursuant to statute and State Board of Education rule,  
9 toward meeting the goals and standards of its approved school  
10 improvement plan.

11 2. Provide assistance and intervention to a school  
12 that is identified as being in performance grade category "D"  
13 pursuant to s. 1008.34 and is in danger of failing.

14 3. Develop a plan to encourage teachers with  
15 demonstrated mastery in improving student performance to  
16 remain at or transfer to a school designated as performance  
17 grade category "D" or "F" or to an alternative school that  
18 serves disruptive or violent youths. If a classroom teacher,  
19 as defined by s. 1012.01(2)(a), who meets the definition of  
20 teaching mastery developed according to the provisions of this  
21 paragraph, requests assignment to a school designated as  
22 performance grade category "D" or "F" or to an alternative  
23 school that serves disruptive or violent youths, the district  
24 school board shall make every practical effort to grant the  
25 request.

26 4. Prioritize, to the extent possible, the  
27 expenditures of funds received from the supplemental academic  
28 instruction categorical fund under s. 1011.62(1)(f) to improve  
29 student performance in schools that receive a performance  
30 grade category designation of "D" or "F."

31 (d) After 2 years.--Notify the Commissioner of

1 Education and the State Board of Education in the event any  
 2 school does not make adequate progress toward meeting the  
 3 goals and standards of a school improvement plan by the end of  
 4 2 years of failing to make adequate progress and proceed  
 5 according to guidelines developed pursuant to statute and  
 6 State Board of Education rule. School districts shall provide  
 7 intervention and assistance to schools in danger of being  
 8 designated as performance grade category "F," failing to make  
 9 adequate progress.

10 (e) Public disclosure.--Provide information regarding  
 11 performance of students and educational programs as required  
 12 pursuant to ss. 1008.385 and 1008.22 and implement a system of  
 13 school reports as required by statute and State Board of  
 14 Education rule that shall include schools operating for the  
 15 purpose of providing educational services to youth in  
 16 Department of Juvenile Justice programs, and for those  
 17 schools, report on the elements specified in s. 1003.52(20).  
 18 Annual public disclosure reports shall be in an easy-to-read  
 19 report card format and shall include the school's student and  
 20 school performance grade category designation and performance  
 21 data as specified in state board rule.

22 (f) School improvement funds.--Provide funds to  
 23 schools for developing and implementing school improvement  
 24 plans. Such funds shall include those funds appropriated for  
 25 the purpose of school improvement pursuant to s. 24.121(5)(c).

26 (17) LOCAL-LEVEL DECISIONMAKING.--

27 (a) Adopt policies that clearly encourage and enhance  
 28 maximum decisionmaking appropriate to the school site. Such  
 29 policies must include guidelines for schools in the adoption  
 30 and purchase of district and school site instructional  
 31 materials and technology, staff training, school advisory

1 council member training, student support services, budgeting,  
2 and the allocation of staff resources.

3 (b) Adopt waiver process policies to enable all  
4 schools to exercise maximum flexibility and notify advisory  
5 councils of processes to waive school district and state  
6 policies.

7 (c) Develop policies for periodically monitoring the  
8 membership composition of school advisory councils to ensure  
9 compliance with requirements established in s. 1001.452.

10 (d) Adopt policies that assist in giving greater  
11 autonomy, including authority over the allocation of the  
12 school's budget, to schools designated as performance grade  
13 category "A," making excellent progress, and schools rated as  
14 having improved at least two performance grade categories.

15 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies  
16 allowing students attending schools that have been designated  
17 as performance grade category "F," failing to make adequate  
18 progress, for 2 school years in a 4-year period to attend a  
19 higher performing school in the district or an adjoining  
20 district or be granted a state opportunity scholarship to a  
21 private school, in conformance with s. 1002.38 and State Board  
22 of Education rule.

23 (19) AUTHORITY TO DECLARE AN EMERGENCY.--May declare  
24 an emergency in cases in which one or more schools in the  
25 district are failing or are in danger of failing and negotiate  
26 special provisions of its contract with the appropriate  
27 bargaining units to free these schools from contract  
28 restrictions that limit the school's ability to implement  
29 programs and strategies needed to improve student performance.

30 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the  
31 anonymity of students in large schools, adopt policies to

1 encourage any school that does not meet the definition of a  
 2 small school, as established by s. 1013.43(2), to subdivide  
 3 into schools-within-a-school, that shall operate within  
 4 existing resources in accordance with the provisions of  
 5 chapter 1003.

6 (21) ADOPT RULES.--Adopt rules pursuant to ss.  
 7 120.536(1) and 120.54 to implement this section.

8 Section 56. Section 1001.43, Florida Statutes, is  
 9 created to read:

10 1001.43 Supplemental powers and duties of district  
 11 school board.--The district school board may exercise the  
 12 following supplemental powers and duties as authorized by this  
 13 code or State Board of Education rule.

14 (1) STUDENT MANAGEMENT.--The district school board may  
 15 adopt programs and policies to ensure the safety and welfare  
 16 of individuals, the student body, and school personnel, which  
 17 programs and policies may:

18 (a) Prohibit the possession of weapons and drugs on  
 19 campus, student hazing, and other activities that could  
 20 threaten the operation of the school or the safety and welfare  
 21 of the student body or school personnel.

22 (b) Require uniforms to be worn by the student body,  
 23 or impose other dress-related requirements, if the district  
 24 school board finds that those requirements are necessary for  
 25 the safety or welfare of the student body or school personnel.

26 (c) Provide procedures for student dismissal  
 27 precautions and for granting permission for students to leave  
 28 school grounds during school hours, including releasing a  
 29 student from school upon request by a parent or for public  
 30 appearances of school groups.

31 (d) Provide procedures for managing protests,

1 demonstrations, sit-ins, walk-outs, or other acts of civil  
2 disobedience.

3 (e) Provide procedures for detaining students and for  
4 readmission of students after expulsion.

5 (f) Regulate student automobile use and parking.

6 (2) FISCAL MANAGEMENT.--The district school board may  
7 adopt policies providing for fiscal management of the school  
8 district with respect to school purchasing, facilities,  
9 nonstate revenue sources, budgeting, fundraising, and other  
10 activities relating to the fiscal management of district  
11 resources, including, but not limited to, the policies  
12 governing:

13 (a) Sales calls and demonstrations by agents,  
14 solicitors, salespersons, and vendors on campus; local  
15 preference criteria for vendors; specifications for quantity  
16 purchasing; prioritization of awards for bids; declining bid  
17 awards; and purchase requisitions, approvals, and routing.

18 (b) Sales by booster clubs; marathon fundraisers; and  
19 student sales of candy, paper products, or other goods  
20 authorized by the district school board.

21 (c) Inventory and disposal of district property; use  
22 of safe-deposit boxes; and selection of real estate  
23 appraisers.

24 (d) Payment of contractors and other service  
25 providers.

26 (e) Accounting systems; petty cash accounts procedures  
27 and reporting; school activities funds procedures and  
28 reporting; management and reporting of grants from private  
29 sources; and management of funds, including auxiliary  
30 enterprise funds.

31 (f) District budgeting system, including setting

1 budget deadlines and schedules, budget planning, and  
2 implementation and determination of budget priorities.

3 (3) INSTRUCTIONAL AIDS.--The district school board may  
4 adopt policies providing for innovative teaching techniques,  
5 teaching programs and methods, instructional aids and  
6 objectives, extracurricular and interscholastic activities,  
7 and supplemental programs including, but not limited to,  
8 policies providing for:

9 (a) Use of technology, including appropriate use of  
10 the Internet as a tool for learning.

11 (b) Instructional priorities and objectives, pilot  
12 projects and evaluations, curriculum adoption and design, and  
13 lesson planning.

14 (c) Extracurricular and interscholastic activities,  
15 including field trips, publishing a student newspaper and  
16 other publications, and special programs relating to the arts,  
17 music, or other topics of current interest.

18 (d) Participation in physical education programs,  
19 including appropriate physical education attire and protective  
20 gear; programs for exceptional students; summer school; and  
21 the Title I program, including comparability procedures.

22 (4) FACILITIES MANAGEMENT.--The district school board  
23 may adopt policies providing for management of the physical  
24 campus and its environs, including, but not limited to, energy  
25 conservation measures; building and ground maintenance;  
26 fencing, landscaping, and other property improvements; site  
27 acquisition; new construction and renovation; dedication and  
28 rededication or naming and renaming of district buildings and  
29 other district facilities; and development of facilities  
30 management planning and priorities.

31 (5) SCHOOL COMMUNITY RELATIONS.--The district school



1 board may adopt policies governing public gifts and donations  
 2 to schools; input from the community concerning instruction  
 3 resources; advertising in schools; participation in community  
 4 affairs, including coordination with local governments and  
 5 planning authorities; protocols for interagency agreements;  
 6 business community partnerships; community use of school  
 7 facilities; public solicitations in schools, including the  
 8 distribution and posting of promotional materials and  
 9 literature; visitors to the school campus; school advisory  
 10 councils; and parent volunteers and chaperones.

11 (6) LEGAL ISSUES.--The district school board may adopt  
 12 policies and procedures necessary to implement federal  
 13 mandates and programs, court orders, and other legal  
 14 requirements of the state.

15 (7) FIRST AID AND EMERGENCIES.--The district school  
 16 board may adopt programs and policies to ensure appropriate  
 17 response in emergency situations; the provision of first aid  
 18 to individuals, the student body, and school personnel; and  
 19 the effective management of student illness, which programs  
 20 and policies may include, but are not limited to:

21 (a) The provision of first aid and emergency medical  
 22 care and the provision of school health care facilities and  
 23 services.

24 (b) The provision of school safety patrol.

25 (c) Procedures for reporting hazards, including  
 26 threats of nature, bomb threats, threatening messages, and  
 27 similar occurrences, and the provision of warning systems  
 28 including alarm systems and other technical devices.

29 (d) Procedures for evacuating the classrooms,  
 30 playground, or any other district facility.

31 (e) Procedures for reporting accidents, including

1 traffic accidents and traffic violations involving  
2 district-owned vehicles.

3 (f) Student insurance programs.

4 (8) STUDENT ASSESSMENT AND AFFAIRS.--The district  
5 school board may adopt policies and procedures governing  
6 attendance monitoring and checks; truancy; graduation  
7 requirements and graduation exercises; fees, fines, and  
8 charges imposed on students; evaluation of student records and  
9 transcripts; transfer of student records; grading and academic  
10 evaluation of students; tests and examinations, including  
11 early examinations; guidance and counseling; and student  
12 participation in competitions, student performances and  
13 exhibitions, contests for students, and social events.

14 (9) ADMINISTRATIVE SUPPORT SERVICES.--The district  
15 school board may adopt policies and procedures governing  
16 purchase of property insurance, including comprehensive  
17 general liability insurance; transportation of students for  
18 extracurricular activities and special events, including  
19 transportation of students in privately owned vehicles;  
20 transportation of district personnel, including personal use  
21 of district owned vehicles; computer security and computer  
22 room access and computer database resources; mail and delivery  
23 services, including use of couriers; copyright compliance;  
24 computerized data systems, including computer use,  
25 transmission of data, access to the Internet, and other  
26 technology-based services.

27 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND  
28 OPERATIONS.--The district school board may adopt policies and  
29 procedures necessary for the daily business operation of the  
30 district school board, including, but not limited to, the  
31 provision of legal services for the district school board;

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1 conducting a district legislative program; district school  
 2 board member participation at conferences, conventions, and  
 3 workshops, including member compensation and reimbursement for  
 4 expenses; district school board policy development, adoption,  
 5 and repeal; district school board meeting procedures,  
 6 including participation via telecommunications networks, use  
 7 of technology at meetings, and presentations by nondistrict  
 8 personnel; citizen communications with the district school  
 9 board and with individual district school board members;  
 10 collaboration with local government and other entities as  
 11 required by law; and organization of the district school  
 12 board, including special committees and advisory committees.

13 (11) PERSONNEL.--The district school board may adopt  
 14 policies and procedures necessary for the management of all  
 15 personnel of the school system.

16 (12) COOPERATION WITH COMMUNITY COLLEGES.--The  
 17 district school board shall work with the community colleges  
 18 in the district to ensure that the community college students  
 19 have access to remedial education.

20 Section 57. Section 1001.44, Florida Statutes, is  
 21 created to read:

22 1001.44 Technical centers.--

23 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE  
 24 TECHNICAL CENTERS.--Any district school board, after first  
 25 obtaining the approval of the Department of Education, may, as  
 26 a part of the district school system, organize, establish and  
 27 operate a technical center, or acquire and operate a technical  
 28 school previously established.

29 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY  
 30 ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--The district school  
 31 boards of any two or more contiguous districts may, upon first

1 obtaining the approval of the department, enter into an  
2 agreement to organize, establish and operate, or acquire and  
3 operate, a technical center under this section.

4 (3) TECHNICAL CENTER PART OF DISTRICT SCHOOL SYSTEM  
5 DIRECTED BY A DIRECTOR.--

6 (a) A technical center established or acquired under  
7 provisions of law and minimum standards prescribed by the  
8 commissioner shall comprise a part of the district school  
9 system and shall mean an educational institution offering  
10 terminal courses of a technical nature, and courses for  
11 out-of-school youth and adults; shall be subject to all  
12 applicable provisions of this code; shall be under the control  
13 of the district school board of the school district in which  
14 it is located; and shall be directed by a director responsible  
15 through the district school superintendent to the district  
16 school board of the school district in which the center is  
17 located.

18 (b) Each technical center shall maintain an academic  
19 transcript for each student enrolled in the center. Such  
20 transcript shall delineate each course completed by the  
21 student. Courses shall be delineated by the course prefix and  
22 title assigned pursuant to s. 1007.24. The center shall make  
23 a copy of a student's transcript available to any student who  
24 requests it.

25 Section 58. Section 1001.451, Florida Statutes, is  
26 created to read:

27 1001.451 Regional consortium service  
28 organizations.--In order to provide a full range of programs  
29 to larger numbers of students, minimize duplication of  
30 services, and encourage the development of new programs and  
31 services:

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1           (1) School districts with 20,000 or fewer unweighted  
 2 full-time equivalent students may enter into cooperative  
 3 agreements to form a regional consortium service organization.  
 4 Each regional consortium service organization shall provide,  
 5 at a minimum, three of the following services: exceptional  
 6 student education; teacher education centers; environmental  
 7 education; federal grant procurement and coordination; data  
 8 processing; health insurance; risk management insurance; staff  
 9 development; purchasing; or planning and accountability.

10           (2)(a) Each regional consortium service organization  
 11 that consists of four or more school districts is eligible to  
 12 receive, through the Department of Education, an incentive  
 13 grant of \$25,000 per school district to be used for the  
 14 delivery of services within the participating school  
 15 districts.

16           (b) Application for incentive grants shall be made to  
 17 the Commissioner of Education by July 30 of each year for  
 18 distribution to qualifying regional consortium service  
 19 organizations by January 1 of the fiscal year.

20           Section 59. Section 1001.452, Florida Statutes, is  
 21 created to read:

22           1001.452 District and school advisory councils.--

23           (1) ESTABLISHMENT.--

24           (a) The district school board shall establish an  
 25 advisory council for each school in the district and shall  
 26 develop procedures for the election and appointment of  
 27 advisory council members. Each school advisory council shall  
 28 include in its name the words "school advisory council." The  
 29 school advisory council shall be the sole body responsible for  
 30 final decisionmaking at the school relating to implementation  
 31 of the provisions of ss. 1008.345, and 1001.42(16). A majority

1 of the members of each school advisory council must be persons  
 2 who are not employed by the school. Each advisory council  
 3 shall be composed of the principal and an appropriately  
 4 balanced number of teachers, education support employees,  
 5 students, parents, and other business and community citizens  
 6 who are representative of the ethnic, racial, and economic  
 7 community served by the school. Technical center and high  
 8 school advisory councils shall include students, and middle  
 9 and junior high school advisory councils may include students.  
 10 School advisory councils of technical and adult education  
 11 centers are not required to include parents as members.  
 12 Council members representing teachers, education support  
 13 employees, students, and parents shall be elected by their  
 14 respective peer groups at the school in a fair and equitable  
 15 manner as follows:

- 16 1. Teachers shall be elected by teachers.
- 17 2. Education support employees shall be elected by  
 18 education support employees.
- 19 3. Students shall be elected by students.
- 20 4. Parents shall be elected by parents.

21  
 22 The district school board shall establish procedures for use  
 23 by schools in selecting business and community members that  
 24 include means of ensuring wide notice of vacancies and of  
 25 taking input on possible members from local business, chambers  
 26 of commerce, community and civic organizations and groups, and  
 27 the public at large. The district school board shall review  
 28 the membership composition of each advisory council. If the  
 29 district school board determines that the membership elected  
 30 by the school is not representative of the ethnic, racial, and  
 31 economic community served by the school, the district school

1 board shall appoint additional members to achieve proper  
 2 representation. The commissioner shall determine if schools  
 3 have maximized their efforts to include on their advisory  
 4 councils minority persons and persons of lower socioeconomic  
 5 status. Although schools are strongly encouraged to establish  
 6 school advisory councils, the district school board of any  
 7 school district that has a student population of 10,000 or  
 8 fewer may establish a district advisory council which shall  
 9 include at least one duly elected teacher from each school in  
 10 the district. For the purposes of school advisory councils  
 11 and district advisory councils, the term "teacher" shall  
 12 include classroom teachers, certified student services  
 13 personnel, and media specialists. For purposes of this  
 14 paragraph, "education support employee" means any person  
 15 employed by a school who is not defined as instructional or  
 16 administrative personnel pursuant to s. 1012.01 and whose  
 17 duties require 20 or more hours in each normal working week.

18 (b) The district school board may establish a district  
 19 advisory council representative of the district and composed  
 20 of teachers, students, parents, and other citizens or a  
 21 district advisory council that may be comprised of  
 22 representatives of each school advisory council. Recognized  
 23 schoolwide support groups that meet all criteria established  
 24 by law or rule may function as school advisory councils.

25 (c) For those schools operating for the purpose of  
 26 providing educational services to youth in Department of  
 27 Juvenile Justice programs, district school boards may  
 28 establish a district advisory council with appropriate  
 29 representatives for the purpose of developing and monitoring a  
 30 district school improvement plan that encompasses all such  
 31 schools in the district, pursuant to s. 1001.42(16)(a).

1           (2) DUTIES.--Each advisory council shall perform such  
 2 functions as are prescribed by regulations of the district  
 3 school board; however, no advisory council shall have any of  
 4 the powers and duties now reserved by law to the district  
 5 school board. Each school advisory council shall assist in the  
 6 preparation and evaluation of the school improvement plan  
 7 required pursuant to s. 1001.42(16). With technical assistance  
 8 from the Department of Education, each school advisory council  
 9 shall assist in the preparation of the school's annual budget  
 10 and plan as required by s. 1008.385(1). A portion of funds  
 11 provided in the annual General Appropriations Act for use by  
 12 school advisory councils must be used for implementing the  
 13 school improvement plan.

14           Section 60. Part II.b. of chapter 1001, Florida  
 15 Statutes, shall be entitled "District School Superintendents"  
 16 and shall consist of ss. 1001.46-1001.53.

17           Section 61. Section 1001.46, Florida Statutes, is  
 18 created to read:

19           1001.46 District school superintendent; election and  
 20 term of office.--The district school superintendent shall be  
 21 elected for a term of 4 years or until the election or  
 22 appointment and qualification of his or her successor.

23           Section 62. Section 1001.461, Florida Statutes, is  
 24 created to read:

25           1001.461 District school superintendent; procedures  
 26 for making office appointive.--

27           (1) Pursuant to the provisions of s. 5, Art. IX of the  
 28 State Constitution, the district school superintendent shall  
 29 be appointed by the district school board in a school district  
 30 wherein the proposition is affirmed by a majority of the  
 31 qualified electors voting in the same election making the



1 office of district school superintendent appointive.

2 (2) To submit the proposition to the electors, the  
3 district school board by formal resolution shall request an  
4 election, that shall be at a general election or a statewide  
5 primary or special election. The board of county  
6 commissioners, upon such timely request from the district  
7 school board, shall cause to be placed on the ballot at such  
8 election the proposition to make the office of district school  
9 superintendent appointive.

10 (3) Any district adopting the appointive method for  
11 its district school superintendent may after 4 years return to  
12 its former status and reject the provisions of this section by  
13 following the same procedure outlined in subsection (2) for  
14 adopting the provisions thereof.

15 Section 63. Section 1001.462, Florida Statutes, is  
16 created to read:

17 1001.462 Oath of district school  
18 superintendent.--Before entering upon the duties of his or her  
19 office, the district school superintendent shall take the oath  
20 of office prescribed by the State Constitution.

21 Section 64. Section 1001.463, Florida Statutes, is  
22 created to read:

23 1001.463 Vacancy in office of district school  
24 superintendent.--The office of district school superintendent  
25 in any district shall be vacant when the district school  
26 superintendent removes his or her residence from the district.

27 Section 65. Section 1001.464, Florida Statutes, is  
28 created to read:

29 1001.464 District school superintendent to devote full  
30 time to office.--The position of district school  
31 superintendent shall be considered a full-time position.

1           Section 66. Section 1001.47, Florida Statutes, is  
2 created to read:

3           1001.47 District school superintendent; salary.--

4           (1) Each district school superintendent shall receive  
5 as salary the amount indicated pursuant to this section.

6 However, a district school board, by majority vote, may  
7 approve a salary in excess of the amount specified in this  
8 section.

9           (2) Notwithstanding the provisions of chapter 145 to  
10 the contrary, the annual salaries of elected district school  
11 superintendents for 1993 and each year thereafter shall be  
12 established at the same amounts as the district school  
13 superintendents were paid for fiscal year 1991-1992, adjusted  
14 by each annual increase provided for in chapter 145.

15           (3) This section does not apply to a district school  
16 superintendent appointed pursuant to the terms of s. 1001.50.

17           (4)(a) There shall be an additional \$2,000 per year  
18 special qualification salary for each district school  
19 superintendent who has met the certification requirements  
20 established by the Department of Education. Any district  
21 school superintendent who is certified during a calendar year  
22 shall receive in that year a pro rata share of the special  
23 qualification salary based on the remaining period of the  
24 year.

25           (b) In order to qualify for the special qualification  
26 salary provided by paragraph (a), the district school  
27 superintendent must complete the requirements established by  
28 the Department of Education within 6 years after first taking  
29 office.

30           (c) After a district school superintendent meets the  
31 requirements of paragraph (a), in order to remain certified

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1 the district school superintendent shall thereafter be  
2 required to complete each year a course of continuing  
3 education as prescribed by the Department of Education.

4 (5)(a) The Department of Education shall provide a  
5 leadership development and performance compensation program  
6 for district school superintendents, comparable to chief  
7 executive officer development programs for corporate executive  
8 officers, to include:

9 1. A content-knowledge-and-skills phase consisting of:  
10 creative leadership models and theory, demonstration of  
11 effective practice, simulation exercises and personal skills  
12 practice, and assessment with feedback, taught in a  
13 professional training setting under the direction of  
14 experienced, successful trainers.

15 2. A competency-acquisition phase consisting of  
16 on-the-job application of knowledge and skills for a period of  
17 not less than 6 months following the successful completion of  
18 the content-knowledge-and-skills phase. The  
19 competency-acquisition phase shall be supported by adequate  
20 professional technical assistance provided by experienced  
21 trainers approved by the department. Competency acquisition  
22 shall be demonstrated through assessment and feedback.

23 (b) Upon the successful completion of both phases and  
24 demonstrated successful performance, as determined by the  
25 department, a district school superintendent shall be issued a  
26 Chief Executive Officer Leadership Development Certificate and  
27 shall be given an annual performance salary incentive of not  
28 less than \$3,000 or more than \$7,500 based upon his or her  
29 performance evaluation.

30 (c) A district school superintendent's eligibility to  
31 continue receiving the annual performance salary incentive is

1 contingent upon his or her continued performance assessment  
2 and followup training prescribed by the department.

3 Section 67. Section 1001.48, Florida Statutes, is  
4 created to read:

5 1001.48 Secretary and executive officer of the  
6 district school board.--The district school superintendent  
7 shall be the secretary and executive officer of the district  
8 school board, provided that when the district school  
9 superintendent is required to be absent on account of  
10 performing services in the volunteer forces of the United  
11 States or in the National Guard of the state or in the regular  
12 Army or Navy of the United States, when said district school  
13 superintendent shall be called into active training or service  
14 of the United States under an Act of Congress or pursuant to a  
15 proclamation by the President of the United States, the  
16 district school superintendent shall then be entitled to a  
17 leave of absence not to exceed the remaining portion of the  
18 term for which he or she was elected.

19 Section 68. Section 1001.49, Florida Statutes, is  
20 created to read:

21 1001.49 General powers of district school  
22 superintendent.--The district school superintendent shall have  
23 the authority, and when necessary for the more efficient and  
24 adequate operation of the district school system, the district  
25 school superintendent shall exercise the following powers:

26 (1) GENERAL OVERSIGHT.--Exercise general oversight  
27 over the district school system in order to determine problems  
28 and needs, and recommend improvements.

29 (2) ADVISE, COUNSEL, AND RECOMMEND TO DISTRICT SCHOOL  
30 BOARD.--Advise and counsel with the district school board on  
31 all educational matters and recommend to the district school

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1 board for action such matters as should be acted upon.

2 (3) RECOMMEND POLICIES.--Recommend to the district  
3 school board for adoption such policies pertaining to the  
4 district school system as the district school superintendent  
5 may consider necessary for its more efficient operation.

6 (4) RECOMMEND AND EXECUTE RULES.--Prepare and organize  
7 by subjects and submit to the district school board for  
8 adoption such rules to supplement those adopted by the State  
9 Board of Education as, in the district school superintendent's  
10 opinion, will contribute to the efficient operation of any  
11 aspect of education in the district. When rules have been  
12 adopted, the district school superintendent shall see that  
13 they are executed.

14 (5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From  
15 time to time prepare, organize by subject, and submit to the  
16 district school board for adoption such minimum standards  
17 relating to the operation of any phase of the district school  
18 system as are needed to supplement those adopted by the State  
19 Board of Education and as will contribute to the efficient  
20 operation of any aspect of education in the district and  
21 ensure that minimum standards adopted by the district school  
22 board and the state board are observed.

23 (6) PERFORM DUTIES AND EXERCISE  
24 RESPONSIBILITIES.--Perform such duties and exercise such  
25 responsibilities as are assigned to the district school  
26 superintendent by law and by rules of the State Board of  
27 Education.

28 Section 69. Section 1001.50, Florida Statutes, is  
29 created to read:

30 1001.50 Superintendents employed under Art. IX of the  
31 State Constitution.--

1           (1) In every district authorized to employ a district  
 2 school superintendent under Art. IX of the State Constitution,  
 3 the district school superintendent shall be the executive  
 4 officer of the district school board and shall not be subject  
 5 to the provisions of law, either general or special, relating  
 6 to tenure of employment or contracts of other school  
 7 personnel. The district school superintendent's duties  
 8 relating to the district school system shall be as provided by  
 9 law and rules of the State Board of Education.

10           (2) The district school board of each of such  
 11 districts shall enter into contracts of employment with the  
 12 district school superintendent and shall adopt rules relating  
 13 to his or her appointment.

14           (3) The district school board of each such district  
 15 shall pay to the district school superintendent a reasonable  
 16 annual salary. In determining the amount of compensation to be  
 17 paid, the board shall take into account such factors as:

- 18           (a) The population of the district.
- 19           (b) The rate and character of population growth.
- 20           (c) The size and composition of the student body to be  
 21 served.
- 22           (d) The geographic extent of the district.
- 23           (e) The number and character of the schools to be  
 24 supervised.
- 25           (f) The educational qualifications, professional  
 26 experience, and age of the candidate for the position of  
 27 district school superintendent.

28           Section 70. Section 1001.51, Florida Statutes, is  
 29 created to read:

30           1001.51 Duties and responsibilities of district school  
 31 superintendent.--The district school superintendent shall

1 exercise all powers and perform all duties listed below and  
 2 elsewhere in the law, provided that, in so doing, he or she  
 3 shall advise and counsel with the district school board. The  
 4 district school superintendent shall perform all tasks  
 5 necessary to make sound recommendations, nominations,  
 6 proposals, and reports required by law to be acted upon by the  
 7 district school board. All such recommendations, nominations,  
 8 proposals, and reports by the district school superintendent  
 9 shall be either recorded in the minutes or shall be made in  
 10 writing, noted in the minutes, and filed in the public records  
 11 of the district school board. It shall be presumed that, in  
 12 the absence of the record required in this section, the  
 13 recommendations, nominations, and proposals required of the  
 14 district school superintendent were not contrary to the action  
 15 taken by the district school board in such matters.

16 (1) ASSIST IN ORGANIZATION OF DISTRICT SCHOOL  
 17 BOARD.--Preside at the organization meeting of the district  
 18 school board and transmit to the Department of Education,  
 19 within 2 weeks following such meeting, a certified copy of the  
 20 proceedings of organization, including the schedule of regular  
 21 meetings, and the names and addresses of district school  
 22 officials.

23 (2) REGULAR AND SPECIAL MEETINGS OF THE DISTRICT  
 24 SCHOOL BOARD.--Attend all regular meetings of the district  
 25 school board, call special meetings when emergencies arise,  
 26 and advise, but not vote, on questions under consideration.

27 (3) RECORDS FOR THE DISTRICT SCHOOL BOARD.--Keep  
 28 minutes of all official actions and proceedings of the  
 29 district school board and keep such other records, including  
 30 records of property held or disposed of by the district school  
 31 board, as may be necessary to provide complete information

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1 regarding the district school system.

2 (4) SCHOOL PROPERTY.--Act for the district school  
3 board as custodian of school property.

4 (5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the  
5 assembling of data and sponsor studies and surveys essential  
6 to the development of a planned school program for the entire  
7 district and prepare and recommend such a program to the  
8 district school board as the basis for operating the district  
9 school system.

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

15 (7) PERSONNEL.--Be responsible, as required herein,  
16 for directing the work of the personnel, subject to the  
17 requirements of chapter 1012.

18 (8) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
19 AIDS.--Recommend such plans for improving, providing,  
20 distributing, accounting for, and caring for textbooks and  
21 other instructional aids as will result in general improvement  
22 of the district school system, as prescribed in chapter 1006.

23 (9) TRANSPORTATION OF STUDENTS.--Provide for student  
24 transportation as prescribed in s. 1006.21.

25 (10) SCHOOL PLANT.--Recommend plans, and execute such  
26 plans as are approved, regarding all phases of the school  
27 plant program, as prescribed in chapter 1013.

28 (11) FINANCE.--Recommend measures to the district  
29 school board to assure adequate educational facilities  
30 throughout the district, in accordance with the financial  
31 procedure authorized in chapters 1010 and 1011 and as



1 prescribed below:

2       (a) Plan for operating all schools for minimum  
3 term.--Determine and recommend district funds necessary in  
4 addition to state funds to provide for at least a 180-day  
5 school term or the equivalent on an hourly basis as specified  
6 by rules adopted by the State Board of Education and recommend  
7 plans for ensuring the operation of all schools for the term  
8 authorized by the district school board.

9       (b) Annual budget.--Prepare the annual school budget  
10 to be submitted to the district school board for adoption  
11 according to law and submit this budget, when adopted by the  
12 district school board, to the Department of Education on or  
13 before the date required by rules of the State Board of  
14 Education.

15       (c) Tax levies.--Recommend to the district school  
16 board, on the basis of the needs shown by the budget, the  
17 amount of district school tax levy necessary to provide the  
18 district school funds needed for the maintenance of the public  
19 schools; recommend to the district school board the tax levy  
20 required on the basis of the needs shown in the budget for the  
21 district bond interest and sinking fund of each district; and  
22 recommend to the district school board to be included on the  
23 ballot at each district millage election the school district  
24 tax levies necessary to carry on the school program.

25       (d) School funds.--Keep an accurate account of all  
26 funds that should be transmitted to the district school board  
27 for school purposes at various periods during the year and  
28 ensure, insofar as possible, that these funds are transmitted  
29 promptly and report promptly to the district school board any  
30 delinquencies or delays that occur in making available any  
31 funds that should be made available for school purposes.

1           (e) Borrowing money.--Recommend when necessary the  
2 borrowing of money as prescribed by law.

3           (f) Financial records and accounting.--Keep or have  
4 kept accurate records of all financial transactions.

5           (g) Payrolls and accounts.--Maintain accurate and  
6 current statements of accounts due to be paid by the district  
7 school board; certify these statements as correct; liquidate  
8 district school board obligations in accordance with the  
9 official budget and rules of the district school board; and  
10 prepare periodic reports as required by rules of the State  
11 Board of Education, showing receipts, balances, and  
12 disbursements to date, and file copies of such periodic  
13 reports with the Department of Education.

14           (h) Bonds for employees.--Recommend the bonds of all  
15 school employees who should be bonded in order to provide  
16 reasonable safeguards for all school funds or property.

17           (i) Contracts.--After study of the feasibility of  
18 contractual services with industry, recommend to the district  
19 school board the desirable terms, conditions, and  
20 specifications for contracts for supplies, materials, or  
21 services to be rendered and see that materials, supplies, or  
22 services are provided according to contract.

23           (j) Investment policies.--After careful examination,  
24 recommend policies to the district school board that will  
25 provide for the investment or deposit of school funds not  
26 needed for immediate expenditures which shall earn the maximum  
27 possible yield under the circumstances on such investments or  
28 deposits. The district school superintendent shall cause to be  
29 invested at all times all school moneys not immediately needed  
30 for expenditures pursuant to the policies of the district  
31 school board.

1           (k) Protection against loss.--Recommend programs and  
 2 procedures to the district school board necessary to protect  
 3 the school system adequately against loss or damage to school  
 4 property or against loss resulting from any liability for  
 5 which the district school board or its officers, agents, or  
 6 employees may be responsible under law.

7           (l) Millage elections.--Recommend plans and procedures  
 8 for holding and supervising all school district millage  
 9 elections.

10           (m) Budgets and expenditures.--Prepare, after  
 11 consulting with the principals of the various schools,  
 12 tentative annual budgets for the expenditure of district funds  
 13 for the benefit of public school students of the district.

14           (n) Bonds.--Recommend the amounts of bonds to be  
 15 issued in the district and assist in the preparation of the  
 16 necessary papers for an election to determine whether the  
 17 proposed bond issue will be approved by the electors and, if  
 18 such bond issue be approved by the electors, recommend plans  
 19 for the sale of bonds and for the proper expenditure of the  
 20 funds derived therefrom.

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

27           (a) Forms, blanks, and reports.--Require that all  
 28 employees accurately keep all records and promptly make in  
 29 proper form all reports required by the education code or by  
 30 rules of the State Board of Education; recommend the keeping  
 31 of such additional records and the making of such additional

1 reports as may be deemed necessary to provide data essential  
 2 for the operation of the school system; and prepare such forms  
 3 and blanks as may be required and ensure that these records  
 4 and reports are properly prepared.

5       (b) Reports to the department.--Prepare, for the  
 6 approval of the district school board, all reports that may be  
 7 required by law or rules of the State Board of Education to be  
 8 made to the department and transmit promptly all such reports,  
 9 when approved, to the department, as required by law. If any  
 10 such reports are not transmitted at the time and in the manner  
 11 prescribed by law or by State Board of Education rules, the  
 12 salary of the district school superintendent must be withheld  
 13 until the report has been properly submitted. Unless otherwise  
 14 provided by rules of the State Board of Education, the annual  
 15 report on attendance and personnel is due on or before July 1,  
 16 and the annual school budget and the report on finance are due  
 17 on the date prescribed by the commissioner.

18  
 19 Any district school superintendent who knowingly signs and  
 20 transmits to any state official a false or incorrect report  
 21 shall forfeit his or her right to any salary for the period of  
 22 1 year from that date.

23       (13) COOPERATION WITH OTHER AGENCIES.--

24       (a) Cooperation with governmental agencies in  
 25 enforcement of laws and rules.--Recommend plans for  
 26 cooperating with, and, on the basis of approved plans,  
 27 cooperate with federal, state, county, and municipal agencies  
 28 in the enforcement of laws and rules pertaining to all matters  
 29 relating to education and child welfare.

30       (b) Identifying and reporting names of migratory  
 31 children, other information.--Recommend plans for identifying

1 and reporting to the Department of Education the name of each  
 2 child in the school district who qualifies according to the  
 3 definition of a migratory child, based on Pub. L. No. 95-561,  
 4 and for reporting such other information as may be prescribed  
 5 by the department.

6       (14) ENFORCEMENT OF LAWS AND RULES.--Require that all  
 7 laws and rules of the State Board of Education, as well as  
 8 supplementary rules of the district school board, are properly  
 9 observed and report to the district school board any violation  
 10 that the district school superintendent does not succeed in  
 11 having corrected.

12       (15) COOPERATE WITH DISTRICT SCHOOL BOARD.--Cooperate  
 13 with the district school board in every manner practicable to  
 14 the end that the district school system may continuously be  
 15 improved.

16       (16) VISITATION OF SCHOOLS.--Visit the schools;  
 17 observe the management and instruction; give suggestions for  
 18 improvement; and advise supervisors, principals, teachers,  
 19 patrons, and other citizens with the view of promoting  
 20 interest in education and improving the school conditions of  
 21 the district.

22       (17) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call  
 23 and conduct institutes and conferences with employees of the  
 24 district school board, school patrons, and other interested  
 25 citizens; organize and direct study and extension courses for  
 26 employees, advising them as to their professional studies; and  
 27 assist patrons and people generally in acquiring knowledge of  
 28 the aims, services, and needs of the schools.

29       (18) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend  
 30 such conferences for district school superintendents as may be  
 31 called or scheduled by the Department of Education and avail

1 himself or herself of means of professional and general  
2 improvement so that he or she may function most efficiently.

3 (19) RECOMMEND REVOKING CERTIFICATES.--Recommend in  
4 writing to the Department of Education the revoking of any  
5 certificate for good cause, including a full statement of the  
6 reason for the district school superintendent's  
7 recommendation.

8 (20) MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave with  
9 the district school board and make available to his or her  
10 successor, upon retiring from office, a complete inventory of  
11 school equipment and other property, together with all  
12 official records and such other records as may be needed in  
13 supervising instruction and in administering the district  
14 school system.

15 (21) RECOMMEND PROCEDURES FOR INFORMING GENERAL  
16 PUBLIC.--Recommend to the district school board procedures  
17 whereby the general public can be adequately informed of the  
18 educational programs, needs, and objectives of public  
19 education within the district.

20 (22) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend  
21 procedures for implementing and maintaining a system of school  
22 improvement and education accountability as provided by  
23 statute and State Board of Education rule.

24 (23) OTHER DUTIES AND RESPONSIBILITIES.--Perform such  
25 other duties as are assigned to the district school  
26 superintendent by law or by rules of the State Board of  
27 Education.

28 Section 71. Section 1001.52, Florida Statutes, is  
29 created to read:

30 1001.52 Reproduction and destruction of district  
31 school records.--

1           (1) The purpose of this section is to reduce the  
 2 present space required by the district school systems for the  
 3 storage of their records and to permit the district school  
 4 superintendent to administer the affairs of the district  
 5 school system more efficiently.

6           (2) After complying with the provisions of s. 257.37,  
 7 the district school superintendent may photograph,  
 8 microphotograph, or reproduce documents, records, data, and  
 9 information of a permanent character which in his or her  
 10 discretion he or she may select, and the district school  
 11 superintendent may destroy any of the said documents after  
 12 they have been reproduced and after audit of the district  
 13 school superintendent's office has been completed for the  
 14 period embracing the dates of said instruments. Information  
 15 made in compliance with the provisions of this section shall  
 16 have the same force and effect as the originals thereof would  
 17 have, and shall be treated as originals for the purpose of  
 18 their admissibility into evidence. Duly certified or  
 19 authenticated reproductions shall be admitted into evidence  
 20 equally with the originals.

21           (3) After complying with the provisions of s. 257.37,  
 22 the district school superintendent may, in his or her  
 23 discretion, destroy general correspondence that is over 3  
 24 years old and other records, papers, and documents over 3  
 25 years old that do not serve as part of an agreement or  
 26 understanding and do not have value as permanent records.

27           Section 72. Section 1001.53, Florida Statutes, is  
 28 created to read:

29           1001.53 District school superintendent responsible for  
 30 enforcement of attendance.--The district school superintendent  
 31 shall be responsible for the enforcement of the attendance

1 provisions of chapters 1003 and 1006. In a district in which  
2 no attendance assistant is employed, the district school  
3 superintendent shall have those duties and responsibilities  
4 and exercise those powers assigned by law to attendance  
5 assistants.

6 Section 73. Part II.c. of chapter 1001, Florida  
7 Statutes, shall be entitled "School Principals" and shall  
8 consist of s. 1001.54.

9 Section 74. Section 1001.54, Florida Statutes, is  
10 created to read:

11 1001.54 Duties of school principals.--

12 (1) A district school board shall employ, through  
13 written contract, public school principals. The school  
14 principal has authority over school district personnel in  
15 accordance with s. 1012.28.

16 (2) Each school principal shall provide leadership in  
17 the development or revision and implementation of a school  
18 improvement plan, pursuant to s. 1001.42(16).

19 (3) Each school principal must make the necessary  
20 provisions to ensure that all school reports are accurate and  
21 timely, and must provide the necessary training opportunities  
22 for staff to accurately report attendance, FTE program  
23 participation, student performance, teacher appraisal, and  
24 school safety and discipline data.

25 (4) Each school principal is responsible for the  
26 management and care of instructional materials, in accordance  
27 with the provisions of chapter 1006.

28 Section 75. Part III of chapter 1001, Florida  
29 Statutes, shall be entitled "Community Colleges" and shall  
30 consist of ss. 1001.61-1001.65.

31 Section 76. Section 1001.61, Florida Statutes, is



1 created to read:

2 1001.61 Community college boards of trustees;  
3 membership.--

4 (1) Community college boards of trustees shall be  
5 comprised of five members when a community college district is  
6 confined to one school board district; seven members when a  
7 community college district is confined to one school board  
8 district and the board of trustees so elects; and not more  
9 than nine members when the district contains two or more  
10 school board districts, as provided by rules of the State  
11 Board of Education. However, all community college boards  
12 shall have an odd number of trustees.

13 (2) Trustees shall be appointed by the Governor and  
14 confirmed by the Senate in regular session.

15 (3) Members of the board of trustees shall receive no  
16 compensation but may receive reimbursement for expenses as  
17 provided in s. 112.061.

18 (4) At its first regular meeting after July 1 of each  
19 year, each community college board of trustees shall organize  
20 by electing a chair, whose duty as such is to preside at all  
21 meetings of the board, to call special meetings thereof, and  
22 to attest to actions of the board, and a vice chair, whose  
23 duty as such is to act as chair during the absence or  
24 disability of the elected chair. It is the further duty of the  
25 chair of each board of trustees to notify the Governor, in  
26 writing, whenever a board member fails to attend three  
27 consecutive regular board meetings in any one fiscal year,  
28 which absences may be grounds for removal.

29 (5) A community college president shall serve as the  
30 executive officer and corporate secretary of the board of  
31 trustees and shall be responsible to the board of trustees for

1 setting the agenda for meetings of the board of trustees in  
 2 consultation with the chair. The president also serves as the  
 3 chief administrative officer of the community college, and all  
 4 the components of the institution and all aspects of its  
 5 operation are responsible to the board of trustees through the  
 6 president.

7 Section 77. Section 1001.62, Florida Statutes, is  
 8 created to read:

9 1001.62 Transfer of benefits arising under local or  
 10 special acts.--All local or special acts in force on July 1,  
 11 1968, that provide benefits for a community college through a  
 12 district school board shall continue in full force and effect,  
 13 and such benefits shall be transmitted to the community  
 14 college board of trustees.

15 Section 78. Section 1001.63, Florida Statutes, is  
 16 created to read:

17 1001.63 Community college board of trustees; board of  
 18 trustees to constitute a corporation.--Each community college  
 19 board of trustees is constituted a body corporate by the name  
 20 of "The District Board of Trustees of ...(name of community  
 21 college)..., Florida" with all the powers and duties of a body  
 22 corporate, including a corporate seal, the power to contract  
 23 and be contracted with, to sue or be sued, to plead and be  
 24 impleaded in all courts of law or equity, and to give and  
 25 receive donations. In all suits against a board of trustees,  
 26 service of process shall be made on the chair of the board of  
 27 trustees or, in the absence of the chair, the corporate  
 28 secretary or designee of the chair.

29 Section 79. Section 1001.64, Florida Statutes, is  
 30 created to read:

31 1001.64 Community college boards of trustees; powers

1 and duties.--

2 (1) The boards of trustees shall be responsible for  
3 cost-effective policy decisions appropriate to the community  
4 college's mission, the implementation and maintenance of  
5 high-quality education programs within law and rules of the  
6 State Board of Education, the measurement of performance, the  
7 reporting of information, and the provision of input regarding  
8 state policy, budgeting, and education standards.

9 (2) Each board of trustees is vested with the  
10 responsibility to govern its respective community college and  
11 with such necessary authority as is needed for the proper  
12 operation and improvement thereof in accordance with rules of  
13 the State Board of Education.

14 (3) A board of trustees shall have the power to take  
15 action without a recommendation from the president and shall  
16 have the power to require the president to deliver to the  
17 board of trustees all data and information required by the  
18 board of trustees in the performance of its duties.

19 (4)(a) The board of trustees, after considering  
20 recommendations submitted by the community college president,  
21 may adopt rules pursuant to ss. 120.536(1) and 120.54 to  
22 implement the provisions of law conferring duties upon it.  
23 These rules may supplement those prescribed by the State Board  
24 of Education if they will contribute to the more orderly and  
25 efficient operation of community colleges.

26 (b) Each board of trustees is specifically authorized  
27 to adopt rules, procedures, and policies, consistent with law  
28 and rules of the State Board of Education, related to its  
29 mission and responsibilities as set forth in s. 1004.65, its  
30 governance, personnel, budget and finance, administration,  
31 programs, curriculum and instruction, buildings and grounds,

1 travel and purchasing, technology, students, contracts and  
2 grants, or college property.

3       (5) Each board of trustees shall have responsibility  
4 for the use, maintenance, protection, and control of community  
5 college owned or community college controlled buildings and  
6 grounds, property and equipment, name, trademarks and other  
7 proprietary marks, and the financial and other resources of  
8 the community college. Such authority may include placing  
9 restrictions on activities and on access to facilities,  
10 firearms, food, tobacco, alcoholic beverages, distribution of  
11 printed materials, commercial solicitation, animals, and  
12 sound.

13       (6) Each board of trustees has responsibility for the  
14 establishment and discontinuance of program and course  
15 offerings in accordance with law and rule; provision for  
16 instructional and noninstructional community services,  
17 location of classes, and services provided; and dissemination  
18 of information concerning such programs and services. New  
19 programs must be approved pursuant to s. 1004.03.

20       (7) Each board of trustees has responsibility for:  
21 ensuring that students have access to general education  
22 courses as identified in rule; requiring no more than 60  
23 semester hours of degree program coursework, including 36  
24 semester hours of general education coursework, for an  
25 associate in arts degree; notifying students that earned hours  
26 in excess of 60 semester hours may not be accepted by state  
27 universities; notifying students of unique program  
28 prerequisites; and ensuring that degree program coursework  
29 beyond general education coursework is consistent with degree  
30 program prerequisite requirements adopted pursuant to s.  
31 1007.25(5).

1           (8) Each board of trustees has authority for policies  
2 related to students, enrollment of students, student records,  
3 student activities, financial assistance, and other student  
4 services.

5           (a) Each board of trustees shall govern admission of  
6 students pursuant to s. 1007.263 and rules of the State Board  
7 of Education. A board of trustees may establish additional  
8 admissions criteria, which shall be included in the district  
9 interinstitutional articulation agreement developed according  
10 to s. 1007.235, to ensure student readiness for postsecondary  
11 instruction.

12           (b) Each board of trustees shall adopt rules  
13 establishing student performance standards for the award of  
14 degrees and certificates pursuant to s. 1004.68.

15           (c) Boards of trustees are authorized to establish  
16 intrainstitutional and interinstitutional programs to maximize  
17 articulation pursuant to s. 1007.22.

18           (d) Boards of trustees shall identify their core  
19 curricula, which shall include courses required by the State  
20 Board of Education, pursuant to the provisions of s.  
21 1007.25(6).

22           (e) Each board of trustees must adopt a written  
23 antihazing policy, provide a program for the enforcement of  
24 such rules, and must adopt appropriate penalties for  
25 violations of such rules pursuant to the provisions of s.  
26 1006.63(1)-(3).

27           (f) Each board of trustees may establish a uniform  
28 code of conduct and appropriate penalties for violation of its  
29 rules by students and student organizations, including rules  
30 governing student academic honesty. Such penalties, unless  
31 otherwise provided by law, may include fines, the withholding

1 of diplomas or transcripts pending compliance with rules or  
2 payment of fines, and the imposition of probation, suspension,  
3 or dismissal.

4 (9) Each board of trustees pursuant to s. 1006.53  
5 shall adopt a policy in accordance with rules of the State  
6 Board of Education that reasonably accommodates the religious  
7 observance, practice, and belief of individual students in  
8 regard to admissions, class attendance, and the scheduling of  
9 examinations and work assignments.

10 (9) A board of trustees may contract with the board of  
11 trustees of a state university for the community college to  
12 provide college-preparatory instruction on the state  
13 university campus.

14 (10) Each board of trustees shall establish fees  
15 pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and  
16 1009.27.

17 (11) Each board of trustees shall submit an  
18 institutional budget request, including a request for fixed  
19 capital outlay, and an operating budget to the State Board of  
20 Education for approval in accordance with guidelines  
21 established by the State Board of Education.

22 (12) Each board of trustees shall account for  
23 expenditures of all state, local, federal and other funds in  
24 the manner described by the Department of Education.

25 (13) Each board of trustees is responsible for the  
26 uses for the proceeds of academic improvement trust funds  
27 pursuant to s. 1011.85.

28 (14) Each board of trustees shall develop a strategic  
29 plan specifying institutional goals and objectives for the  
30 community college for recommendation to the State Board of  
31 Education.

1           (15) Each board of trustees shall develop an  
2 accountability plan pursuant to s. 1008.45.

3           (16) Each board of trustees must expend performance  
4 funds provided for workforce development education pursuant to  
5 the provisions of s. 1011.80.

6           (17) Each board of trustees is accountable for  
7 performance in certificate career education and diploma  
8 programs pursuant to s. 1008.44.

9           (18) Each board of trustees shall establish the  
10 personnel program for all employees of the community college,  
11 including the president, pursuant to the provisions of chapter  
12 1012 and rules and guidelines of the State Board of Education,  
13 including: compensation and other conditions of employment;  
14 recruitment and selection; nonreappointment; standards for  
15 performance and conduct; evaluation; benefits and hours of  
16 work; leave policies; recognition; inventions and work  
17 products; travel; learning opportunities; exchange programs;  
18 academic freedom and responsibility; promotion; assignment;  
19 demotion; transfer; ethical obligations and conflict of  
20 interest; restrictive covenants; disciplinary actions;  
21 complaints; appeals and grievance procedures; and separation  
22 and termination from employment.

23           (19) The board of trustees shall conduct annual  
24 evaluations of the president in accordance with rules of the  
25 State Board of Education and submit such evaluations to the  
26 State Board of Education for review. The evaluation must  
27 address the achievement of the performance goals established  
28 by the accountability process implemented pursuant to s.  
29 1008.45 and the performance of the president in achieving the  
30 annual and long-term goals and objectives established in the  
31 community college's employment accountability program

1 implemented pursuant to s. 1012.86.

2 (20) Each board of trustees is authorized to enter  
3 into contracts to provide a State Community College System  
4 Optional Retirement Program pursuant to s. 1012.875 and to  
5 enter into consortia with other boards of trustees for this  
6 purpose.

7 (21) Each board of trustees is authorized to purchase  
8 annuities for its community college personnel who have 25 or  
9 more years of creditable service and who have reached age 55  
10 and have applied for retirement under the Florida Retirement  
11 System pursuant to the provisions of s. 1012.87.

12 (22) A board of trustees may defray all costs of  
13 defending civil actions against officers, employees, or agents  
14 of the board of trustees pursuant to s. 1012.85.

15 (23) Each board of trustees has authority for risk  
16 management, safety, security, and law enforcement operations.  
17 Each board of trustees is authorized to employ personnel,  
18 including police officers pursuant to s. 1012.88, to carry out  
19 the duties imposed by this subsection.

20 (24) Each board of trustees shall provide rules  
21 governing parking and the direction and flow of traffic within  
22 campus boundaries. Except for sworn law enforcement personnel,  
23 persons employed to enforce campus parking rules have no  
24 authority to arrest or issue citations for moving traffic  
25 violations. The board of trustees may adopt a uniform code of  
26 appropriate penalties for violations. Such penalties, unless  
27 otherwise provided by law, may include the levying of fines,  
28 the withholding of diplomas or transcripts pending compliance  
29 with rules or payment of fines, and the imposition of  
30 probation, suspension, or dismissal. Moneys collected from  
31 parking rule infractions shall be deposited in appropriate



1 funds at each community college for student financial aid  
2 purposes.

3 (25) Each board of trustees constitutes the  
4 contracting agent of the community college. It may when acting  
5 as a body make contracts, sue, and be sued in the name of the  
6 board of trustees. In any suit, a change in personnel of the  
7 board of trustees shall not abate the suit, which shall  
8 proceed as if such change had not taken place.

9 (26) Each board of trustees is authorized to contract  
10 for the purchase, sale, lease, license, or acquisition in any  
11 manner (including purchase by installment or lease-purchase  
12 contract which may provide for the payment of interest on the  
13 unpaid portion of the purchase price and for the granting of a  
14 security interest in the items purchased) of goods, materials,  
15 equipment, and services required by the community college. The  
16 board of trustees may choose to consolidate equipment  
17 contracts under master equipment financing agreements made  
18 pursuant to s. 287.064.

19 (27) Each board of trustees shall be responsible for  
20 managing and protecting real and personal property acquired or  
21 held in trust for use by and for the benefit of such community  
22 college. To that end, any board of trustees is authorized to  
23 be self-insured, to enter into risk management programs, or to  
24 purchase insurance for whatever coverage it may choose, or to  
25 have any combination thereof, in anticipation of any loss,  
26 damage, or destruction. A board of trustees may contract for  
27 self-insurance services pursuant to s. 1001.64(27).

28 (28) Each board of trustees is authorized to enter  
29 into agreements for, and accept, credit card, charge card, and  
30 debit card payments as compensation for goods, services,  
31 tuition, and fees. Each community college is further

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1 authorized to establish accounts in credit card, charge card,  
2 and debit card banks for the deposit of sales invoices.

3 (29) Each board of trustees may provide incubator  
4 facilities to eligible small business concerns pursuant to s.  
5 1004.79.

6 (30) Each board of trustees may establish a technology  
7 transfer center for the purpose of providing institutional  
8 support to local business and industry and governmental  
9 agencies in the application of new research in technology  
10 pursuant to the provisions of s. 1004.78.

11 (31) Each board of trustees may establish economic  
12 development centers for the purpose of serving as liaisons  
13 between community colleges and the business sector pursuant to  
14 the provisions of s. 1004.80.

15 (32) Each board of trustees may establish a child  
16 development training center pursuant to s. 1004.81.

17 (33) Each board of trustees is authorized to develop  
18 and produce work products relating to educational endeavors  
19 that are subject to trademark, copyright, or patent statutes  
20 pursuant to chapter 1004.

21 (34) Each board of trustees shall administer the  
22 facilities program pursuant to chapter 1013, including but not  
23 limited to: the construction of public educational and  
24 ancillary plant; the acquisition and disposal of property;  
25 compliance with building and life safety codes; submission of  
26 data and information relating to facilities and construction;  
27 use of buildings and grounds; establishment of safety and  
28 sanitation programs for the protection of building occupants;  
29 and site planning and selection.

30 (35) Each board of trustees may exercise the right of  
31 eminent domain pursuant to the provisions of chapter 1013.

1           (36) Each board of trustees may enter into  
 2 lease-purchase arrangements with private individuals or  
 3 corporations for necessary grounds and buildings for community  
 4 college purposes, other than dormitories, or for buildings  
 5 other than dormitories to be erected for community college  
 6 purposes. Such arrangements shall be paid from capital outlay  
 7 and debt service funds as provided by s. 1011.84(2), with  
 8 terms not to exceed 30 years at a stipulated rate. The  
 9 provisions of such contracts, including building plans, are  
 10 subject to approval by the Department of Education, and no  
 11 such contract may be entered into without such approval.

12           (37) Each board of trustees may purchase, acquire,  
 13 receive, hold, own, manage, lease, sell, dispose of, and  
 14 convey title to real property, in the best interests of the  
 15 community college.

16           (38) Each board of trustees is authorized to borrow  
 17 funds and incur debt, including entering into lease-purchase  
 18 agreements and the issuance of revenue bonds as specifically  
 19 authorized and only for the purposes authorized in ss.  
 20 1009.22(6) and (9) and 1009.23(11) and (12). At the option of  
 21 the board of trustees, bonds may be issued which are secured  
 22 by a combination of revenues authorized to be pledged to bonds  
 23 pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9)  
 24 and 1009.23(12). Lease-purchase agreements may be secured by a  
 25 combination of revenues as specifically authorized pursuant to  
 26 ss. 1009.22(7) and 1009.23(10).

27           (39) Each board of trustees shall prescribe conditions  
 28 for direct-support organizations to be certified and to use  
 29 community college property and services. Conditions relating  
 30 to certification must provide for audit review and oversight  
 31 by the board of trustees.

1           (40) Each board of trustees may adopt policies  
 2 pursuant to s. 1010.02 that provide procedures for  
 3 transferring to the direct-support organization of that  
 4 community college for administration by such organization  
 5 contributions made to the community college.

6           (41) The board of trustees shall exert every effort to  
 7 collect all delinquent accounts pursuant to s. 1010.03.

8           (42) Each board of trustees shall implement a plan, in  
 9 accordance with guidelines of the State Board of Education,  
 10 for working on a regular basis with the other community  
 11 college boards of trustees, representatives of the university  
 12 boards of trustees, and representatives of the district school  
 13 boards to achieve the goals of the seamless education system.

14           (43) Each board of trustees has responsibility for  
 15 compliance with state and federal laws, rules, regulations,  
 16 and requirements.

17           (44) Each board of trustees may adopt rules,  
 18 procedures, and policies related to institutional governance,  
 19 administration, and management in order to promote orderly and  
 20 efficient operation, including, but not limited to, financial  
 21 management, budget management, physical plant management, and  
 22 property management.

23           (45) Each board of trustees may adopt rules and  
 24 procedures related to data or technology, including, but not  
 25 limited to, information systems, communications systems,  
 26 computer hardware and software, and networks.

27           Section 80. Section 1001.65, Florida Statutes, is  
 28 created to read:

29           1001.65 Community college presidents; powers and  
 30 duties.--The president is the chief executive officer of the  
 31 community college, shall be corporate secretary of the

1 community college board of trustees, and is responsible for  
 2 the operation and administration of the community college.  
 3 Each community college president shall:  
 4       (1) Recommend the adoption of rules, as appropriate,  
 5 to the community college board of trustees to implement  
 6 provisions of law governing the operation and administration  
 7 of the community college, which shall include the specific  
 8 powers and duties enumerated in this section. Such rules shall  
 9 be consistent with law, the mission of the community college  
 10 and the rules and policies of the State Board of Education.  
 11       (2) Prepare a budget request and an operating budget  
 12 pursuant to s. 1011.30 for approval by the community college  
 13 board of trustees at such time and in such format as the State  
 14 Board of Education may prescribe.  
 15       (3) Establish and implement policies and procedures to  
 16 recruit, appoint, transfer, promote, compensate, evaluate,  
 17 reward, demote, discipline, and remove personnel, within law  
 18 and rules of the State Board of Education and in accordance  
 19 with rules or policies approved by the community college board  
 20 of trustees.  
 21       (4) Govern admissions, subject to law and rules or  
 22 policies of the community college board of trustees and the  
 23 State Board of Education.  
 24       (5) Approve, execute, and administer contracts for and  
 25 on behalf of the community college board of trustees for  
 26 licenses; the acquisition or provision of commodities, goods,  
 27 equipment, and services; leases of real and personal property;  
 28 and planning and construction to be rendered to or by the  
 29 community college, provided such contracts are within law and  
 30 guidelines of the State Board of Education and in conformance  
 31 with policies of the community college board of trustees, and

1 are for the implementation of approved programs of the  
2 community college.

3 (6) Act for the community college board of trustees as  
4 custodian of all community college property and financial  
5 resources. The authority vested in the community college  
6 president under this subsection includes the authority to  
7 prioritize the use of community college space, property,  
8 equipment, and resources and the authority to impose charges  
9 for the use of those items.

10 (7) Establish the internal academic calendar of the  
11 community college within general guidelines of the State Board  
12 of Education.

13 (8) Administer the community college's program of  
14 intercollegiate athletics.

15 (9) Recommend to the board of trustees the  
16 establishment and termination of programs within the approved  
17 role and scope of the community college.

18 (10) Award degrees.

19 (11) Recommend to the board of trustees a schedule of  
20 tuition and fees to be charged by the community college,  
21 within law and rules of the State Board of Education.

22 (12) Organize the community college to efficiently and  
23 effectively achieve the goals of the community college.

24 (13) Review periodically the operations of the  
25 community college in order to determine how effectively and  
26 efficiently the community college is being administered and  
27 whether it is meeting the goals of its strategic plan adopted  
28 by the State Board of Education.

29 (14) Enter into agreements for student exchange  
30 programs that involve students at the community college and  
31 students in other institutions of higher learning.

- 1           (15) Approve the internal procedures of student
- 2 government organizations and provide purchasing, contracting,
- 3 and budgetary review processes for these organizations.
- 4           (16) Ensure compliance with federal and state laws,
- 5 rules, regulations, and other requirements that are applicable
- 6 to the community college.
- 7           (17) Maintain all data and information pertaining to
- 8 the operation of the community college, and report on the
- 9 attainment by the community college of institutional and
- 10 statewide performance accountability goals.
- 11           (18) The college president shall certify to the
- 12 department a project's compliance with the requirements for
- 13 expenditure of PECO funds prior to release of funds pursuant
- 14 to the provisions of chapter 1013.
- 15           (19) Each community college president must provide to
- 16 the law enforcement agency and fire department that has
- 17 jurisdiction over the community college a copy of the floor
- 18 plans and other relevant documents for each educational
- 19 facility as defined in s. 1013.01(6). After the initial
- 20 submission of the floor plans and other relevant documents,
- 21 the community college president shall submit, by October 1 of
- 22 each year, revised floor plans and other relevant documents
- 23 for each educational facility that was modified during the
- 24 preceding year.
- 25           (20) Each community college president shall establish
- 26 a committee to consider requests for waivers from the
- 27 provisions of s. 1008.29 and approve or disapprove the
- 28 committee's recommendations.
- 29           (21) Community college presidents shall jointly
- 30 develop and implement with school superintendents a
- 31 comprehensive articulated acceleration program, including a

1 comprehensive interinstitutional articulation agreement, for  
2 the students enrolled in their respective school districts and  
3 service areas pursuant to the provisions of s. 1007.235.

4 (22) Each president of a community college shall have  
5 authority, after notice to the student of the charges and  
6 after a hearing thereon, to expel, suspend, or otherwise  
7 discipline any student who is found to have violated any law,  
8 ordinance, or rule or regulation of the State Board of  
9 Education or of the board of trustees of the community college  
10 pursuant to the provisions of s. 1006.62.

11 (23) Each community college president shall submit an  
12 annual employment accountability plan to the Department of  
13 Education pursuant to the provisions of s. 1012.86.

14 (24) The community college presidents, or the  
15 presidents' designees, shall annually evaluate each department  
16 chairperson, dean, provost, and vice president in achieving  
17 the annual and long-term goals and objectives of the community  
18 college's employment accountability plan.

19 (25) The authority vested with a community college  
20 shall be vested with the president of the community college or  
21 his or her designee.

22 Section 81. Part IV of chapter 1001, Florida Statutes,  
23 shall be entitled "State Universities" and shall consist of  
24 ss. 1001.71-1001.75.

25 Section 82. Section 1001.71, Florida Statutes, is  
26 created to read:

27 1001.71 University boards of trustees; membership.--

28 (1) University boards of trustees shall be comprised  
29 of 12 members appointed by the Governor and confirmed by the  
30 Senate in the regular legislative session immediately  
31 following his or her appointment. In addition, a student body



1 president shall serve as a voting member of his or her  
 2 university board of trustees. There shall be no state  
 3 residency requirement for university board members, but the  
 4 Governor shall consider diversity and regional representation.

5 (2) Members of the boards of trustees shall receive no  
 6 compensation but may be reimbursed for travel and per diem  
 7 expenses as provided in s. 112.061.

8 (3) The Governor may remove a trustee upon the  
 9 recommendation of the State Board of Education, or for cause.

10 (4) Boards of trustees' members shall be appointed for  
 11 staggered 4-year terms, and may be reappointed for additional  
 12 terms not to exceed 8 years of service.

13 (5) Each board of trustees shall select its chair and  
 14 vice chair from the appointed members at its first regular  
 15 meeting after July 1. The chair shall serve for 2 years and  
 16 may be reselected for one additional consecutive term. The  
 17 duties of the chair shall include presiding at all meetings of  
 18 the board of trustees, calling special meetings of the board  
 19 of trustees, attesting to actions of the board of trustees,  
 20 and notifying the Governor in writing whenever a board member  
 21 fails to attend three consecutive regular board meetings in  
 22 any fiscal year, which failure may be grounds for removal. The  
 23 duty of the vice chair is to act as chair during the absence  
 24 or disability of the chair.

25 (6) The university president shall serve as executive  
 26 officer and corporate secretary of the board of trustees and  
 27 shall be responsible to the board of trustees for all  
 28 operations of the university and for setting the agenda for  
 29 meetings of the board of trustees in consultation with the  
 30 chair.

31 Section 83. Section 1001.72, Florida Statutes, is

1 created to read:

2 1001.72 University boards of trustees; boards to  
3 constitute a corporation.--

4 (1) Each board of trustees shall be a public body  
5 corporate by the name of "The (name of university) Board of  
6 Trustees," with all the powers of a body corporate, including  
7 a corporate seal, the power to contract and be contracted  
8 with, to sue and be sued, to plead and be impleaded in all  
9 courts of law or equity, and to give and receive donations. In  
10 all suits against a board of trustees, service of process  
11 shall be made on the chair of the board of trustees or, in the  
12 absence of the chair, on the corporate secretary or designee.

13 (2) It is the intent of the Legislature that the  
14 university boards of trustees are not departments of the  
15 executive branch of state government within the scope and  
16 meaning of s. 6, Art. IV of the State Constitution.

17 (3) The corporation is constituted as a public  
18 instrumentality, and the exercise by the corporation of the  
19 power conferred by this section is considered to be the  
20 performance of an essential public function. The corporation  
21 shall constitute an agency for the purposes of s. 120.52. The  
22 corporation is subject to chapter 119, subject to exceptions  
23 applicable to the corporation, and to the provisions of  
24 chapter 286; however, the corporation shall be entitled to  
25 provide notice of internal review committee meetings for  
26 competitive proposals or procurement to applicants by mail or  
27 facsimile rather than by means of publication. The corporation  
28 is not governed by chapter 607, but by the provisions of this  
29 part.

30 (4) No bureau, department, division, agency, or  
31 subdivision of the state shall exercise any responsibility and

1 authority to operate any state university except as  
 2 specifically provided by law or rules of the State Board of  
 3 Education. This section shall not prohibit any department,  
 4 bureau, division, agency, or subdivision of the state from  
 5 providing access to programs or systems or providing other  
 6 assistance to a state university pursuant to an agreement  
 7 between the board of trustees and such department, bureau,  
 8 division, agency, or subdivision of the state.

9           Section 84. Section 1001.73, Florida Statutes, is  
 10 created to read:

11           1001.73 University board empowered to act as  
 12 trustee.--

13           (1) Whenever appointed by any competent court of the  
 14 state, or by any statute, or in any will, deed, or other  
 15 instrument, or in any manner whatever as trustee of any funds  
 16 or real or personal property in which any of the institutions  
 17 or agencies under its management, control, or supervision, or  
 18 their departments or branches or students, faculty members,  
 19 officers, or employees, may be interested as beneficiaries, or  
 20 otherwise, or for any educational purpose, a university board  
 21 of trustees is hereby authorized to act as trustee with full  
 22 legal capacity as trustee to administer such trust property,  
 23 and the title thereto shall vest in said board as trustee. In  
 24 all such cases, the university board of trustees shall have  
 25 the power and capacity to do and perform all things as fully  
 26 as any individual trustee or other competent trustee might do  
 27 or perform, and with the same rights, privileges, and duties,  
 28 including the power, capacity, and authority to convey,  
 29 transfer, mortgage, or pledge such property held in trust and  
 30 to contract and execute all other documents relating to said  
 31 trust property which may be required for, or appropriate to,

1 the administration of such trust or to accomplish the purposes  
2 of any such trust.

3 (2) Deeds, mortgages, leases, and other contracts of  
4 the university board of trustees relating to real property of  
5 any such trust or any interest therein may be executed by the  
6 university board of trustees, as trustee, in the same manner  
7 as is provided by the laws of the state for the execution of  
8 similar documents by other corporations or may be executed by  
9 the signatures of a majority of the members of the board of  
10 trustees; however, to be effective, any such deed, mortgage,  
11 or lease contract for more than 10 years of any trust  
12 property, executed hereafter by the university board of  
13 trustees, shall be approved by a resolution of the State Board  
14 of Education; and such approving resolution may be evidenced  
15 by the signature of either the chair or the secretary of the  
16 State Board of Education to an endorsement on the instrument  
17 approved, reciting the date of such approval, and bearing the  
18 seal of the State Board of Education. Such signed and sealed  
19 endorsement shall be a part of the instrument and entitled to  
20 record without further proof.

21 (3) Any and all such appointments of, and acts by, the  
22 Board of Regents as trustee of any estate, fund, or property  
23 prior to May 18, 1949, are hereby validated, and said board's  
24 capacity and authority to act as trustee subject to the  
25 provisions of s. 1000.01(5)(a) in all of such cases is  
26 ratified and confirmed; and all deeds, conveyances, lease  
27 contracts, and other contracts heretofore executed by the  
28 Board of Regents, either by the signatures of a majority of  
29 the members of the board or in the board's name by its chair  
30 or chief executive officer, are hereby approved, ratified,  
31 confirmed, and validated.

1           (4) Nothing herein shall be construed to authorize a  
 2 university board of trustees to contract a debt on behalf of,  
 3 or in any way to obligate, the state; and the satisfaction of  
 4 any debt or obligation incurred by the university board as  
 5 trustee under the provisions of this section shall be  
 6 exclusively from the trust property, mortgaged or encumbered;  
 7 and nothing herein shall in any manner affect or relate to the  
 8 provisions of ss. 1010.61-1010.619, or s. 1013.78.

9           Section 85. Section 1001.74, Florida Statutes, is  
 10 created to read:

11           1001.74 Powers and duties of university boards of  
 12 trustees.--

13           (1) The boards of trustees shall be responsible for  
 14 cost-effective policy decisions appropriate to the  
 15 university's mission, the implementation and maintenance of  
 16 high-quality education programs within law and rules of the  
 17 State Board of Education, the measurement of performance, the  
 18 reporting of information, and the provision of input regarding  
 19 state policy, budgeting, and education standards.

20           (2) Each board of trustees is vested with the  
 21 authority to govern its university, as necessary to provide  
 22 proper governance and improvement of the university in  
 23 accordance with law and with rules of the State Board of  
 24 Education. Each board of trustees shall perform all duties  
 25 assigned by law or by rule of the State Board of Education or  
 26 the Commissioner of Education.

27           (3) A board of trustees shall have the power to take  
 28 action without a recommendation from the president and shall  
 29 have the power to require the president to deliver to the  
 30 board of trustees all data and information required by the  
 31 board of trustees in the performance of its duties.

1           (4) Each board of trustees may adopt rules pursuant to  
 2 ss. 120.536(1) and 120.54 to implement the provisions of law  
 3 conferring duties upon it. Such rules must be consistent with  
 4 rules of the State Board of Education.

5           (5) Each board of trustees shall have the authority to  
 6 acquire real and personal property and contract for the sale  
 7 and disposal of same and approve and execute contracts for the  
 8 purchase, sale, lease, license, or acquisition of commodities,  
 9 goods, equipment, contractual services, leases of real and  
 10 personal property, and construction. The acquisition may  
 11 include purchase by installment or lease-purchase. Such  
 12 contracts may provide for payment of interest on the unpaid  
 13 portion of the purchase price. Title to all real property  
 14 acquired prior to January 7, 2003, and to all real property  
 15 acquired with funds appropriated by the Legislature shall be  
 16 vested in the Board of Trustees of the Internal Improvement  
 17 Trust Fund and shall be transferred and conveyed by it.  
 18 Notwithstanding any other provisions of this subsection, each  
 19 board of trustees shall comply with the provisions of s.  
 20 287.055 for the procurement of professional services as  
 21 defined therein.

22           (6) Each board of trustees shall have responsibility  
 23 for the use, maintenance, protection, and control of  
 24 university-owned or university-controlled buildings and  
 25 grounds, property and equipment, name, trademarks and other  
 26 proprietary marks, and the financial and other resources of  
 27 the university. Such authority may include placing  
 28 restrictions on activities and on access to facilities,  
 29 firearms, food, tobacco, alcoholic beverages, distribution of  
 30 printed materials, commercial solicitation, animals, and  
 31 sound. The authority vested in the board of trustees in this

1 subsection includes the prioritization of the use of space,  
2 property, equipment, and resources and the imposition of  
3 charges for those items.

4 (7) Each board of trustees has responsibility for the  
5 establishment and discontinuance of degree programs up to and  
6 including the master's degree level; the establishment and  
7 discontinuance of course offerings; provision of credit and  
8 noncredit educational offerings; location of classes; services  
9 provided; and dissemination of information concerning such  
10 programs and services. Approval of new programs must be  
11 pursuant to criteria established by the State Board of  
12 Education.

13 (8) Each board of trustees is authorized to create  
14 divisions of sponsored research pursuant to the provisions of  
15 s. 1011.411 to serve the function of administration and  
16 promotion of the programs of research.

17 (9) Each board of trustees has responsibility for:  
18 ensuring that students have access to general education  
19 courses as identified in rule and requiring no more than 120  
20 semester hours of coursework for baccalaureate degree programs  
21 unless approved by the State Board of Education. At least half  
22 of the required coursework for any baccalaureate degree must  
23 be offered at the lower-division level, except in program  
24 areas approved by the State Board of Education.

25 (10) Each board of trustees has responsibility for  
26 policies related to students, enrollment of students, student  
27 activities and organizations, financial assistance, and other  
28 student services.

29 (a) Each board of trustees shall govern admission of  
30 students pursuant to s. 1007.261 and rules of the State Board  
31 of Education. Each board of trustees may consider the past

1 actions of any person applying for admission or enrollment and  
2 may deny admission or enrollment to an applicant because of  
3 misconduct if determined to be in the best interest of the  
4 university.

5 (b) Each board of trustees shall establish student  
6 performance standards for the award of degrees and  
7 certificates.

8 (c) Each board of trustees must identify its core  
9 curricula and work with school districts to ensure that its  
10 curricula coordinate with the core curricula and prepare  
11 students for college-level work.

12 (d) Each board of trustees must adopt a written  
13 antihazing policy, appropriate penalties for violations of  
14 such policy, and a program for enforcing such policy.

15 (e) Each board of trustees may establish a uniform  
16 code of conduct and appropriate penalties for violations of  
17 its rules by students and student organizations, including  
18 rules governing student academic honesty. Such penalties,  
19 unless otherwise provided by law, may include fines, the  
20 withholding of diplomas or transcripts pending compliance with  
21 rules or payment of fines, and the imposition of probation,  
22 suspension, or dismissal.

23 (f) Each board of trustees shall establish a  
24 committee, at least one-half of the members of which shall be  
25 students appointed by the student body president, to  
26 periodically review and evaluate the student judicial system.

27 (g) Each board of trustees must adopt a policy  
28 pursuant to s. 1006.53 that reasonably accommodates the  
29 religious observance, practice, and belief of individual  
30 students in regard to admissions, class attendance, and the  
31 scheduling of examinations and work assignments.



1           (h) A board of trustees may establish  
2 intrainstitutional and interinstitutional programs to maximize  
3 articulation pursuant to s. 1007.22.

4           (11) Each board of trustees shall establish fees  
5 pursuant to ss. 1009.24 and 1009.26.

6           (12) Each board of trustees shall submit an  
7 institutional budget request, including a request for fixed  
8 capital outlay, and an operating budget to the State Board of  
9 Education for approval in accordance with guidelines  
10 established by the State Board of Education.

11           (13) Each board of trustees shall account for  
12 expenditures of all state, local, federal, and other funds in  
13 the manner described by the Department of Education.

14           (14) Each board of trustees shall develop a strategic  
15 plan specifying institutional goals and objectives for the  
16 university for recommendation to the State Board of Education.

17           (15) Each board of trustees shall develop an  
18 accountability plan pursuant to guidelines established by the  
19 State Board of Education.

20           (16) Each board of trustees shall maintain an  
21 effective information system to provide accurate, timely, and  
22 cost-effective information about the university.

23           (17) Each board of trustees is authorized to secure  
24 comprehensive general liability insurance pursuant to s.  
25 1004.24.

26           (18) Each board of trustees may provide for payment of  
27 the costs of civil actions against officers, employees, or  
28 agents of the board pursuant to s. 1012.965.

29           (19) Each board of trustees shall establish the  
30 personnel program for all employees of the university,  
31 including the president, pursuant to the provisions of chapter

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1 1012 and, in accordance with rules and guidelines of the State  
 2 Board of Education, including: compensation and other  
 3 conditions of employment, recruitment and selection,  
 4 nonreappointment, standards for performance and conduct,  
 5 evaluation, benefits and hours of work, leave policies,  
 6 recognition and awards, inventions and works, travel, learning  
 7 opportunities, exchange programs, academic freedom and  
 8 responsibility, promotion, assignment, demotion, transfer,  
 9 tenure and permanent status, ethical obligations and conflicts  
 10 of interest, restrictive covenants, disciplinary actions,  
 11 complaints, appeals and grievance procedures, and separation  
 12 and termination from employment.

13 (20) Each board of trustees may consider the past  
 14 actions of any person applying for employment and may deny  
 15 employment to a person because of misconduct if determined to  
 16 be in the best interest of the university.

17 (21) Each board of trustees shall appoint a  
 18 presidential search committee to make recommendations to the  
 19 full board of trustees, from which the board of trustees may  
 20 select a candidate for ratification by the State Board of  
 21 Education.

22 (22) Each board of trustees shall conduct an annual  
 23 evaluation of the president in accordance with rules of the  
 24 State Board of Education and submit such evaluations to the  
 25 State Board of Education for review. The evaluation must  
 26 address the achievement of the performance goals established  
 27 by the accountability process implemented pursuant to s.  
 28 1008.46 and the performance of the president in achieving the  
 29 annual and long-term goals and objectives established in the  
 30 institution's employment equity accountability program  
 31 implemented pursuant to s. 1012.95.

1           (23) Each board of trustees constitutes the  
2 contracting agent of the university.

3           (24) Each board of trustees may enter into agreements  
4 for, and accept, credit card payments as compensation for  
5 goods, services, tuition, and fees.

6           (25) Each board of trustees may establish educational  
7 research centers for child development pursuant to s. 1011.48.

8           (26) Each board of trustees may develop and produce  
9 work products relating to educational endeavors that are  
10 subject to trademark, copyright, or patent statutes pursuant  
11 to s. 1004.23.

12           (27) Each board of trustees shall submit to the State  
13 Board of Education, for approval, all new campuses and  
14 instructional centers.

15           (28) Each board of trustees shall administer a program  
16 for the maintenance and construction of facilities pursuant to  
17 chapter 1013.

18           (29) Each board of trustees shall ensure compliance  
19 with the provisions of s. 287.09451 for all procurement and  
20 ss. 255.101 and 255.102 for construction contracts, and rules  
21 adopted pursuant thereto, relating to the utilization of  
22 minority business enterprises, except that procurements  
23 costing less than the amount provided for in CATEGORY FIVE as  
24 provided in s. 287.017 shall not be subject to s. 287.09451.

25           (30) Each board of trustees may exercise the right of  
26 eminent domain pursuant to the provisions of chapter 1013. Any  
27 suits or actions brought by the board of trustees shall be  
28 brought in the name of the board of trustees, and the  
29 Department of Legal Affairs shall conduct the proceedings for,  
30 and act as the counsel of, the board of trustees.

31           (31) Notwithstanding the provisions of s. 253.025,

1 each board of trustees may, with the consent of the Board of  
 2 Trustees of the Internal Improvement Trust Fund, sell, convey,  
 3 transfer, exchange, trade, or purchase real property and  
 4 related improvements necessary and desirable to serve the  
 5 needs and purposes of the university.

6       (a) The board of trustees may secure appraisals and  
 7 surveys. The board of trustees shall comply with the rules of  
 8 the Board of Trustees of the Internal Improvement Trust Fund  
 9 in securing appraisals. Whenever the board of trustees finds  
 10 it necessary for timely property acquisition, it may contract,  
 11 without the need for competitive selection, with one or more  
 12 appraisers whose names are contained on the list of approved  
 13 appraisers maintained by the Division of State Lands in the  
 14 Department of Environmental Protection.

15       (b) The board of trustees may negotiate and enter into  
 16 an option contract before an appraisal is obtained. The option  
 17 contract must state that the final purchase price may not  
 18 exceed the maximum value allowed by law. The consideration for  
 19 such an option contract may not exceed 10 percent of the  
 20 estimate obtained by the board of trustees or 10 percent of  
 21 the value of the parcel, whichever is greater, unless  
 22 otherwise authorized by the board of trustees.

23       (c) This subsection is not intended to abrogate in any  
 24 manner the authority delegated to the Board of Trustees of the  
 25 Internal Improvement Trust Fund or the Division of State Lands  
 26 to approve a contract for purchase of state lands or to  
 27 require policies and procedures to obtain clear legal title to  
 28 parcels purchased for state purposes. Title to property  
 29 acquired by a university board of trustees prior to January 7,  
 30 2003, and to property acquired with funds appropriated by the  
 31 Legislature shall vest in the Board of Trustees of the

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1 Internal Improvement Trust Fund.

2       (32) Each board of trustees shall prepare and adopt a  
3 campus master plan pursuant to s. 1013.30.

4       (33) Each board of trustees shall prepare, adopt, and  
5 execute a campus development agreement pursuant to s. 1013.30.

6       (34) Each board of trustees has responsibility for  
7 compliance with state and federal laws, rules, regulations,  
8 and requirements.

9       (35) Each board of trustees may govern traffic on the  
10 grounds of that campus pursuant to s. 1006.66.

11       (36) A board of trustees has responsibility for  
12 supervising faculty practice plans for the academic health  
13 science centers.

14       (37) Each board of trustees shall prescribe conditions  
15 for direct-support organizations and university health  
16 services support organizations to be certified and to use  
17 university property and services. Conditions relating to  
18 certification must provide for audit review and oversight by  
19 the board of trustees.

20       (38) Each board of trustees shall actively implement a  
21 plan, in accordance with guidelines of the State Board of  
22 Education, for working on a regular basis with the other  
23 university boards of trustees, representatives of the  
24 community college boards of trustees, and representatives of  
25 the district school boards, to achieve the goals of the  
26 seamless education system.

27       (39) Notwithstanding the provisions of s. 216.351, a  
28 board of trustees may authorize the rent or lease of parking  
29 facilities, provided that such facilities are funded through  
30 parking fees or parking fines imposed by a university. A board  
31 of trustees may authorize a university to charge fees for

1 parking at such rented or leased parking facilities.

2 (40) Each board of trustees may adopt rules and  
3 procedures related to data and technology, including  
4 information systems, communications systems, computer hardware  
5 and software, and networks.

6 (41) A board of trustees shall perform such other  
7 duties as are provided by law or rule of the State Board of  
8 Education.

9 Section 86. Section 1001.75, Florida Statutes, is  
10 created to read:

11 1001.75 University presidents; powers and duties.--The  
12 president is the chief executive officer of the state  
13 university, shall be corporate secretary of the university  
14 board of trustees, and is responsible for the operation and  
15 administration of the university. Each state university  
16 president shall:

17 (1) Recommend the adoption of rules, as appropriate,  
18 to the university board of trustees to implement provisions of  
19 law governing the operation and administration of the  
20 university, which shall include the specific powers and duties  
21 enumerated in this section. Such rules shall be consistent  
22 with the mission of the university and the rules and policies  
23 of the State Board of Education.

24 (2) Prepare a budget request and an operating budget  
25 for approval by the university board of trustees.

26 (3) Establish and implement policies and procedures to  
27 recruit, appoint, transfer, promote, compensate, evaluate,  
28 reward, demote, discipline, and remove personnel, within law  
29 and rules of the State Board of Education and in accordance  
30 with rules or policies approved by the university board of  
31 trustees.

- 1           (4) Govern admissions, subject to law and rules or
- 2 policies of the university board of trustees and the State
- 3 Board of Education.
- 4           (5) Approve, execute, and administer contracts for and
- 5 on behalf of the university board of trustees for licenses;
- 6 the acquisition or provision of commodities, goods, equipment,
- 7 and services; leases of real and personal property; and
- 8 planning and construction to be rendered to or by the
- 9 university, provided such contracts are within law and rules
- 10 of the State Board of Education and in conformance with
- 11 policies of the university board of trustees, and are for the
- 12 implementation of approved programs of the university.
- 13 University presidents shall comply with the provisions of s.
- 14 287.055 for the procurement of professional services and may
- 15 approve and execute all contracts on behalf of the board of
- 16 trustees for planning, construction, and equipment. For the
- 17 purposes of a university president's contracting authority, a
- 18 "continuing contract" for professional services under the
- 19 provisions of s. 287.055 is one in which construction costs do
- 20 not exceed \$1 million or the fee for study activity does not
- 21 exceed \$100,000.
- 22           (6) Act for the university board of trustees as
- 23 custodian of all university property.
- 24           (7) Establish the internal academic calendar of the
- 25 university within general guidelines of the State Board of
- 26 Education.
- 27           (8) Administer the university's program of
- 28 intercollegiate athletics.
- 29           (9) Recommend to the board of trustees the
- 30 establishment and termination of undergraduate and
- 31 master's-level degree programs within the approved role and

- 1 scope of the university.
- 2       (10) Award degrees.
- 3       (11) Recommend to the board of trustees a schedule of
- 4 tuition and fees to be charged by the university, within law
- 5 and rules of the State Board of Education.
- 6       (12) Organize the university to efficiently and
- 7 effectively achieve the goals of the university.
- 8       (13) Review periodically the operations of the
- 9 university in order to determine how effectively and
- 10 efficiently the university is being administered and whether
- 11 it is meeting the goals of its strategic plan adopted by the
- 12 State Board of Education.
- 13       (14) Enter into agreements for student exchange
- 14 programs that involve students at the university and students
- 15 in other institutions of higher learning.
- 16       (15) Approve the internal procedures of student
- 17 government organizations and provide purchasing, contracting,
- 18 and budgetary review processes for these organizations.
- 19       (16) Ensure compliance with federal and state laws,
- 20 rules, regulations, and other requirements that are applicable
- 21 to the university.
- 22       (17) Maintain all data and information pertaining to
- 23 the operation of the university, and report on the attainment
- 24 by the university of institutional and statewide performance
- 25 accountability goals.
- 26       (18) Adjust property records and dispose of
- 27 state-owned tangible personal property in the university's
- 28 custody in accordance with procedures established by the
- 29 university board of trustees. Notwithstanding the provisions
- 30 of s. 273.055(5), all moneys received from the disposition of
- 31 state-owned tangible personal property shall be retained by



1 the university and disbursed for the acquisition of tangible  
2 personal property and for all necessary operating  
3 expenditures. The university shall maintain records of the  
4 accounts into which such moneys are deposited.

5 (19) The powers, duties, and authority vested with a  
6 university shall be vested with the president of the  
7 university or his or her designee.

8 Section 87. Chapter 1002, Florida Statutes, shall be  
9 entitled "Student and Parental Rights and Educational Choices"  
10 and shall consist of ss. 1002.01-1002.44.

11 Section 88. Part I of chapter 1002, Florida Statutes,  
12 shall be entitled "General Provisions" and shall consist of s.  
13 1002.01.

14 Section 89. Section 1002.01, Florida Statutes, is  
15 created to read:

16 1002.01 Definitions.--

17 (1) A "home education program" means the sequentially  
18 progressive instruction of a student directed by his or her  
19 parent in order to satisfy the attendance requirements of ss.  
20 1002.41, 1003.01(4), and 1003.21(1).

21 (2) A "private school" is a nonpublic school defined  
22 as an individual, association, copartnership, or corporation,  
23 or department, division, or section of such organizations,  
24 that designates itself as an educational center that includes  
25 kindergarten or a higher grade or as an elementary, secondary,  
26 business, technical, or trade school below college level or  
27 any organization that provides instructional services that  
28 meet the intent of s. 1003.01(14) or that gives preemployment  
29 or supplementary training in technology or in fields of trade  
30 or industry or that offers academic, literary, or career and  
31 technical training below college level, or any combination of

1 the above, including an institution that performs the  
 2 functions of the above schools through correspondence or  
 3 extension, except those licensed under the provisions of  
 4 chapter 1005. A private school may be a parochial, religious,  
 5 denominational, for-profit, or nonprofit school. This  
 6 definition does not include home education programs conducted  
 7 in accordance with s. 1002.41.

8       Section 90. Part II of chapter 1002, Florida Statutes,  
 9 shall be entitled "Student and Parental Rights" and shall  
 10 consist of ss. 1002.20-1002.22.

11       Section 91. Section 1002.20, Florida Statutes, is  
 12 created to read:

13       1002.20 K-12 student and parent rights.--K-12 students  
 14 and their parents are afforded numerous statutory rights  
 15 including, but not limited to, the following:

16       (1) SYSTEM OF EDUCATION.--In accordance with s. 1,  
 17 Art. IX of the State Constitution, all K-12 public school  
 18 students are entitled to a uniform, safe, secure, efficient,  
 19 and high quality system of education, one that allows students  
 20 the opportunity to obtain a high quality education. Parents  
 21 are responsible to ready their children for school; however,  
 22 the State of Florida cannot be the guarantor of each  
 23 individual student's success.

24       (2) ATTENDANCE.--

25       (a) Compulsory school attendance.--The compulsory  
 26 school attendance laws apply to all children between the ages  
 27 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),  
 28 and, in accordance with the provisions of s. 1003.21(1) and  
 29 (2)(a):

30       1. A student who attains the age of 16 years during  
 31 the school year has the right to file a formal declaration of

1 intent to terminate school enrollment if the declaration is  
 2 signed by the parent. The parent has the right to be notified  
 3 by the school district of the district's receipt of the  
 4 student's declaration of intent to terminate school  
 5 enrollment.

6 2. Students who become or have become married or who  
 7 are pregnant and parenting have the right to attend school and  
 8 receive the same or equivalent educational instruction as  
 9 other students.

10 (b) Regular school attendance.--Parents of students  
 11 who have attained the age of 6 years by February 1 of any  
 12 school year but who have not attained the age of 16 years must  
 13 comply with the compulsory school attendance laws. Parents  
 14 have the option to comply with the school attendance laws by  
 15 attendance of the student in a public school; a parochial,  
 16 religious, or denominational school; a private school; a home  
 17 education program; or a private tutoring program, in  
 18 accordance with the provisions of s. 1003.01(14).

19 (c) Absence for religious purposes.--A parent of a  
 20 public school student may request and be granted permission  
 21 for absence of the student from school for religious  
 22 instruction or religious holidays, in accordance with the  
 23 provisions of s. 1003.21(2)(b).

24 (d) Dropout prevention and academic intervention  
 25 programs.--The parent of a public school student has the right  
 26 to receive written notice by certified mail prior to placement  
 27 of the student in a dropout prevention and academic  
 28 intervention program and shall be notified in writing and  
 29 entitled to an administrative review of any action by school  
 30 personnel relating to the student's placement, in accordance  
 31 with the provisions of s. 1003.53(5).

1           (3) HEALTH ISSUES.--

2           (a) School-entry health examinations.--The parent of  
3 any child attending a public or private school shall be exempt  
4 from the requirement of a health examination upon written  
5 request stating objections on religious grounds in accordance  
6 with the provisions of s. 1003.22(1) and (2).

7           (b) Immunizations.--The parent of any child attending  
8 a public or private school shall be exempt from the school  
9 immunization requirements upon meeting any of the exemptions  
10 in accordance with the provisions of s. 1003.22(5).

11           (c) Biological experiments.--Parents may request that  
12 their child be excused from performing surgery or dissection  
13 in biological science classes in accordance with the  
14 provisions of s. 1003.47.

15           (d) Reproductive health and disease education.--A  
16 public school student whose parent makes written request to  
17 the school principal shall be exempted from the teaching of  
18 reproductive health or any disease, including HIV/AIDS, in  
19 accordance with the provisions of s. 1003.42(3).

20           (e) Contraceptive services to public school  
21 students.--In accordance with the provisions of s.  
22 1006.062(7), students may not be referred to or offered  
23 contraceptive services at school facilities without the  
24 parent's consent.

25           (f) Career and technical education courses involving  
26 hazardous substances.--High school students must be given  
27 plano safety glasses or devices in career and technical  
28 education courses involving the use of hazardous substances  
29 likely to cause eye injury, in accordance with the provisions  
30 of s. 1006.65.

31           (g) Substance abuse reports.--The parent of a public

1 school student must be timely notified of any verified report  
2 of a substance abuse violation by the student, in accordance  
3 with the provisions of s. 1006.09(8).

4 (h) Inhaler use.--Asthmatic students whose parent and  
5 physician provide their approval to the school principal may  
6 carry a metered dose inhaler on their person while in school.  
7 The school principal shall be provided a copy of the parent's  
8 and physician's approval.

9 (4) DISCIPLINE.--

10 (a) Suspension of public school student.--In  
11 accordance with the provisions of s. 1006.09(1)-(4):

12 1. A student may be suspended only as provided by rule  
13 of the district school board. A good faith effort must be made  
14 to immediately inform the parent by telephone of the student's  
15 suspension and the reason. Each suspension and the reason  
16 must be reported in writing within 24 hours to the parent by  
17 U.S. mail. A good faith effort must be made to use parental  
18 assistance before suspension unless the situation requires  
19 immediate suspension.

20 2. A student with a disability may only be recommended  
21 for suspension or expulsion in accordance with State Board of  
22 Education rules.

23 (b) Expulsion.--Public school students and their  
24 parents have the right to written notice of a recommendation  
25 of expulsion, including the charges against the student and a  
26 statement of the right of the student to due process, in  
27 accordance with the provisions of s. 1001.51(8).

28 (c) Corporal punishment.--In accordance with the  
29 provisions of s. 1003.32, corporal punishment of a public  
30 school student may only be administered by a teacher or school  
31 principal within guidelines of the school principal and

1 according to district school board policy. Another adult must  
 2 be present and must be informed in the student's presence of  
 3 the reason for the punishment. Upon request, the teacher or  
 4 school principal must provide the parent with a written  
 5 explanation of the reason for the punishment and the name of  
 6 the other adult who was present.

7       (5) SAFETY.--In accordance with the provisions of s.  
 8 1006.13(5), students who have been victims of certain felony  
 9 offenses by other students, as well as the siblings of the  
 10 student victims, have the right to be kept separated from the  
 11 student offender both at school and during school  
 12 transportation.

13       (6) EDUCATIONAL CHOICE.--

14       (a) Public school choices.--Parents of public school  
 15 students may seek whatever public school choice options that  
 16 are applicable to their students and are available to students  
 17 in their school districts. These options may include  
 18 controlled open enrollment, lab schools, charter schools,  
 19 charter technical career centers, magnet schools, alternative  
 20 schools, special programs, advanced placement, dual  
 21 enrollment, International Baccalaureate, early admissions,  
 22 credit by examination or demonstration of competency, the New  
 23 World School of the Arts, the Florida School for the Deaf and  
 24 Blind, and the Florida Virtual High School. These options may  
 25 also include the public school choice options of the  
 26 Opportunity Scholarship Program and the McKay Scholarships for  
 27 Students with Disabilities Program.

28       (b) Private school choices.--Parents of public school  
 29 students may seek private school choice options under certain  
 30 programs.

31       1. Under the Opportunity Scholarship Program, the

1 parent of a student in a failing public school may request and  
 2 receive an opportunity scholarship for the student to attend a  
 3 private school in accordance with the provisions of s.  
 4 1002.38.

5 2. Under the McKay Scholarships for Students with  
 6 Disabilities Program, the parent of a public school student  
 7 with a disability who is dissatisfied with the student's  
 8 progress may request and receive a McKay Scholarship for the  
 9 student to attend a private school in accordance with the  
 10 provisions of s. 1002.39.

11 3. Under the corporate income tax credit scholarship  
 12 program, the parent of a student who qualifies for free or  
 13 reduced-price school lunch may seek a scholarship from an  
 14 eligible nonprofit scholarship-funding organization in  
 15 accordance with the provisions of s. 220.187.

16 (c) Home education.--The parent of a student may  
 17 choose to place the student in a home education program in  
 18 accordance with the provisions of s. 1002.41.

19 (d) Private tutoring.--The parent of a student may  
 20 choose to place the student in a private tutoring program in  
 21 accordance with the provisions of s. 1002.43(1).

22 (7) NONDISCRIMINATION.--All education programs,  
 23 activities, and opportunities offered by public educational  
 24 institutions must be made available without discrimination on  
 25 the basis of race, ethnicity, national origin, gender,  
 26 disability, or marital status, in accordance with the  
 27 provisions of s. 1000.05.

28 (8) STUDENTS WITH DISABILITIES.--Parents of public  
 29 school students with disabilities and parents of public school  
 30 students in residential care facilities are entitled to notice  
 31 and due process in accordance with the provisions of ss.

1 1003.57 and 1003.58. Public school students with disabilities  
 2 must be provided the opportunity to meet the graduation  
 3 requirements for a standard high school diploma in accordance  
 4 with the provisions of s. 1003.43(4). Certain public school  
 5 students with disabilities may be awarded a special diploma  
 6 upon high school graduation.

7 (9) BLIND STUDENTS.--Blind students have the right to  
 8 an individualized written education program and appropriate  
 9 instructional materials to attain literacy, in accordance with  
 10 provisions of s. 1003.55.

11 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In  
 12 accordance with the provisions of s. 1003.56, limited English  
 13 proficient students have the right to receive ESOL (English  
 14 for Speakers of Other Languages) instruction designed to  
 15 develop the student's mastery of listening, speaking, reading,  
 16 and writing in English as rapidly as possible, and the  
 17 students' parents have the right of parental involvement in  
 18 the ESOL program.

19 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the  
 20 joint statement of current case law by the American Jewish  
 21 Congress, the ACLU, the Anti-Defamation League, and others:

22 (a) Right to pray.--Students have the right to pray  
 23 individually or in groups or to discuss their religious views  
 24 with their peers so long as they are not disruptive.

25 (b) Right to express.--Students may express their  
 26 religious beliefs in the form of reports, homework, and  
 27 artwork, and such expressions are constitutionally protected.  
 28 Teachers may not reject or correct such submissions simply  
 29 because they include a religious symbol or address religious  
 30 themes.

31 (c) Right to distribute.--Students have the right to



1 distribute religious literature to their schoolmates, subject  
2 to those reasonable time, place, and manner or other  
3 constitutionally acceptable restrictions imposed on the  
4 distribution of all nonschool literature.

5 (d) Right to participate.--Student participation in  
6 before-school or after-school events, such as "See you at the  
7 pole," is permissible.

8 (e) Right to speak.--Students have the right to speak  
9 to, and attempt to persuade, their peers about religious  
10 topics just as they do with regard to political topics.

11 (f) Right to meet.--Student religious clubs in  
12 secondary schools must be permitted to meet and to have equal  
13 access to campus media to announce their meetings if a school  
14 receives federal funds and permits any student noncurricular  
15 club to meet during noninstructional time.

16 (12) PLEDGE OF ALLEGIANCE.--A public school student  
17 must be excused from reciting the pledge of allegiance upon  
18 written request by the student's parent, in accordance with  
19 the provisions of s. 1003.44.

20 (13) STUDENT RECORDS.--

21 (a) Parent rights.--Parents have rights regarding the  
22 student records of their children, including right of access,  
23 right of waiver of access, right to challenge and hearing, and  
24 right of privacy, in accordance with the provisions of s.  
25 1002.22.

26 (b) Student rights.--In accordance with the provisions  
27 of s. 1008.386, a student is not required to provide his or  
28 her social security number as a condition for enrollment or  
29 graduation.

30 (14) STUDENT REPORT CARDS.--Students and their parents  
31 have the right to receive student report cards on a regular

1 basis that clearly depict and grade the student's academic  
 2 performance in each class or course, the student's conduct,  
 3 and the student's attendance, in accordance with the  
 4 provisions of s. 1003.33.

5 (15) STUDENT PROGRESS REPORTS.--Parents of public  
 6 school students shall be apprised at regular intervals of the  
 7 academic progress and other needed information regarding their  
 8 child, in accordance with the provisions of s. 1003.02(1)(h)2.

9 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT  
 10 RATING REPORTS.--Parents of public school students are  
 11 entitled to an easy-to-read report card about the grade  
 12 designation, school accountability including the school  
 13 financial report, and school improvement rating of their  
 14 child's school in accordance with the provisions of ss.  
 15 1008.22, 1003.02(3), and 1010.215(5).

16 (17) ATHLETICS; PUBLIC HIGH SCHOOL.--

17 (a) Eligibility.--Eligibility requirements for all  
 18 students participating in high school athletic competition  
 19 must allow a student to be eligible in the school in which he  
 20 or she first enrolls each school year, or makes himself or  
 21 herself a candidate for an athletic team by engaging in  
 22 practice before enrolling, in accordance with the provisions  
 23 of s. 1006.20(2)(a).

24 (b) Medical evaluation.--Students must satisfactorily  
 25 pass a medical evaluation each year before participating in  
 26 athletics, unless the parent objects in writing based on  
 27 religious tenets or practices, in accordance with the  
 28 provisions of s. 1006.20(2)(d).

29 (18) EXTRACURRICULAR ACTIVITIES.--In accordance with  
 30 the provisions of s. 1006.15:

31 (a) Eligibility.--Students who meet specified academic

1 and conduct requirements are eligible to participate in  
2 extracurricular activities.

3 (b) Home education students.--Home education students  
4 who meet specified academic and conduct requirements are  
5 eligible to participate in extracurricular activities at the  
6 public school to which the student would be assigned or could  
7 choose to attend according to district school board policies,  
8 or may develop an agreement to participate at a private  
9 school.

10 (c) Charter school students.--Charter school students  
11 who meet specified academic and conduct requirements are  
12 eligible to participate in extracurricular activities at the  
13 public school to which the student would be assigned or could  
14 choose to attend according to district school board policies,  
15 unless such activity is provided by the student's charter  
16 school.

17 (d) Discrimination prohibited.--Organizations that  
18 regulate or govern extracurricular activities of public  
19 schools shall not discriminate against any eligible student  
20 based on an educational choice of public, private, or home  
21 education.

22 (19) INSTRUCTIONAL MATERIALS.--

23 (a) Core courses.--Each public school student is  
24 entitled to sufficient instructional materials in the core  
25 courses of mathematics, language arts, social studies,  
26 science, reading, and literature, in accordance with the  
27 provisions of ss. 1003.02(1)(d) and 1006.40(2).

28 (b) Curricular objectives.--The parent of each public  
29 school student has the right to receive effective  
30 communication from the school principal as to the manner in  
31 which instructional materials are used to implement the

1 school's curricular objectives, in accordance with the  
2 provisions of s. 1006.28(3)(a).

3 (c) Sale of instructional materials.--Upon request of  
4 the parent of a public school student, the school principal  
5 must sell to the parent any instructional materials used in  
6 the school, in accordance with the provisions of s.  
7 1006.28(3)(c).

8 (d) Dual enrollment students.--Instructional materials  
9 purchased by a district school board or community college  
10 board of trustees on behalf of public school dual enrollment  
11 students shall be made available to the dual enrollment  
12 students free of charge, in accordance with the provisions of  
13 s. 1007.271(14) and (15).

14 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in  
15 juvenile justice programs have the right to receive  
16 educational programs and services in accordance with the  
17 provisions of s. 1003.52.

18 (21) PARENTAL INPUT AND MEETINGS.--

19 (a) Meetings with school district personnel.--Parents  
20 of public school students may be accompanied by another adult  
21 of their choice at any meeting with school district personnel.

22 (b) School district best financial management practice  
23 reviews.--Public school students and their parents may provide  
24 input regarding their concerns about the operations and  
25 management of the school district both during and after the  
26 conduct of a school district best financial management  
27 practices review, in accordance with the provisions of s.  
28 1008.35.

29 (c) District school board educational facilities  
30 programs.--Parents of public school students and other members  
31 of the public have the right to receive proper public notice

1 and opportunity for public comment regarding the district  
2 school board's educational facilities work program, in  
3 accordance with the provisions of s. 1013.35.

4 (22) TRANSPORTATION.--

5 (a) Transportation to school.--Public school students  
6 shall be provided transportation to school, in accordance with  
7 the provisions of s. 1006.21(3)(a).

8 (b) Hazardous walking conditions.--K-6 public school  
9 students shall be provided transportation if they are  
10 subjected to hazardous walking conditions, in accordance with  
11 the provisions of ss. 1006.21(3)(b) and 1006.23.

12 (c) Parental consent.--Each parent of a public school  
13 student must be notified in writing and give written consent  
14 before the student may be transported in a privately owned  
15 motor vehicle to a school function, in accordance with the  
16 provisions of s. 1006.22(2)(b).

17 Section 92. Section 1002.21, Florida Statutes, is  
18 created to read:

19 1002.21 Postsecondary student and parent rights.--

20 (1) STUDENT RECORDS.--Parents have rights regarding  
21 the student records of their children, and students 18 years  
22 of age and older have rights regarding their student records,  
23 including right of access, right of waiver of access, right to  
24 challenge and hearing, and right of privacy, in accordance  
25 with the provisions of ss. 1002.22, 1005.36, and 1006.52.

26 (2) LEARNING DISABLED STUDENTS.--Impaired and learning  
27 disabled students may be eligible for reasonable substitution  
28 for admission, graduation, and upper-level division  
29 requirements of public postsecondary educational institutions,  
30 in accordance with the provisions of s. 1007.264.

31 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public

1 postsecondary education students may be expelled, suspended,  
2 or otherwise disciplined by the president of a public  
3 postsecondary educational institution after notice to the  
4 student of the charges and a hearing on the charges, in  
5 accordance with the provisions of s. 1006.62.

6 (4) RELIGIOUS BELIEFS.--Public postsecondary  
7 educational institutions must provide reasonable  
8 accommodations for the religious practices and beliefs of  
9 individual students in regard to admissions, class attendance,  
10 and the scheduling of examinations and work assignments, in  
11 accordance with the provisions of s. 1006.53, and must provide  
12 and describe in the student handbook a grievance procedure for  
13 students to seek redress when they feel they have been  
14 unreasonably denied an educational benefit due to their  
15 religious beliefs or practices.

16 (5) STUDENT HANDBOOKS.--Each state university and  
17 community college shall provide its students with an  
18 up-to-date student handbook that includes student rights and  
19 responsibilities, appeals processes available to students,  
20 contact persons available to help students, student conduct  
21 code, and information regarding HIV and AIDS, in accordance  
22 with the provisions of s. 1006.50.

23 (6) STUDENT OMBUDSMAN OFFICE.--Each state university  
24 and community college shall maintain a student ombudsman  
25 office and established procedures for students to appeal to  
26 the office regarding decisions about the student's access to  
27 courses and credit granted toward the student's degree, in  
28 accordance with the provisions of s. 1006.51.

29 Section 93. Section 1002.22, Florida Statutes, is  
30 created to read:

31 1002.22 Student records and reports; rights of parents

1 and students; notification; penalty.--

2 (1) PURPOSE.--The purpose of this section is to  
3 protect the rights of students and their parents with respect  
4 to student records and reports as created, maintained, and  
5 used by public educational institutions in the state. The  
6 intent of the Legislature is that students and their parents  
7 shall have rights of access, rights of challenge, and rights  
8 of privacy with respect to such records and reports, and that  
9 rules shall be available for the exercise of these rights.

10 (2) DEFINITIONS.--As used in this section:

11 (a) "Chief executive officer" means that person,  
12 whether elected or appointed, who is responsible for the  
13 management and administration of any public educational body  
14 or unit, or the chief executive officer's designee for student  
15 records; that is, the district school superintendent, the  
16 director of an area technical center, the president of a  
17 public postsecondary educational institution, or their  
18 designees.

19 (b) "Directory information" includes the student's  
20 name, address, telephone number if it is a listed number, date  
21 and place of birth, major field of study, participation in  
22 officially recognized activities and sports, weight and height  
23 of members of athletic teams, dates of attendance, degrees and  
24 awards received, and the most recent previous educational  
25 agency or institution attended by the student.

26 (c) "Records" and "reports" mean official records,  
27 files, and data directly related to students that are created,  
28 maintained, and used by public educational institutions,  
29 including all material that is incorporated into each  
30 student's cumulative record folder and intended for school use  
31 or to be available to parties outside the school or school

1 system for legitimate educational or research purposes.  
 2 Materials that shall be considered as part of a student's  
 3 record include, but are not necessarily limited to:  
 4 identifying data, including a student's social security  
 5 number; academic work completed; level of achievement records,  
 6 including grades and standardized achievement test scores;  
 7 attendance data; scores on standardized intelligence,  
 8 aptitude, and psychological tests; interest inventory results;  
 9 health data; family background information; teacher or  
 10 counselor ratings and observations; verified reports of  
 11 serious or recurrent behavior patterns; and any other  
 12 evidence, knowledge, or information recorded in any medium,  
 13 including, but not limited to, handwriting, typewriting,  
 14 print, magnetic tapes, film, microfilm, and microfiche, and  
 15 maintained and used by an educational agency or institution or  
 16 by a person acting for such agency or institution. However,  
 17 the terms "records" and "reports" do not include:

18       1. Records of instructional, supervisory, and  
 19 administrative personnel, and educational personnel ancillary  
 20 to those persons, that are kept in the sole possession of the  
 21 maker of the record and are not accessible or revealed to any  
 22 other person except a substitute for any of such persons. An  
 23 example of records of this type is instructor's grade books.

24       2. Records of law enforcement units of the institution  
 25 that are maintained solely for law enforcement purposes and  
 26 that are not available to persons other than officials of the  
 27 institution or law enforcement officials of the same  
 28 jurisdiction in the exercise of that jurisdiction.

29       3. Records made and maintained by the institution in  
 30 the normal course of business that relate exclusively to a  
 31 student in his or her capacity as an employee and that are not



1 available for use for any other purpose.

2 4. Records created or maintained by a physician,  
3 psychiatrist, psychologist, or other recognized professional  
4 or paraprofessional acting in his or her professional or  
5 paraprofessional capacity, or assisting in that capacity, that  
6 are created, maintained, or used only in connection with the  
7 provision of treatment to the student and that are not  
8 available to anyone other than persons providing such  
9 treatment. However, such records shall be open to a physician  
10 or other appropriate professional of the student's choice.

11 5. Directory information as defined in this section.

12 6. Other information, files, or data that do not  
13 permit the personal identification of a student.

14 7. Letters or statements of recommendation or  
15 evaluation that were confidential under Florida law and that  
16 were received and made a part of the student's educational  
17 records prior to July 1, 1977.

18 8. Copies of the student's fingerprints. No public  
19 educational institution shall maintain any report or record  
20 relative to a student that includes a copy of the student's  
21 fingerprints.

22 (d) "Student" means any child or adult who is enrolled  
23 or who has been enrolled in any instructional program or  
24 activity conducted under the authority and direction of an  
25 institution comprising a part of the state system of public  
26 education and with respect to whom an educational institution  
27 maintains educational records and reports or personally  
28 identifiable information, but does not include a person who  
29 has not been in attendance as an enrollee at such institution.

30 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any  
31 student who attends or has attended any public school, area

1 technical center, or public postsecondary educational  
 2 institution shall have the following rights with respect to  
 3 any records or reports created, maintained, and used by any  
 4 public educational institution in the state. However,  
 5 whenever a student has attained 18 years of age, or is  
 6 attending a postsecondary educational institution, the  
 7 permission or consent required of, and the rights accorded to,  
 8 the parents of the student shall thereafter be required of and  
 9 accorded to the student only, unless the student is a  
 10 dependent student of such parents as defined in 26 U.S.C. s.  
 11 152 (s. 152 of the Internal Revenue Code of 1954). The State  
 12 Board of Education shall adopt rules whereby parents or  
 13 students may exercise these rights:

14 (a) Right of access.--

15 1. Such parent or student shall have the right, upon  
 16 request directed to the appropriate school official, to be  
 17 provided with a list of the types of records and reports,  
 18 directly related to students, as maintained by the institution  
 19 that the student attends or has attended.

20 2. Such parent or student shall have the right, upon  
 21 request, to be shown any record or report relating to such  
 22 student maintained by any public educational institution.  
 23 When the record or report includes information on more than  
 24 one student, the parent or student shall be entitled to  
 25 receive, or be informed of, only that part of the record or  
 26 report that pertains to the student who is the subject of the  
 27 request. Upon a reasonable request therefor, the institution  
 28 shall furnish such parent or student with an explanation or  
 29 interpretation of any such record or report.

30 3. Copies of any list, record, or report requested  
 31 under the provisions of this paragraph shall be furnished to

1 the parent or student upon request.

2 4. The State Board of Education shall adopt rules to  
3 be followed by all public educational institutions in granting  
4 requests for lists, or for access to reports and records or  
5 for copies or explanations thereof under this paragraph.

6 However, access to any report or record requested under the  
7 provisions of subparagraph 2. shall be granted within 30 days  
8 after receipt of such request by the institution. Fees may be  
9 charged for furnishing any copies of reports or records  
10 requested under subparagraph 3., but such fees shall not  
11 exceed the actual cost to the institution of producing such  
12 copies.

13 (b) Right of waiver of access to confidential letters  
14 or statements.--A parent or student shall have the right to  
15 waive the right of access to letters or statements of  
16 recommendation or evaluation, except that such waiver shall  
17 apply to recommendations or evaluations only if:

18 1. The parent or student is, upon request, notified of  
19 the names of all persons submitting confidential letters or  
20 statements.

21 2. Such recommendations or evaluations are used solely  
22 for the purpose for which they were specifically intended.

23  
24 Such waivers may not be required as a condition for admission  
25 to, receipt of financial aid from, or receipt of any other  
26 services or benefits from, any public agency or public  
27 educational institution in this state.

28 (c) Right to challenge and hearing.--A parent or  
29 student shall have the right to challenge the content of any  
30 record or report to which such person is granted access under  
31 paragraph (a), in order to ensure that the record or report is

1 not inaccurate, misleading, or otherwise in violation of the  
 2 privacy or other rights of the student and to provide an  
 3 opportunity for the correction, deletion, or expunction of any  
 4 inaccurate, misleading, or otherwise inappropriate data or  
 5 material contained therein. Any challenge arising under the  
 6 provisions of this paragraph may be settled through informal  
 7 meetings or discussions between the parent or student and  
 8 appropriate officials of the educational institution. If the  
 9 parties at such a meeting agree to make corrections, to make  
 10 deletions, to expunge material, or to add a statement of  
 11 explanation or rebuttal to the file, such agreement shall be  
 12 reduced to writing and signed by the parties; and the  
 13 appropriate school officials shall take the necessary actions  
 14 to implement the agreement. If the parties cannot reach an  
 15 agreement, upon the request of either party, a hearing shall  
 16 be held on such challenge under rules adopted by the State  
 17 Board of Education. Upon the request of the parent or student,  
 18 the hearing shall be exempt from the requirements of s.  
 19 286.011. Such rules shall include at least the following  
 20 provisions:

21 1. The hearing shall be conducted within a reasonable  
 22 period of time following the request for the hearing.

23 2. The hearing shall be conducted, and the decision  
 24 rendered, by an official of the educational institution or  
 25 other party who does not have a direct interest in the outcome  
 26 of the hearing.

27 3. The parent or student shall be afforded a full and  
 28 fair opportunity to present evidence relevant to the issues  
 29 raised under this paragraph.

30 4. The decision shall be rendered in writing within a  
 31 reasonable period of time after the conclusion of the hearing.

1           5. The appropriate school officials shall take the  
2 necessary actions to implement the decision.

3           (d) Right of privacy.--Every student shall have a  
4 right of privacy with respect to the educational records kept  
5 on him or her. Personally identifiable records or reports of a  
6 student, and any personal information contained therein, are  
7 confidential and exempt from the provisions of s. 119.07(1).  
8 No state or local educational agency, board, public school,  
9 technical center, or public postsecondary educational  
10 institution shall permit the release of such records, reports,  
11 or information without the written consent of the student's  
12 parent, or of the student himself or herself if he or she is  
13 qualified as provided in this subsection, to any individual,  
14 agency, or organization. However, personally identifiable  
15 records or reports of a student may be released to the  
16 following persons or organizations without the consent of the  
17 student or the student's parent:

18           1. Officials of schools, school systems, technical  
19 centers, or public postsecondary educational institutions in  
20 which the student seeks or intends to enroll; and a copy of  
21 such records or reports shall be furnished to the parent or  
22 student upon request.

23           2. Other school officials, including teachers within  
24 the educational institution or agency, who have legitimate  
25 educational interests in the information contained in the  
26 records.

27           3. The United States Secretary of Education, the  
28 Director of the National Institute of Education, the Assistant  
29 Secretary for Education, the Comptroller General of the United  
30 States, or state or local educational authorities who are  
31 authorized to receive such information subject to the

1 conditions set forth in applicable federal statutes and  
2 regulations of the United States Department of Education, or  
3 in applicable state statutes and rules of the State Board of  
4 Education.

5 4. Other school officials, in connection with a  
6 student's application for or receipt of financial aid.

7 5. Individuals or organizations conducting studies for  
8 or on behalf of an institution or a board of education for the  
9 purpose of developing, validating, or administering predictive  
10 tests, administering student aid programs, or improving  
11 instruction, if such studies are conducted in such a manner as  
12 will not permit the personal identification of students and  
13 their parents by persons other than representatives of such  
14 organizations and if such information will be destroyed when  
15 no longer needed for the purpose of conducting such studies.

16 6. Accrediting organizations, in order to carry out  
17 their accrediting functions.

18 7. School readiness coalitions and the Florida  
19 Partnership for School Readiness in order to carry out their  
20 assigned duties.

21 8. For use as evidence in student expulsion hearings  
22 conducted by a district school board pursuant to the  
23 provisions of chapter 120.

24 9. Appropriate parties in connection with an  
25 emergency, if knowledge of the information in the student's  
26 educational records is necessary to protect the health or  
27 safety of the student or other individuals.

28 10. The Auditor General and the Office of Program  
29 Policy Analysis and Government Accountability in connection  
30 with their official functions; however, except when the  
31 collection of personally identifiable information is

1 specifically authorized by law, any data collected by the  
 2 Auditor General and the Office of Program Policy Analysis and  
 3 Government Accountability is confidential and exempt from the  
 4 provisions of s. 119.07(1) and shall be protected in such a  
 5 way as will not permit the personal identification of students  
 6 and their parents by other than the Auditor General, the  
 7 Office of Program Policy Analysis and Government  
 8 Accountability, and their staff, and such personally  
 9 identifiable data shall be destroyed when no longer needed for  
 10 the Auditor General's and the Office of Program Policy  
 11 Analysis and Government Accountability's official use.

12 11.a. A court of competent jurisdiction in compliance  
 13 with an order of that court or the attorney of record pursuant  
 14 to a lawfully issued subpoena, upon the condition that the  
 15 student and the student's parent are notified of the order or  
 16 subpoena in advance of compliance therewith by the educational  
 17 institution or agency.

18 b. A person or entity pursuant to a court of competent  
 19 jurisdiction in compliance with an order of that court or the  
 20 attorney of record pursuant to a lawfully issued subpoena,  
 21 upon the condition that the student, or his or her parent if  
 22 the student is either a minor and not attending a  
 23 postsecondary educational institution or a dependent of such  
 24 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal  
 25 Revenue Code of 1954), is notified of the order or subpoena in  
 26 advance of compliance therewith by the educational institution  
 27 or agency.

28 12. Credit bureaus, in connection with an agreement  
 29 for financial aid that the student has executed, provided that  
 30 such information may be disclosed only to the extent necessary  
 31 to enforce the terms or conditions of the financial aid

1 agreement. Credit bureaus shall not release any information  
2 obtained pursuant to this paragraph to any person.

3 13. Parties to an interagency agreement among the  
4 Department of Juvenile Justice, school and law enforcement  
5 authorities, and other signatory agencies for the purpose of  
6 reducing juvenile crime and especially motor vehicle theft by  
7 promoting cooperation and collaboration, and the sharing of  
8 appropriate information in a joint effort to improve school  
9 safety, to reduce truancy and in-school and out-of-school  
10 suspensions, and to support alternatives to in-school and  
11 out-of-school suspensions and expulsions that provide  
12 structured and well-supervised educational programs  
13 supplemented by a coordinated overlay of other appropriate  
14 services designed to correct behaviors that lead to truancy,  
15 suspensions, and expulsions, and that support students in  
16 successfully completing their education. Information provided  
17 in furtherance of such interagency agreements is intended  
18 solely for use in determining the appropriate programs and  
19 services for each juvenile or the juvenile's family, or for  
20 coordinating the delivery of such programs and services, and  
21 as such is inadmissible in any court proceedings prior to a  
22 dispositional hearing unless written consent is provided by a  
23 parent or other responsible adult on behalf of the juvenile.

24  
25 This paragraph does not prohibit any educational institution  
26 from publishing and releasing to the general public directory  
27 information relating to a student if the institution elects to  
28 do so. However, no educational institution shall release, to  
29 any individual, agency, or organization that is not listed in  
30 subparagraphs 1.-13., directory information relating to the  
31 student body in general or a portion thereof unless it is



1 normally published for the purpose of release to the public in  
 2 general. Any educational institution making directory  
 3 information public shall give public notice of the categories  
 4 of information that it has designated as directory information  
 5 with respect to all students attending the institution and  
 6 shall allow a reasonable period of time after such notice has  
 7 been given for a parent or student to inform the institution  
 8 in writing that any or all of the information designated  
 9 should not be released.

10       (4) NOTIFICATION.--Every parent and student entitled  
 11 to rights relating to student records and reports under the  
 12 provisions of subsection (3) shall be notified annually, in  
 13 writing, of such rights and that the institution has a policy  
 14 of supporting the law; the types of information and data  
 15 generally entered in the student records as maintained by the  
 16 institution; and the procedures to be followed in order to  
 17 exercise such rights. The notification shall be general in  
 18 form and in a manner to be determined by the State Board of  
 19 Education and may be incorporated with other printed materials  
 20 distributed to students, such as being printed on the back of  
 21 school assignment forms or report cards for students attending  
 22 kindergarten or grades 1 through 12 in the public school  
 23 system and being printed in college catalogs or in other  
 24 program announcement bulletins for students attending  
 25 postsecondary educational institutions.

26       (5) PENALTY.--In the event that any public school  
 27 official or employee, district school board official or  
 28 employee, technical center official or employee, or public  
 29 postsecondary educational institution official or employee  
 30 refuses to comply with any of the provisions of this section,  
 31 the aggrieved parent or student shall have an immediate right

1 to bring an action in the circuit court to enforce the  
2 violated right by injunction. Any aggrieved parent or student  
3 who brings such an action and whose rights are vindicated may  
4 be awarded attorney's fees and court costs.

5 (6) APPLICABILITY TO RECORDS OF DEFUNCT  
6 INSTITUTIONS.--The provisions of this section also apply to  
7 student records that any nonpublic educational institution  
8 that is no longer operating has deposited with the district  
9 school superintendent in the county where the nonpublic  
10 educational institution was located.

11 Section 94. Part III of chapter 1002, Florida  
12 Statutes, shall be entitled "Educational Choice" and shall  
13 consist of ss. 1002.31-1002.39.

14 Section 95. Section 1002.31, Florida Statutes, is  
15 created to read:

16 1002.31 Public school parental choice.--

17 (1) As used in this section, "controlled open  
18 enrollment" means a public education delivery system that  
19 allows school districts to make student school assignments  
20 using parents' indicated preferential school choice as a  
21 significant factor.

22 (2) Each district school board may offer controlled  
23 open enrollment within the public schools. The controlled open  
24 enrollment program shall be offered in addition to the  
25 existing choice programs such as magnet schools, alternative  
26 schools, special programs, advanced placement, and dual  
27 enrollment.

28 (3) Each district school board shall develop a  
29 controlled open enrollment plan which describes the  
30 implementation of subsection (2).

31 (4) School districts shall adhere to federal

1 desegregation requirements. No controlled open enrollment  
2 plan that conflicts with federal desegregation orders shall be  
3 implemented.

4 (5) Each school district shall develop a system of  
5 priorities for its plan that includes consideration of the  
6 following:

7 (a) An application process required to participate in  
8 the controlled open enrollment program.

9 (b) A process that allows parents to declare school  
10 preferences.

11 (c) A process that encourages placement of siblings  
12 within the same school.

13 (d) A lottery procedure used by the school district to  
14 determine student assignment.

15 (e) An appeals process for hardship cases.

16 (f) The procedures to maintain socioeconomic,  
17 demographic, and racial balance.

18 (g) The availability of transportation.

19 (h) A process that promotes strong parental  
20 involvement, including the designation of a parent liaison.

21 (i) A strategy that establishes a clearinghouse of  
22 information designed to assist parents in making informed  
23 choices.

24 (6) Plans shall be submitted to the Commissioner of  
25 Education. The Commissioner of Education shall develop an  
26 annual report on the status of school choice and deliver the  
27 report to the Governor, the President of the Senate, and the  
28 Speaker of the House of Representatives at least 90 days prior  
29 to the convening of the regular session of the Legislature.

30 (7) Notwithstanding any provision of this section, a  
31 school district with schools operating on both multiple

1 session schedules and single session schedules shall afford  
2 parents of students in multiple session schools preferred  
3 access to the controlled open enrollment program of the school  
4 district.

5 (8) Each district school board shall annually report  
6 the number of students applying for and attending the various  
7 types of public schools of choice in the district, including  
8 schools such as magnet schools and public charter schools,  
9 according to rules adopted by the State Board of Education.

10 Section 96. Section 1002.32, Florida Statutes, is  
11 created to read:

12 1002.32 Developmental research (laboratory) schools.--

13 (1) SHORT TITLE.--This section may be cited as the  
14 "Sidney Martin Developmental Research School Act."

15 (2) ESTABLISHMENT.--There is established a category of  
16 public schools to be known as developmental research  
17 (laboratory) schools (lab schools). Each lab school shall  
18 provide sequential instruction and shall be affiliated with  
19 the college of education within the state university of  
20 closest geographic proximity. A lab school to which a charter  
21 has been issued under s. 1002.33(5)(b) must be affiliated with  
22 the college of education within the state university that  
23 issued the charter, but is not subject to the requirement that  
24 the state university be of closest geographic proximity. For  
25 the purpose of state funding, Florida Agricultural and  
26 Mechanical University, Florida Atlantic University, Florida  
27 State University, the University of Florida, and other  
28 universities approved by the State Board of Education and the  
29 Legislature are authorized to sponsor lab schools.

30 (3) MISSION.--The mission of a lab school shall be the  
31 provision of a vehicle for the conduct of research,

1 demonstration, and evaluation regarding management, teaching,  
2 and learning. Programs to achieve the mission of a lab school  
3 shall embody the goals and standards established pursuant to  
4 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate  
5 education for its students.

6 (a) Each lab school shall emphasize mathematics,  
7 science, computer science, and foreign languages. The primary  
8 goal of a lab school is to enhance instruction and research in  
9 such specialized subjects by using the resources available on  
10 a state university campus, while also providing an education  
11 in nonspecialized subjects. Each lab school shall provide  
12 sequential elementary and secondary instruction where  
13 appropriate. A lab school may not provide instruction at grade  
14 levels higher than grade 12 without authorization from the  
15 State Board of Education. Each developmental research school  
16 shall develop and implement a school improvement plan pursuant  
17 to s. 1003.02(3).

18 (b) Research, demonstration, and evaluation conducted  
19 at a lab school may be generated by the college of education  
20 and other colleges within the university with which the school  
21 is affiliated.

22 (c) Research, demonstration, and evaluation conducted  
23 at a lab school may be generated by the State Board of  
24 Education. Such research shall respond to the needs of the  
25 education community at large, rather than the specific needs  
26 of the affiliated college.

27 (d) Research, demonstration, and evaluation conducted  
28 at a lab school may consist of pilot projects to be generated  
29 by the affiliated college, the State Board of Education, or  
30 the Legislature.

31 (e) The exceptional education programs offered at a

1 lab school shall be determined by the research and evaluation  
 2 goals and the availability of students for efficiently sized  
 3 programs. The fact that a lab school offers an exceptional  
 4 education program in no way lessens the general responsibility  
 5 of the local school district to provide exceptional education  
 6 programs.

7       (4) STUDENT ADMISSIONS.--Each lab school may establish  
 8 a primary research objective related to fundamental issues and  
 9 problems that occur in the public elementary and secondary  
 10 schools of the state. A student population reflective of the  
 11 student population of the public school environment in which  
 12 the issues and problems are most prevalent shall be promoted  
 13 and encouraged through the establishment and implementation of  
 14 an admission process that is designed to result in a  
 15 representative sample of public school enrollment based on  
 16 gender, race, socioeconomic status, and academic ability,  
 17 notwithstanding the provisions of s. 1000.05.

18       (5) STUDENT FEES.--Each lab school may charge a  
 19 student activity and service fee. Any school that elects to  
 20 charge such a fee shall provide information regarding the use  
 21 of the fee as well as an annual report that documents the  
 22 manner in which the moneys provided by such fee were expended.  
 23 The annual report prescribed in this subsection shall be  
 24 distributed to the parents of each student. No additional fees  
 25 shall be charged.

26       (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab  
 27 school may accrue supplemental revenue from  
 28 supplemental-support organizations, which include, but are not  
 29 limited to, alumni associations, foundations, parent-teacher  
 30 associations, and booster associations. The governing body of  
 31 each supplemental-support organization shall recommend the

1 expenditure of moneys collected by the organization for the  
 2 benefit of the school. Such expenditures shall be contingent  
 3 upon the recommendations of the school advisory council and  
 4 review of the director. The director may override any proposed  
 5 expenditure of the organization that would violate Florida  
 6 Statutes or breach sound educational management.

7 (7) PERSONNEL.--

8 (a) Each lab school may employ either a director or a  
 9 principal, or both, at the discretion of the university. The  
 10 duties of such personnel shall be as follows:

11 1. Each director shall be the chief executive officer  
 12 and shall oversee the education, research, and evaluation  
 13 goals of the school. The director shall be responsible for  
 14 recommending policy to the advisory board. The director shall  
 15 be accountable for the financial resources of the school.

16 2. Each principal shall be the chief educational  
 17 officer and shall oversee the educational program of the  
 18 school. The principal shall be accountable for the daily  
 19 operation and administration of the school.

20 (b) Faculty may serve simultaneously as instructional  
 21 personnel for the lab school and the university with which the  
 22 school is affiliated. Nothing in this section is intended to  
 23 affect the collective bargaining rights of lab school  
 24 employees, except as specifically provided in this section.

25 (c) Lab school faculty members shall meet the  
 26 certification requirements of ss. 1012.32 and 1012.42.

27 (8) ADVISORY BOARDS.--Each public school in the state  
 28 shall establish a school advisory council that is reflective  
 29 of the population served by the school, pursuant to s.  
 30 1001.452, and is responsible for the development and  
 31 implementation of the school improvement plan pursuant to s.

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1 1003.02(3). Lab schools shall comply with the provisions of s.  
2 1001.452 in one of two ways:

3 (a) Each lab school may establish two advisory bodies  
4 as follows:

5 1. An advisory body pursuant to the provisions and  
6 requirements of s. 1001.452 to be responsible for the  
7 development and implementation of the school improvement plan,  
8 pursuant to s. 1003.02(3).

9 2. An advisory board to provide general oversight and  
10 guidance. The dean of the affiliated college of education  
11 shall be a standing member of the board, and the president of  
12 the university shall appoint four faculty members from the  
13 related university, at least two of whom are from the college  
14 of education, one layperson who resides in the county in which  
15 the school is located, two parents of students who attend the  
16 lab school, and one lab school student appointed by the  
17 principal to serve on the advisory board. The term of each  
18 member shall be for 2 years, and any vacancy shall be filled  
19 with a person of the same classification as his or her  
20 predecessor for the balance of the unexpired term. The  
21 president shall stagger the terms of the initial appointees in  
22 a manner that results in the expiration of terms of no more  
23 than two members in any year. The president shall call the  
24 organizational meeting of the board. The board shall annually  
25 elect a chair and a vice chair. There shall be no limitation  
26 on successive appointments to the board or successive terms  
27 that may be served by a chair or vice chair. The board shall  
28 adopt internal organizational procedures or bylaws necessary  
29 for efficient operation as provided in chapter 120. Board  
30 members shall not receive per diem or travel expenses for the  
31 performance of their duties. The board shall:



- 1           a. Meet at least quarterly.
- 2           b. Monitor the operations of the school and the
- 3 distribution of moneys allocated for such operations.
- 4           c. Establish necessary policy, program, and
- 5 administration modifications.
- 6           d. Evaluate biennially the performance of the director
- 7 and principal and recommend corresponding action to the dean
- 8 of the college of education.
- 9           e. Annually review evaluations of the school's
- 10 operation and research findings.
- 11           (b) Each lab school may establish one advisory body
- 12 responsible for the development and implementation of the
- 13 school improvement plan, pursuant to s. 1003.02(3), in
- 14 addition to general oversight and guidance responsibilities.
- 15 The advisory body shall reflect the membership composition
- 16 requirements established in s. 1001.452, but may also include
- 17 membership by the dean of the college of education and
- 18 additional members appointed by the president of the
- 19 university that represent faculty members from the college of
- 20 education, the university, or other bodies deemed appropriate
- 21 for the mission of the school.
- 22           (9) FUNDING.--Funding for a lab school, including a
- 23 charter lab school, shall be provided as follows:
- 24           (a) Each lab school shall be allocated its
- 25 proportional share of operating funds from the Florida
- 26 Education Finance Program as provided in s. 1011.62 and the
- 27 General Appropriations Act. The nonvoted ad valorem millage
- 28 that would otherwise be required for lab schools shall be
- 29 allocated from state funds. The required local effort funds
- 30 calculated pursuant to s. 1011.62 shall be allocated from
- 31 state funds to the schools as a part of the allocation of

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1 operating funds pursuant to s. 1011.62. Each eligible lab  
 2 school shall also receive a proportional share of the sparsity  
 3 supplement as calculated pursuant to s. 1011.62. In addition,  
 4 each lab school shall receive its proportional share of all  
 5 categorical funds, with the exception of s. 1011.68, and new  
 6 categorical funds enacted after July 1, 1994, for the purpose  
 7 of elementary or secondary academic program enhancement. The  
 8 sum of funds available as provided in this paragraph shall be  
 9 included annually in the Florida Education Finance Program and  
 10 appropriate categorical programs funded in the General  
 11 Appropriations Act.

12 (b) There is created a Lab School Educational Facility  
 13 Trust Fund to be administered by the Commissioner of  
 14 Education. Allocations from such fund shall be expended solely  
 15 for the purpose of facility construction, repair, renovation,  
 16 remodeling, site improvement, or maintenance. The commissioner  
 17 shall administer the fund in accordance with ss. 1013.60,  
 18 1013.64, 1013.65, and 1013.66.

19 (c) All operating funds provided under this section  
 20 shall be deposited in a Lab School Trust Fund and shall be  
 21 expended for the purposes of this section. The university  
 22 assigned a lab school shall be the fiscal agent for these  
 23 funds, and all rules of the university governing the budgeting  
 24 and expenditure of state funds shall apply to these funds  
 25 unless otherwise provided by law or rule of the State Board of  
 26 Education. The State Board of Education shall be the public  
 27 employer of lab school personnel for collective bargaining  
 28 purposes.

29 (d) Each lab school shall receive funds for operating  
 30 purposes in an amount determined as follows: multiply the  
 31 maximum allowable nonvoted discretionary millage for

1 operations pursuant to s. 1011.71(1) by the value of 95  
 2 percent of the current year's taxable value for school  
 3 purposes for the district in which each lab school is located;  
 4 divide the result by the total full-time equivalent membership  
 5 of the district; and multiply the result by the full-time  
 6 equivalent membership of the lab school. The amount thus  
 7 obtained shall be discretionary operating funds and shall be  
 8 appropriated from state funds in the General Appropriations  
 9 Act to the Lab School Trust Fund.

10       (e) Each lab school shall receive funds for capital  
 11 improvement purposes in an amount determined as follows:  
 12 multiply the maximum allowable nonvoted discretionary millage  
 13 for capital improvements pursuant to s. 1011.71(2) by the  
 14 value of 95 percent of the current year's taxable value for  
 15 school purposes for the district in which each lab school is  
 16 located; divide the result by the total full-time equivalent  
 17 membership of the district; and multiply the result by the  
 18 full-time equivalent membership of the lab school. The amount  
 19 thus obtained shall be discretionary capital improvement funds  
 20 and shall be appropriated from state funds in the General  
 21 Appropriations Act to the Lab School Educational Facility  
 22 Trust Fund.

23       (f) In addition to the funds appropriated for capital  
 24 outlay budget needs, lab schools may receive specific funding  
 25 as specified in the General Appropriations Act for upgrading,  
 26 renovating, and remodeling science laboratories.

27       (g) Each lab school is designated a teacher education  
 28 center and may provide inservice training to school district  
 29 personnel. The Department of Education shall provide funds to  
 30 the Lab School Trust Fund for this purpose from appropriations  
 31 for inservice teacher education.

1           (h) A lab school to which a charter has been issued  
 2 under s. 1002.33(5)(b) is eligible to receive funding for  
 3 charter school capital outlay if it meets the eligibility  
 4 requirements of s. 1013.62. If the lab school receives funds  
 5 from charter school capital outlay, the school shall receive  
 6 capital outlay funds otherwise provided in this subsection  
 7 only to the extent that funds allocated pursuant to s. 1013.62  
 8 are insufficient to provide capital outlay funds to the lab  
 9 school at one-fifteenth of the cost per student station.

10           (10) IMPLEMENTATION.--The State Board of Education  
 11 shall adopt rules necessary to facilitate the implementation  
 12 of this section.

13           (11) EXCEPTIONS TO LAW.--To encourage innovative  
 14 practices and facilitate the mission of the lab schools, in  
 15 addition to the exceptions to law specified in s. 1001.23(2),  
 16 the following exceptions shall be permitted for lab schools:

17           (a) The methods and requirements of the following  
 18 statutes shall be held in abeyance: ss. 1001.30; 1001.31;  
 19 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361;  
 20 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38;  
 21 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46;  
 22 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;  
 23 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4);  
 24 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;  
 25 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;  
 26 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),  
 27 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;  
 28 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

29           (b) With the exception of s. 1001.42(16), s. 1001.42  
 30 shall be held in abeyance. Reference to district school boards  
 31 in s. 1001.42(16) shall mean the president of the university

1 or the president's designee.

2 Section 97. Section 1002.33, Florida Statutes, is  
3 created to read:

4 1002.33 Charter schools.--

5 (1) AUTHORIZATION.--Charter schools shall be part of  
6 the state's program of public education. All charter schools  
7 in Florida are public schools. A charter school may be formed  
8 by creating a new school or converting an existing public  
9 school to charter status. A public school may not use the term  
10 charter in its name unless it has been approved under this  
11 section.

12 (2) PURPOSE.--The purpose of charter schools shall be  
13 to:

14 (a) Provide additional academic choices for parents  
15 and students.

16 (b) Increase learning opportunity choices for  
17 students.

18 (c) Increase learning opportunities for all students,  
19 with special emphasis on expanded learning experiences for  
20 students who are identified as academically low achieving.

21 (d) Encourage the use of different and innovative  
22 learning methods.

23 (e) Improve student learning.

24 (f) Establish a new form of accountability for  
25 schools.

26 (g) Require the measurement of learning outcomes and  
27 create innovative measurement tools.

28 (h) Make the school the unit for improvement.

29 (i) Provide rigorous competition within the public  
30 school district to stimulate continual improvement in all  
31 public schools.

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1           (j) Expand the capacity of the public school system.

2           (k) Create new professional opportunities for  
3 teachers.

4           (3) APPLICATION FOR CHARTER STATUS.--

5           (a) An application for a new charter school may be  
6 made by an individual, teachers, parents, a group of  
7 individuals, a municipality, or a legal entity organized under  
8 the laws of this state.

9           (b) An application for a conversion charter school  
10 shall be made by the district school board, the principal,  
11 teachers, parents, and/or the school advisory council at an  
12 existing public school that has been in operation for at least  
13 2 years prior to the application to convert, including a  
14 public school-within-a-school that is designated as a school  
15 by the district school board. An application submitted  
16 proposing to convert an existing public school to a charter  
17 school shall demonstrate the support of at least 50 percent of  
18 the teachers employed at the school and 50 percent of the  
19 parents voting whose children are enrolled at the school,  
20 provided that a majority of the parents eligible to vote  
21 participate in the ballot process, according to rules adopted  
22 by the State Board of Education. A district school board  
23 denying an application for a conversion charter school shall  
24 provide notice of denial to the applicants in writing within  
25 30 days after the meeting at which the district school board  
26 denied the application. The notice must specify the exact  
27 reasons for denial and must provide documentation supporting  
28 those reasons. A private school, parochial school, or home  
29 education program shall not be eligible for charter school  
30 status.

31           (4) UNLAWFUL REPRISAL.--

1           (a) No district school board, or district school board  
2 employee who has control over personnel actions, shall take  
3 unlawful reprisal against another district school board  
4 employee because that employee is either directly or  
5 indirectly involved with an application to establish a charter  
6 school. As used in this subsection, the term "unlawful  
7 reprisal" means an action taken by a district school board or  
8 a school system employee against an employee who is directly  
9 or indirectly involved in a lawful application to establish a  
10 charter school, which occurs as a direct result of that  
11 involvement, and which results in one or more of the  
12 following: disciplinary or corrective action; adverse transfer  
13 or reassignment, whether temporary or permanent; suspension,  
14 demotion, or dismissal; an unfavorable performance evaluation;  
15 a reduction in pay, benefits, or rewards; elimination of the  
16 employee's position absent of a reduction in workforce as a  
17 result of lack of moneys or work; or other adverse significant  
18 changes in duties or responsibilities that are inconsistent  
19 with the employee's salary or employment classification. The  
20 following procedures shall apply to an alleged unlawful  
21 reprisal that occurs as a consequence of an employee's direct  
22 or indirect involvement with an application to establish a  
23 charter school:

24           1. Within 60 days after the date upon which a reprisal  
25 prohibited by this subsection is alleged to have occurred, an  
26 employee may file a complaint with the Department of  
27 Education.

28           2. Within 3 working days after receiving a complaint  
29 under this section, the Department of Education shall  
30 acknowledge receipt of the complaint and provide copies of the  
31 complaint and any other relevant preliminary information

1 available to each of the other parties named in the complaint,  
2 which parties shall each acknowledge receipt of such copies to  
3 the complainant.

4 3. If the Department of Education determines that the  
5 complaint demonstrates reasonable cause to suspect that an  
6 unlawful reprisal has occurred, the Department of Education  
7 shall conduct an investigation to produce a fact-finding  
8 report.

9 4. Within 90 days after receiving the complaint, the  
10 Department of Education shall provide the district school  
11 superintendent of the complainant's district and the  
12 complainant with a fact-finding report that may include  
13 recommendations to the parties or a proposed resolution of the  
14 complaint. The fact-finding report shall be presumed  
15 admissible in any subsequent or related administrative or  
16 judicial review.

17 5. If the Department of Education determines that  
18 reasonable grounds exist to believe that an unlawful reprisal  
19 has occurred, is occurring, or is to be taken, and is unable  
20 to conciliate a complaint within 60 days after receipt of the  
21 fact-finding report, the Department of Education shall  
22 terminate the investigation. Upon termination of any  
23 investigation, the Department of Education shall notify the  
24 complainant and the district school superintendent of the  
25 termination of the investigation, providing a summary of  
26 relevant facts found during the investigation and the reasons  
27 for terminating the investigation. A written statement under  
28 this paragraph is presumed admissible as evidence in any  
29 judicial or administrative proceeding.

30 6. The Department of Education shall either contract  
31 with the Division of Administrative Hearings under s. 120.65,



1 or otherwise provide for a complaint for which the Department  
 2 of Education determines reasonable grounds exist to believe  
 3 that an unlawful reprisal has occurred, is occurring, or is to  
 4 be taken, and is unable to conciliate, to be heard by a panel  
 5 of impartial persons. Upon hearing the complaint, the panel  
 6 shall make findings of fact and conclusions of law for a final  
 7 decision by the Department of Education.

8  
 9 It shall be an affirmative defense to any action brought  
 10 pursuant to this section that the adverse action was  
 11 predicated upon grounds other than, and would have been taken  
 12 absent, the employee's exercise of rights protected by this  
 13 section.

14 (b) In any action brought under this section for which  
 15 it is determined reasonable grounds exist to believe that an  
 16 unlawful reprisal has occurred, is occurring, or is to be  
 17 taken, the relief shall include the following:

18 1. Reinstatement of the employee to the same position  
 19 held before the unlawful reprisal was commenced, or to an  
 20 equivalent position, or payment of reasonable front pay as  
 21 alternative relief.

22 2. Reinstatement of the employee's full fringe  
 23 benefits and seniority rights, as appropriate.

24 3. Compensation, if appropriate, for lost wages,  
 25 benefits, or other lost remuneration caused by the unlawful  
 26 reprisal.

27 4. Payment of reasonable costs, including attorney's  
 28 fees, to a substantially prevailing employee, or to the  
 29 prevailing employer if the employee filed a frivolous action  
 30 in bad faith.

31 5. Issuance of an injunction, if appropriate, by a

1 court of competent jurisdiction.

2 6. Temporary reinstatement to the employee's former  
3 position or to an equivalent position, pending the final  
4 outcome of the complaint, if it is determined that the action  
5 was not made in bad faith or for a wrongful purpose, and did  
6 not occur after a district school board's initiation of a  
7 personnel action against the employee that includes  
8 documentation of the employee's violation of a disciplinary  
9 standard or performance deficiency.

10 (5) SPONSOR.--

11 (a) A district school board may sponsor a charter  
12 school in the county over which the district school board has  
13 jurisdiction.

14 (b) A state university may grant a charter to a lab  
15 school created under s. 1002.32 and shall be considered to be  
16 the school's sponsor. Such school shall be considered a  
17 charter lab school.

18 (c) The sponsor shall monitor and review the charter  
19 school in its progress towards the goals established in the  
20 charter.

21 (d) The sponsor shall monitor the revenues and  
22 expenditures of the charter school.

23 (e) The sponsor may approve a charter for a charter  
24 school before the applicant has secured space, equipment, or  
25 personnel, if the applicant indicates approval is necessary  
26 for it to raise working capital.

27 (f) The sponsor's policies shall not apply to a  
28 charter school.

29 (g) A sponsor shall ensure that the charter is  
30 innovative and consistent with the state education goals  
31 established by s. 1000.03(5).

1           (6) APPLICATION PROCESS AND REVIEW.--

2           (a) A district school board shall receive and review  
3 all applications for a charter school. A district school board  
4 shall receive and consider charter school applications  
5 received on or before October 1 of each calendar year for  
6 charter schools to be opened at the beginning of the school  
7 district's next school year, or to be opened at a time agreed  
8 to by the applicant and the district school board. A district  
9 school board may receive applications later than this date if  
10 it chooses. A sponsor may not charge an applicant for a  
11 charter any fee for the processing or consideration of an  
12 application, and a sponsor may not base its consideration or  
13 approval of an application upon the promise of future payment  
14 of any kind.

15           1. In order to facilitate an accurate budget  
16 projection process, a district school board shall be held  
17 harmless for FTE students who are not included in the FTE  
18 projection due to approval of charter school applications  
19 after the FTE projection deadline. In a further effort to  
20 facilitate an accurate budget projection, within 15 calendar  
21 days after receipt of a charter school application, a district  
22 school board or other sponsor shall report to the Department  
23 of Education the name of the applicant entity, the proposed  
24 charter school location, and its projected FTE.

25           2. A district school board shall by a majority vote  
26 approve or deny an application no later than 60 calendar days  
27 after the application is received, unless the district school  
28 board and the applicant mutually agree to temporarily postpone  
29 the vote to a specific date, at which time the district school  
30 board shall by a majority vote approve or deny the  
31 application. If the district school board fails to act on the

1 application, an applicant may appeal to the State Board of  
2 Education as provided in paragraph (b). If an application is  
3 denied, the district school board shall, within 10 calendar  
4 days, articulate in writing the specific reasons based upon  
5 good cause supporting its denial of the charter application.

6 3. For budget projection purposes, the district school  
7 board or other sponsor shall report to the Department of  
8 Education the approval or denial of a charter application  
9 within 10 calendar days after such approval or denial. In the  
10 event of approval, the report to the Department of Education  
11 shall include the final projected FTE for the approved charter  
12 school.

13 4. Upon approval of a charter application, the initial  
14 startup shall commence with the beginning of the public school  
15 calendar for the district in which the charter is granted  
16 unless the district school board allows a waiver of this  
17 provision for good cause.

18 (b) An applicant may appeal any denial of that  
19 applicant's application or failure to act on an application to  
20 the State Board of Education no later than 30 calendar days  
21 after receipt of the district school board's decision or  
22 failure to act and shall notify the district school board of  
23 its appeal. Any response of the district school board shall  
24 be submitted to the State Board of Education within 30  
25 calendar days after notification of the appeal. The State  
26 Board of Education shall by majority vote accept or reject the  
27 decision of the district school board no later than 60  
28 calendar days after an appeal is filed in accordance with  
29 State Board of Education rule. The State Board of Education  
30 may reject an appeal submission for failure to comply with  
31 procedural rules governing the appeals process. The rejection

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1 shall describe the submission errors. The appellant may have  
 2 up to 15 calendar days from notice of rejection to resubmit an  
 3 appeal that meets requirements of State Board of Education  
 4 rule. An application for appeal submitted subsequent to such  
 5 rejection shall be considered timely if the original appeal  
 6 was filed within 30 calendar days after receipt of notice of  
 7 the specific reasons for the district school board's denial of  
 8 the charter application. The State Board of Education shall  
 9 remand the application to the district school board with its  
 10 written recommendation that the district school board approve  
 11 or deny the application consistent with the State Board of  
 12 Education's decision. The decision of the State Board of  
 13 Education is not subject to the provisions of the  
 14 Administrative Procedures Act, chapter 120.

15 (c) The district school board shall act upon the  
 16 recommendation of the State Board of Education within 30  
 17 calendar days after it is received. The district school board  
 18 may fail to act in accordance with the recommendation of the  
 19 State Board of Education only for good cause. Good cause for  
 20 failing to act in accordance with the State Board of  
 21 Education's recommendation arises only if the district school  
 22 board determines by competent substantial evidence that  
 23 approving the State Board of Education's recommendation would  
 24 be contrary to law or contrary to the best interests of the  
 25 students or the community. The district school board shall  
 26 articulate in written findings the specific reasons based upon  
 27 good cause supporting its failure to act in accordance with  
 28 the State Board of Education's recommendation. The district  
 29 school board's action on the State Board of Education's  
 30 recommendation is a final action subject to judicial review.

31 (d) The Department of Education may provide technical

1 assistance to an applicant upon written request.

2 (e) In considering charter applications for a lab  
3 school, a state university shall consult with the district  
4 school board of the county in which the lab school is located.  
5 The decision of a state university may be appealed pursuant to  
6 the procedure established in this subsection.

7 (f) The terms and conditions for the operation of a  
8 charter school shall be set forth by the sponsor and the  
9 applicant in a written contractual agreement, called a  
10 charter. The sponsor shall not impose unreasonable rules or  
11 regulations that violate the intent of giving charter schools  
12 greater flexibility to meet educational goals. The applicant  
13 and sponsor shall have 6 months in which to mutually agree to  
14 the provisions of the charter. The Department of Education  
15 shall provide mediation services for any dispute regarding  
16 this section subsequent to the approval of a charter  
17 application and for any dispute relating to the approved  
18 charter, except disputes regarding charter school application  
19 denials. If the Commissioner of Education determines that the  
20 dispute cannot be settled through mediation, the dispute may  
21 be appealed to an administrative law judge appointed by the  
22 Division of Administrative Hearings. The administrative law  
23 judge may rule on issues of equitable treatment of the charter  
24 school as a public school, whether proposed provisions of the  
25 charter violate the intended flexibility granted charter  
26 schools by statute, or on any other matter regarding this  
27 section except a charter school application denial, and shall  
28 award the prevailing party reasonable attorney's fees and  
29 costs incurred to be paid by the losing party. The costs of  
30 the administrative hearing shall be paid by the party whom the  
31 administrative law judge rules against.

1           (7) CHARTER.--The major issues involving the operation  
 2 of a charter school shall be considered in advance and written  
 3 into the charter. The charter shall be signed by the governing  
 4 body of the charter school and the sponsor, following a public  
 5 hearing to ensure community input.

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

8           1. The school's mission, the students to be served,  
 9 and the ages and grades to be included.

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

17           3. The current incoming baseline standard of student  
 18 academic achievement, the outcomes to be achieved, and the  
 19 method of measurement that will be used. The criteria listed  
 20 in this subparagraph shall include a detailed description for  
 21 each of the following:

22           a. How the baseline student academic achievement  
 23 levels and prior rates of academic progress will be  
 24 established.

25           b. How these baseline rates will be compared to rates  
 26 of academic progress achieved by these same students while  
 27 attending the charter school.

28           c. To the extent possible, how these rates of progress  
 29 will be evaluated and compared with rates of progress of other  
 30 closely comparable student populations.

31

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

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

16 5. In secondary charter schools, a method for  
17 determining that a student has satisfied the requirements for  
18 graduation in s. 1003.43.

19 6. A method for resolving conflicts between the  
20 governing body of the charter school and the sponsor.

21 7. The admissions procedures and dismissal procedures,  
22 including the school's code of student conduct.

23 8. The ways by which the school will achieve a  
24 racial/ethnic balance reflective of the community it serves or  
25 within the racial/ethnic range of other public schools in the  
26 same school district.

27 9. The financial and administrative management of the  
28 school, including a reasonable demonstration of the  
29 professional experience or competence of those individuals or  
30 organizations applying to operate the charter school or those  
31 hired or retained to perform such professional services and



1 the description of clearly delineated responsibilities and the  
 2 policies and practices needed to effectively manage the  
 3 charter school. A description of internal audit procedures and  
 4 establishment of controls to ensure that financial resources  
 5 are properly managed must be included. Both public sector and  
 6 private sector professional experience shall be equally valid  
 7 in such a consideration.

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

17 11. The term of the charter which shall provide for  
 18 cancellation of the charter if insufficient progress has been  
 19 made in attaining the student achievement objectives of the  
 20 charter and if it is not likely that such objectives can be  
 21 achieved before expiration of the charter. The initial term of  
 22 a charter shall be for 3, 4, or 5 years. In order to  
 23 facilitate access to long-term financial resources for charter  
 24 school construction, charter schools that are operated by a  
 25 municipality or other public entity as provided by law are  
 26 eligible for up to a 15-year charter, subject to approval by  
 27 the district school board. A charter lab school is eligible  
 28 for a charter for a term of up to 15 years. In addition, to  
 29 facilitate access to long-term financial resources for charter  
 30 school construction, charter schools that are operated by a  
 31 private, not-for-profit, s. 501(c)(3) status corporation are

1 eligible for up to a 10-year charter, subject to approval by  
2 the district school board. Such long-term charters remain  
3 subject to annual review and may be terminated during the term  
4 of the charter, but only for specific good cause according to  
5 the provisions set forth in subsection (8).

6 12. The facilities to be used and their location.

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

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

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

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

29 (b) A charter may be renewed every 5 school years,  
30 provided that a program review demonstrates that the criteria  
31 in paragraph (a) have been successfully accomplished and that

1 none of the grounds for nonrenewal established by paragraph  
 2 (8)(a) have been documented. In order to facilitate long-term  
 3 financing for charter school construction, charter schools  
 4 operating for a minimum of 2 years and demonstrating exemplary  
 5 academic programming and fiscal management are eligible for a  
 6 15-year charter renewal. Such long-term charter is subject to  
 7 annual review and may be terminated during the term of the  
 8 charter.

9 (c) A charter may be modified during its initial term  
 10 or any renewal term upon the recommendation of the sponsor or  
 11 the charter school governing board and the approval of both  
 12 parties to the agreement.

13 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

14 (a) At the end of the term of a charter, the sponsor  
 15 may choose not to renew the charter for any of the following  
 16 grounds:

17 1. Failure to meet the requirements for student  
 18 performance stated in the charter.

19 2. Failure to meet generally accepted standards of  
 20 fiscal management.

21 3. Violation of law.

22 4. Other good cause shown.

23 (b) During the term of a charter, the sponsor may  
 24 terminate the charter for any of the grounds listed in  
 25 paragraph (a).

26 (c) At least 90 days prior to renewing or terminating  
 27 a charter, the sponsor shall notify the governing body of the  
 28 school of the proposed action in writing. The notice shall  
 29 state in reasonable detail the grounds for the proposed action  
 30 and stipulate that the school's governing body may, within 14  
 31 calendar days after receiving the notice, request an informal

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1 hearing before the sponsor. The sponsor shall conduct the  
 2 informal hearing within 30 calendar days after receiving a  
 3 written request. The charter school's governing body may,  
 4 within 14 calendar days after receiving the sponsor's decision  
 5 to terminate or refuse to renew the charter, appeal the  
 6 decision pursuant to the procedure established in subsection  
 7 (6).

8       (d) A charter may be terminated immediately if the  
 9 sponsor determines that good cause has been shown or if the  
 10 health, safety, or welfare of the students is threatened. The  
 11 school district in which the charter school is located shall  
 12 assume operation of the school under these circumstances. The  
 13 charter school's governing board may, within 14 days after  
 14 receiving the sponsor's decision to terminate the charter,  
 15 appeal the decision pursuant to the procedure established in  
 16 subsection (6).

17       (e) When a charter is not renewed or is terminated,  
 18 the school shall be dissolved under the provisions of law  
 19 under which the school was organized, and any unencumbered  
 20 public funds from the charter school shall revert to the  
 21 district school board. In the event a charter school is  
 22 dissolved or is otherwise terminated, all district school  
 23 board property and improvements, furnishings, and equipment  
 24 purchased with public funds shall automatically revert to full  
 25 ownership by the district school board, subject to complete  
 26 satisfaction of any lawful liens or encumbrances.

27       (f) If a charter is not renewed or is terminated, the  
 28 charter school is responsible for all debts of the charter  
 29 school. The district may not assume the debt from any contract  
 30 for services made between the governing body of the school and  
 31 a third party, except for a debt that is previously detailed

1 and agreed upon in writing by both the district and the  
2 governing body of the school and that may not reasonably be  
3 assumed to have been satisfied by the district.

4 (g) If a charter is not renewed or is terminated, a  
5 student who attended the school may apply to, and shall be  
6 enrolled in, another public school. Normal application  
7 deadlines shall be disregarded under such circumstances.

8 (9) CHARTER SCHOOL REQUIREMENTS.--

9 (a) A charter school shall be nonsectarian in its  
10 programs, admission policies, employment practices, and  
11 operations.

12 (b) A charter school shall admit students as provided  
13 in subsection (10).

14 (c) A charter school shall be accountable to its  
15 sponsor for performance as provided in subsection (7).

16 (d) A charter school shall not charge tuition or  
17 registration fees, except those fees normally charged by other  
18 public schools. However, a charter lab school may charge a  
19 student activity and service fee as authorized by s.  
20 1002.32(5).

21 (e) A charter school shall meet all applicable state  
22 and local health, safety, and civil rights requirements.

23 (f) A charter school shall not violate the  
24 antidiscrimination provisions of s. 1000.05.

25 (g) A charter school shall provide for an annual  
26 financial audit in accordance with s. 218.39.

27 (h) No organization shall hold more than 15 charters  
28 statewide.

29 (i) In order to provide financial information that is  
30 comparable to that reported for other public schools, charter  
31 schools are to maintain all financial records which constitute

1 their accounting system:

2 1. In accordance with the accounts and codes  
3 prescribed in the most recent issuance of the publication  
4 titled "Financial and Program Cost Accounting and Reporting  
5 for Florida Schools"; or

6 2. At the discretion of the charter school governing  
7 board, a charter school may elect to follow generally accepted  
8 accounting standards for not-for-profit organizations, but  
9 must reformat this information for reporting according to this  
10 paragraph.

11  
12 Charter schools are to provide annual financial report and  
13 program cost report information in the state-required formats  
14 for inclusion in district reporting in compliance with s.  
15 1011.60(1). Charter schools that are operated by a  
16 municipality or are a component unit of a parent nonprofit  
17 organization may use the accounting system of the municipality  
18 or the parent, but must reformat this information for  
19 reporting according to this paragraph.

20 (j) The governing board of the charter school shall  
21 annually adopt and maintain an operating budget.

22 (k) The governing body of the charter school shall  
23 exercise continuing oversight over charter school operations  
24 and make annual progress reports to its sponsor, which upon  
25 verification shall be forwarded to the Commissioner of  
26 Education at the same time as other annual school  
27 accountability reports. The report shall contain at least the  
28 following information:

29 1. The charter school's progress towards achieving the  
30 goals outlined in its charter.

31 2. The information required in the annual school

1 report pursuant to s. 1008.345.

2 3. Financial records of the charter school, including  
3 revenues and expenditures.

4 4. Salary and benefit levels of charter school  
5 employees.

6 (l) A charter school shall not levy taxes or issue  
7 bonds secured by tax revenues.

8 (m) A charter school shall provide instruction for at  
9 least the number of days required by law for other public  
10 schools, and may provide instruction for additional days.

11 (10) ELIGIBLE STUDENTS.--

12 (a) A charter school shall be open to any student  
13 covered in an interdistrict agreement or residing in the  
14 school district in which the charter school is located;  
15 however, in the case of a charter lab school, the charter lab  
16 school shall be open to any student eligible to attend the lab  
17 school as provided in s. 1002.32 or who resides in the school  
18 district in which the charter lab school is located. Any  
19 eligible student shall be allowed interdistrict transfer to  
20 attend a charter school when based on good cause.

21 (b) The charter school shall enroll an eligible  
22 student who submits a timely application, unless the number of  
23 applications exceeds the capacity of a program, class, grade  
24 level, or building. In such case, all applicants shall have an  
25 equal chance of being admitted through a random selection  
26 process.

27 (c) When a public school converts to charter status,  
28 enrollment preference shall be given to students who would  
29 have otherwise attended that public school.

30 (d) A charter school may give enrollment preference to  
31 the following student populations:

1           1. Students who are siblings of a student enrolled in  
2 the charter school.

3           2. Students who are the children of a member of the  
4 governing board of the charter school.

5           3. Students who are the children of an employee of the  
6 charter school.

7           (e) A charter school may limit the enrollment process  
8 only to target the following student populations:

9           1. Students within specific age groups or grade  
10 levels.

11           2. Students considered at risk of dropping out of  
12 school or academic failure. Such students shall include  
13 exceptional education students.

14           3. Students enrolling in a charter  
15 school-in-the-workplace or charter school-in-a-municipality  
16 established pursuant to subsection (16).

17           4. Students residing within a reasonable distance of  
18 the charter school, as described in paragraph (21)(c). Such  
19 students shall be subject to a random lottery and to the  
20 racial/ethnic balance provisions described in subparagraph  
21 (7)(a)8. or any federal provisions that require a school to  
22 achieve a racial/ethnic balance reflective of the community it  
23 serves or within the racial/ethnic range of other public  
24 schools in the same school district.

25           5. Students who meet reasonable academic, artistic, or  
26 other eligibility standards established by the charter school  
27 and included in the charter school application and charter or,  
28 in the case of existing charter schools, standards that are  
29 consistent with the school's mission and purpose. Such  
30 standards shall be in accordance with current state law and  
31 practice in public schools and may not discriminate against



1 otherwise qualified individuals.

2 6. Students articulating from one charter school to  
3 another pursuant to an articulation agreement between the  
4 charter schools that has been approved by the sponsor.

5 (f) Students with handicapping conditions and students  
6 served in English for Speakers of Other Languages programs  
7 shall have an equal opportunity of being selected for  
8 enrollment in a charter school.

9 (g) A student may withdraw from a charter school at  
10 any time and enroll in another public school as determined by  
11 district school board rule.

12 (h) The capacity of the charter school shall be  
13 determined annually by the governing board, in conjunction  
14 with the sponsor, of the charter school in consideration of  
15 the factors identified in this subsection.

16 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
17 ACTIVITIES.--A charter school student is eligible to  
18 participate in an interscholastic extracurricular activity at  
19 the public school to which the student would be otherwise  
20 assigned to attend pursuant to s. 1006.15(3)(d).

21 (12) EMPLOYEES OF CHARTER SCHOOLS.--

22 (a) A charter school shall select its own employees. A  
23 charter school may contract with its sponsor for the services  
24 of personnel employed by the sponsor.

25 (b) Charter school employees shall have the option to  
26 bargain collectively. Employees may collectively bargain as a  
27 separate unit or as part of the existing district collective  
28 bargaining unit as determined by the structure of the charter  
29 school.

30 (c) The employees of a conversion charter school shall  
31 remain public employees for all purposes, unless such

1 employees choose not to do so.

2 (d) The teachers at a charter school may choose to be  
3 part of a professional group that subcontracts with the  
4 charter school to operate the instructional program under the  
5 auspices of a partnership or cooperative that they  
6 collectively own. Under this arrangement, the teachers would  
7 not be public employees.

8 (e) Employees of a school district may take leave to  
9 accept employment in a charter school upon the approval of the  
10 district school board. While employed by the charter school  
11 and on leave that is approved by the district school board,  
12 the employee may retain seniority accrued in that school  
13 district and may continue to be covered by the benefit  
14 programs of that school district, if the charter school and  
15 the district school board agree to this arrangement and its  
16 financing. School districts shall not require resignations of  
17 teachers desiring to teach in a charter school. This paragraph  
18 shall not prohibit a district school board from approving  
19 alternative leave arrangements consistent with chapter 1012.

20 (f) Teachers employed by or under contract to a  
21 charter school shall be certified as required by chapter 1012.  
22 A charter school governing board may employ or contract with  
23 skilled selected noncertified personnel to provide  
24 instructional services or to assist instructional staff  
25 members as education paraprofessionals in the same manner as  
26 defined in chapter 1012, and as provided by State Board of  
27 Education rule for charter school governing boards. A charter  
28 school may not knowingly employ an individual to provide  
29 instructional services or to serve as an education  
30 paraprofessional if the individual's certification or  
31 licensure as an educator is suspended or revoked by this or

1 any other state. A charter school may not knowingly employ an  
 2 individual who has resigned from a school district in lieu of  
 3 disciplinary action with respect to child welfare or safety,  
 4 or who has been dismissed for just cause by any school  
 5 district with respect to child welfare or safety. The  
 6 qualifications of teachers shall be disclosed to parents.

7       (g) A charter school shall employ or contract with  
 8 employees who have been fingerprinted as provided in s.  
 9 1012.32. Members of the governing board of the charter school  
 10 shall also be fingerprinted in a manner similar to that  
 11 provided in s. 1012.32.

12       (h) For the purposes of tort liability, the governing  
 13 body and employees of a charter school shall be governed by s.  
 14 768.28.

15       (i) A charter school shall organize as, or be operated  
 16 by, a nonprofit organization. A charter school may be operated  
 17 by a municipality or other public entity as provided for by  
 18 law. As such, the charter school may be either a private or a  
 19 public employer. As a public employer, a charter school may  
 20 participate in the Florida Retirement System upon application  
 21 and approval as a "covered group" under s. 121.021(34). If a  
 22 charter school participates in the Florida Retirement System,  
 23 the charter school employees shall be compulsory members of  
 24 the Florida Retirement System. As either a private or a public  
 25 employer, a charter school may contract for services with an  
 26 individual or group of individuals who are organized as a  
 27 partnership or a cooperative. Individuals or groups of  
 28 individuals who contract their services to the charter school  
 29 are not public employees.

30       (13) NUMBER OF SCHOOLS.--

31       (a) The number of newly created charter schools is

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1 limited to no more than 28 in each school district that has  
 2 100,000 or more students, no more than 20 in each school  
 3 district that has 50,000 to 99,999 students, and no more than  
 4 12 in each school district with fewer than 50,000 students.

5 (b) An existing public school which converts to a  
 6 charter school shall not be counted towards the limit  
 7 established by paragraph (a).

8 (c) Notwithstanding any limit established by this  
 9 subsection, a district school board or a charter school  
 10 applicant shall have the right to request an increase of the  
 11 limit on the number of charter schools authorized to be  
 12 established within the district from the State Board of  
 13 Education.

14 (d) Whenever a municipality has submitted charter  
 15 applications for the establishment of a charter school feeder  
 16 pattern (elementary, middle, and senior high schools), and  
 17 upon approval of each individual charter application by the  
 18 district school board, such applications shall then be  
 19 designated as one charter school for all purposes listed  
 20 pursuant to this section.

21 (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
 22 enter into cooperative agreements to form charter school  
 23 cooperative organizations that may provide the following  
 24 services: charter school planning and development, direct  
 25 instructional services, and contracts with charter school  
 26 governing boards to provide personnel administrative services,  
 27 payroll services, human resource management, evaluation and  
 28 assessment services, teacher preparation, and professional  
 29 development.

30 (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
 31 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR

1 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into  
 2 to borrow or otherwise secure funds for a charter school  
 3 authorized in this section from a source other than the state  
 4 or a school district shall indemnify the state and the school  
 5 district from any and all liability, including, but not  
 6 limited to, financial responsibility for the payment of the  
 7 principal or interest. Any loans, bonds, or other financial  
 8 agreements are not obligations of the state or the school  
 9 district but are obligations of the charter school authority  
 10 and are payable solely from the sources of funds pledged by  
 11 such agreement. The credit or taxing power of the state or the  
 12 school district shall not be pledged and no debts shall be  
 13 payable out of any moneys except those of the legal entity in  
 14 possession of a valid charter approved by a district school  
 15 board pursuant to this section.

16 (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER  
 17 SCHOOLS-IN-A-MUNICIPALITY.--

18 (a) In order to increase business partnerships in  
 19 education, to reduce school and classroom overcrowding  
 20 throughout the state, and to offset the high costs for  
 21 educational facilities construction, the Legislature intends  
 22 to encourage the formation of business partnership schools or  
 23 satellite learning centers and municipal-operated schools  
 24 through charter school status.

25 (b) A charter school-in-the-workplace may be  
 26 established when a business partner provides the school  
 27 facility to be used; enrolls students based upon a random  
 28 lottery that involves all of the children of employees of that  
 29 business or corporation who are seeking enrollment, as  
 30 provided for in subsection (10); and enrolls students  
 31 according to the racial/ethnic balance provisions described in

1 subparagraph (7)(a)8. Any portion of a facility used for a  
2 public charter school shall be exempt from ad valorem taxes,  
3 as provided for in s. 1013.54, for the duration of its use as  
4 a public school.

5 (c) A charter school-in-a-municipality designation may  
6 be granted to a municipality that possesses a charter; enrolls  
7 students based upon a random lottery that involves all of the  
8 children of the residents of that municipality who are seeking  
9 enrollment, as provided for in subsection (10); and enrolls  
10 students according to the racial/ethnic balance provisions  
11 described in subparagraph (7)(a)8. Any portion of the land and  
12 facility used for a public charter school shall be exempt from  
13 ad valorem taxes, as provided for in s. 1013.54, for the  
14 duration of its use as a public school.

15 (d) As used in this subsection, the terms "business  
16 partner" or "municipality" may include more than one business  
17 or municipality to form a charter school-in-the-workplace or  
18 charter school-in-a-municipality.

19 (17) EXEMPTION FROM STATUTES.--

20 (a) A charter school shall operate in accordance with  
21 its charter and shall be exempt from all statutes in chapters  
22 1000-1013. However, a charter school shall be in compliance  
23 with the following statutes in chapters 1000-1013:

24 1. Those statutes specifically applying to charter  
25 schools, including this section.

26 2. Those statutes pertaining to the student assessment  
27 program and school grading system.

28 3. Those statutes pertaining to the provision of  
29 services to students with disabilities.

30 4. Those statutes pertaining to civil rights,  
31 including s. 1000.05, relating to discrimination.

1           5. Those statutes pertaining to student health,  
2 safety, and welfare.

3           (b) Additionally, a charter school shall be in  
4 compliance with the following statutes:

5           1. Section 286.011, relating to public meetings and  
6 records, public inspection, and criminal and civil penalties.

7           2. Chapter 119, relating to public records.

8           (18) FUNDING.--Students enrolled in a charter school,  
9 regardless of the sponsorship, shall be funded as if they are  
10 in a basic program or a special program, the same as students  
11 enrolled in other public schools in the school district.  
12 Funding for a charter lab school shall be as provided in s.  
13 1002.32.

14           (a) Each charter school shall report its student  
15 enrollment to the district school board as required in s.  
16 1011.62, and in accordance with the definitions in s. 1011.61.  
17 The district school board shall include each charter school's  
18 enrollment in the district's report of student enrollment. All  
19 charter schools submitting student record information required  
20 by the Department of Education shall comply with the  
21 Department of Education's guidelines for electronic data  
22 formats for such data, and all districts shall accept  
23 electronic data that complies with the Department of  
24 Education's electronic format.

25           (b) The basis for the agreement for funding students  
26 enrolled in a charter school shall be the sum of the school  
27 district's operating funds from the Florida Education Finance  
28 Program as provided in s. 1011.62 and the General  
29 Appropriations Act, including gross state and local funds,  
30 discretionary lottery funds, and funds from the school  
31 district's current operating discretionary millage levy;

1 divided by total funded weighted full-time equivalent students  
 2 in the school district; multiplied by the weighted full-time  
 3 equivalent students for the charter school. Charter schools  
 4 whose students or programs meet the eligibility criteria in  
 5 law shall be entitled to their proportionate share of  
 6 categorical program funds included in the total funds  
 7 available in the Florida Education Finance Program by the  
 8 Legislature, including transportation. Total funding for each  
 9 charter school shall be recalculated during the year to  
 10 reflect the revised calculations under the Florida Education  
 11 Finance Program by the state and the actual weighted full-time  
 12 equivalent students reported by the charter school during the  
 13 full-time equivalent student survey periods designated by the  
 14 Commissioner of Education.

15 (c) If the district school board is providing programs  
 16 or services to students funded by federal funds, any eligible  
 17 students enrolled in charter schools in the school district  
 18 shall be provided federal funds for the same level of service  
 19 provided students in the schools operated by the district  
 20 school board. Pursuant to provisions of 20 U.S.C. 8061 s.  
 21 10306, all charter schools shall receive all federal funding  
 22 for which the school is otherwise eligible, including Title I  
 23 funding, not later than 5 months after the charter school  
 24 first opens and within 5 months after any subsequent expansion  
 25 of enrollment.

26 (d) District school boards shall make every effort to  
 27 ensure that charter schools receive timely and efficient  
 28 reimbursement, including processing paperwork required to  
 29 access special state and federal funding for which they may be  
 30 eligible. The district school board may distribute funds to a  
 31 charter school for up to 3 months based on the projected



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1 full-time equivalent student membership of the charter school.  
 2 Thereafter, the results of full-time equivalent student  
 3 membership surveys shall be used in adjusting the amount of  
 4 funds distributed monthly to the charter school for the  
 5 remainder of the fiscal year. The payment shall be issued no  
 6 later than 10 working days after the district school board  
 7 receives a distribution of state or federal funds. If a  
 8 warrant for payment is not issued within 30 working days after  
 9 receipt of funding by the district school board, the school  
 10 district shall pay to the charter school, in addition to the  
 11 amount of the scheduled disbursement, interest at a rate of 1  
 12 percent per month calculated on a daily basis on the unpaid  
 13 balance from the expiration of the 30-day period until such  
 14 time as the warrant is issued.

15 (19) FACILITIES.--

16 (a) A charter school shall utilize facilities which  
 17 comply with the State Uniform Building Code for Public  
 18 Educational Facilities Construction adopted pursuant to s.  
 19 1013.37 or with applicable state minimum building codes  
 20 pursuant to chapter 553 and state minimum fire protection  
 21 codes pursuant to s. 633.025, as adopted by the authority in  
 22 whose jurisdiction the facility is located.

23 (b) Any facility, or portion thereof, used to house a  
 24 charter school whose charter has been approved by the sponsor  
 25 and the governing board, pursuant to subsection (7), shall be  
 26 exempt from ad valorem taxes pursuant to s. 196.1983.

27 (c) Charter school facilities shall utilize facilities  
 28 which comply with the Florida Building Code, pursuant to  
 29 chapter 553, and the Florida Fire Prevention Code, pursuant to  
 30 chapter 633.

31 (d) If a district school board facility or property is

1 available because it is surplus, marked for disposal, or  
 2 otherwise unused, it shall be provided for a charter school's  
 3 use on the same basis as it is made available to other public  
 4 schools in the district. A charter school receiving property  
 5 from the school district may not sell or dispose of such  
 6 property without written permission of the school district.  
 7 Similarly, for an existing public school converting to charter  
 8 status, no rental or leasing fee for the existing facility or  
 9 for the property normally inventoried to the conversion school  
 10 may be charged by the district school board to the parents and  
 11 teachers organizing the charter school. The charter organizers  
 12 shall agree to reasonable maintenance provisions in order to  
 13 maintain the facility in a manner similar to district school  
 14 board standards. The Public Education Capital Outlay  
 15 maintenance funds or any other maintenance funds generated by  
 16 the facility operated as a conversion school shall remain with  
 17 the conversion school.

18 (20) CAPITAL OUTLAY FUNDING.--Charter schools are  
 19 eligible for capital outlay funds pursuant to s. 1013.62.

20 (21) SERVICES.--

21 (a) A sponsor shall provide certain administrative and  
 22 educational services to charter schools. These services shall  
 23 include contract management services, full-time equivalent and  
 24 data reporting services, exceptional student education  
 25 administration services, test administration services,  
 26 processing of teacher certificate data services, and  
 27 information services. Any administrative fee charged by the  
 28 sponsor for the provision of services shall be limited to 5  
 29 percent of the available funds defined in paragraph (18)(b).

30 (b) If goods and services are made available to the  
 31 charter school through the contract with the school district,

1 they shall be provided to the charter school at a rate no  
 2 greater than the district's actual cost. To maximize the use  
 3 of state funds, school districts shall allow charter schools  
 4 to participate in the sponsor's bulk purchasing program if  
 5 applicable.

6 (c) Transportation of charter school students shall be  
 7 provided by the charter school consistent with the  
 8 requirements of part I.e. of chapter 1006. The governing body  
 9 of the charter school may provide transportation through an  
 10 agreement or contract with the district school board, a  
 11 private provider, or parents. The charter school and the  
 12 sponsor shall cooperate in making arrangements that ensure  
 13 that transportation is not a barrier to equal access for all  
 14 students residing within a reasonable distance of the charter  
 15 school as determined in its charter.

16 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
 17 Department of Education shall provide information to the  
 18 public, directly and through sponsors, both on how to form and  
 19 operate a charter school and on how to enroll in charter  
 20 schools once they are created. This information shall include  
 21 a standard application format which shall include the  
 22 information specified in subsection (7). This application  
 23 format may be used by chartering entities.

24 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE  
 25 REVIEW.--

26 (a) The Department of Education shall regularly  
 27 convene a Charter School Review Panel in order to review  
 28 issues, practices, and policies regarding charter schools. The  
 29 composition of the review panel shall include individuals with  
 30 experience in finance, administration, law, education, and  
 31 school governance, and individuals familiar with charter

1 school construction and operation. The panel shall include two  
 2 appointees each from the Commissioner of Education, the  
 3 President of the Senate, and the Speaker of the House of  
 4 Representatives. The Governor shall appoint three members of  
 5 the panel and shall designate the chair. Each member of the  
 6 panel shall serve a 1-year term, unless renewed by the office  
 7 making the appointment. The panel shall make recommendations  
 8 to the Legislature, to the Department of Education, to charter  
 9 schools, and to school districts for improving charter school  
 10 operations and oversight and for ensuring best business  
 11 practices at and fair business relationships with charter  
 12 schools.

13 (b) The Legislature shall review the operation of  
 14 charter schools during the 2005 Regular Session of the  
 15 Legislature.

16 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon  
 17 receipt of the annual report required by paragraph (9)(k), the  
 18 Department of Education shall provide to the State Board of  
 19 Education, the Commissioner of Education, the President of the  
 20 Senate, and the Speaker of the House of Representatives an  
 21 analysis and comparison of the overall performance of charter  
 22 school students, to include all students whose scores are  
 23 counted as part of the statewide assessment program, versus  
 24 comparable public school students in the district as  
 25 determined by the statewide assessment program currently  
 26 administered in the school district, and other assessments  
 27 administered pursuant to s. 1008.22(3).

28 (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

29 (a) The conversion charter school pilot program is  
 30 hereby established with the intent to provide incentives for  
 31 local school districts to approve conversion charter schools.

1           (b) The conversion charter school pilot program shall  
 2 be a statewide pilot program in which 10 schools shall be  
 3 selected based on a competitive application process in  
 4 accordance with this section.

5           (c) The purpose of the pilot program is to produce  
 6 significant improvements in student achievement and school  
 7 management, to encourage and measure the use of innovative  
 8 learning methods, and to make the school the unit for  
 9 improvement.

10           (d) Each school principal or a majority of the parents  
 11 of students attending the school, a majority of the school's  
 12 teachers, or a majority of the members of the school advisory  
 13 council may apply to the school district to participate in  
 14 this pilot program on forms which shall be provided by the  
 15 Department of Education. The forms shall include  
 16 acknowledgment by the school principal of applicable  
 17 provisions of this section and s. 1013.62. For purposes of  
 18 this paragraph, "a majority of the parents of students  
 19 attending the school" means more than 50 percent of the  
 20 parents voting whose children are enrolled at the school,  
 21 provided that a majority of the parents eligible to vote  
 22 participate in the ballot process; and "a majority of the  
 23 school's teachers" means more than 50 percent of the teachers  
 24 employed at the school, according to procedures established by  
 25 rule of the State Board of Education pursuant to subsections  
 26 (3) and (4).

27           (e) A person or group who has applied to participate  
 28 in the pilot program created by this section, pursuant to  
 29 paragraph (d), shall not be subject to an unlawful reprisal,  
 30 as defined by paragraph (4)(a), as a consequence of such  
 31 application. The procedures established by subsections (3) and

1 (4) shall apply to any alleged unlawful reprisal which occurs  
2 as a consequence of such application.

3 (f) A district school board shall receive and review  
4 all applications by school principals, parents, teachers, or  
5 school advisory council members to participate in the pilot  
6 project; shall select the best applications; and shall submit  
7 these applications, together with the district school board's  
8 letter of endorsement and commitment of support and  
9 cooperation toward the success of program implementation, for  
10 review by the statewide selection panel established pursuant  
11 to paragraph (g).

12 (g) A conversion charter school pilot program  
13 statewide selection panel is established. The panel shall be  
14 comprised of the following nine members who are not elected  
15 public officials:

16 1. Three members shall be appointed by the Governor.

17 2. Two members shall be appointed by the Commissioner  
18 of Education.

19 3. Two members shall be appointed by the President of  
20 the Senate.

21 4. Two members shall be appointed by the Speaker of  
22 the House of Representatives.

23  
24 The panel shall review the conversion charter school pilot  
25 program applications submitted by the district school boards  
26 and shall select the 10 applications which the panel deems  
27 best comply with the purpose of the program pursuant to  
28 paragraph (c).

29 (h) Each district school board in which there is a  
30 school selected by the statewide panel for participation in  
31 the pilot program shall receive a grant as provided in the

1 General Appropriations Act:

2 1. One hundred thousand dollars for planning and  
3 development for each conversion charter school selected; and

4 2.a. Eighty thousand dollars for each conversion  
5 charter school selected with 500 or fewer students;

6 b. One hundred thousand dollars for each conversion  
7 charter school selected with more than 500 but fewer than  
8 1,001 students; or

9 c. One hundred twenty thousand dollars for each  
10 conversion charter school selected with more than 1,000  
11 students.

12  
13 The Commissioner of Education may reduce the district's FEFP  
14 funding entitlement by the amount of the grant awarded under  
15 this subsection if he or she determines that the district has  
16 failed to comply with its letter of endorsement and commitment  
17 of support and cooperation submitted under paragraph (f).

18 (i) Each conversion charter school selected for  
19 participation in the pilot program shall make annual progress  
20 reports to the district school board and the Commissioner of  
21 Education detailing the school's progress in achieving the  
22 purpose of the program as described in paragraph (c).

23 (26) RULEMAKING.--The Department of Education, after  
24 consultation with school districts and charter school  
25 directors, shall recommend that the State Board of Education  
26 adopt rules to implement specific subsections of this section.  
27 Such rules shall require minimum paperwork and shall not limit  
28 charter school flexibility authorized by statute.

29 Section 98. Section 1002.34, Florida Statutes, is  
30 created to read:

31 1002.34 Charter technical career centers.--

1           (1) AUTHORIZATION.--The Legislature finds that the  
 2 establishment of charter technical career centers can assist  
 3 in promoting advances and innovations in workforce preparation  
 4 and economic development. A charter technical career center  
 5 may provide a learning environment that better serves the  
 6 needs of a specific population group or a group of  
 7 occupations, thus promoting diversity and choices within the  
 8 public education and public postsecondary technical education  
 9 community in this state. Therefore, the creation of such  
 10 centers is authorized as part of the state's program of public  
 11 education. A charter technical career center may be formed by  
 12 creating a new school or converting an existing school  
 13 district or community college program to charter technical  
 14 status.

15           (2) PURPOSE.--The purpose of a charter technical  
 16 career center is to:

17           (a) Develop a competitive workforce to support local  
 18 business and industry and economic development.

19           (b) Create a training and education model that is  
 20 reflective of marketplace realities.

21           (c) Offer a continuum of career educational  
 22 opportunities using a school-to-work, tech-prep, technical,  
 23 academy, and magnet school model.

24           (d) Provide career pathways for lifelong learning and  
 25 career mobility.

26           (e) Enhance career and technical training.

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

28           (a) "Charter technical career center" or "center"  
 29 means a public school or a public technical center operated  
 30 under a charter granted by a district school board or  
 31 community college board of trustees or a consortium, including



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1 one or more district school boards and community college  
 2 boards of trustees, that includes the district in which the  
 3 facility is located, that is nonsectarian in its programs,  
 4 admission policies, employment practices, and operations, and  
 5 is managed by a board of directors.

6 (b) "Sponsor" means a district school board, a  
 7 community college board of trustees, or a consortium of one or  
 8 more of each.

9 (4) CHARTER.--A sponsor may designate centers as  
 10 provided in this section. An application to establish a  
 11 center may be submitted by a sponsor or another organization  
 12 that is determined, by rule of the State Board of Education,  
 13 to be appropriate. However, an independent school is not  
 14 eligible for status as a center. The charter must be signed  
 15 by the governing body of the center and the sponsor, and must  
 16 be approved by the district school board and community college  
 17 board of trustees in whose geographic region the facility is  
 18 located. If a charter technical career center is established  
 19 by the conversion to charter status of a public technical  
 20 center formerly governed by a district school board, the  
 21 charter status of that center takes precedence in any question  
 22 of governance. The governance of the center or of any program  
 23 within the center remains with its board of directors unless  
 24 the board agrees to a change in governance or its charter is  
 25 revoked as provided in subsection (15). Such a conversion  
 26 charter technical career center is not affected by a change in  
 27 the governance of public technical centers or of programs  
 28 within other centers that are or have been governed by  
 29 district school boards. A charter technical career center, or  
 30 any program within such a center, that was governed by a  
 31 district school board and transferred to a community college

1 prior to the effective date of this act is not affected by  
2 this provision. An applicant who wishes to establish a center  
3 must submit to the district school board or community college  
4 board of trustees, or a consortium of one or more of each, an  
5 application that includes:

6 (a) The name of the proposed center.

7 (b) The proposed structure of the center, including a  
8 list of proposed members of the board of directors or a  
9 description of the qualifications for and method of their  
10 appointment or election.

11 (c) The workforce development goals of the center, the  
12 curriculum to be offered, and the outcomes and the methods of  
13 assessing the extent to which the outcomes are met.

14 (d) The admissions policy and criteria for evaluating  
15 the admission of students.

16 (e) A description of the staff responsibilities and  
17 the proposed qualifications of the teaching staff.

18 (f) A description of the procedures to be implemented  
19 to ensure significant involvement of representatives of  
20 business and industry in the operation of the center.

21 (g) A method for determining whether a student has  
22 satisfied the requirements for graduation specified in s.  
23 1003.43 and for completion of a postsecondary certificate or  
24 degree.

25 (h) A method for granting secondary and postsecondary  
26 diplomas, certificates, and degrees.

27 (i) A description of and address for the physical  
28 facility in which the center will be located.

29 (j) A method of resolving conflicts between the  
30 governing body of the center and the sponsor and between  
31 consortium members, if applicable.

1           (k) A method for reporting student data as required by  
2 law and rule.

3           (l) Other information required by the district school  
4 board or community college board of trustees.

5  
6 Students at a center must meet the same testing and academic  
7 performance standards as those established by law and rule for  
8 students at public schools and public technical centers. The  
9 students must also meet any additional assessment indicators  
10 that are included within the charter approved by the district  
11 school board or community college board of trustees.

12           (5) APPLICATION.--An application to establish a center  
13 must be submitted by February 1 of the year preceding the  
14 school year in which the center will begin operation. The  
15 sponsor must review the application and make a final decision  
16 on whether to approve the application and grant the charter by  
17 March 1, and may condition the granting of a charter on the  
18 center's taking certain actions or maintaining certain  
19 conditions. Such actions and conditions must be provided to  
20 the applicant in writing. The district school board or  
21 community college board of trustees is not required to issue a  
22 charter to any person.

23           (6) SPONSOR.--A district school board or community  
24 college board of trustees or a consortium of one or more of  
25 each may sponsor a center in the county in which the board has  
26 jurisdiction.

27           (a) A sponsor must review all applications for centers  
28 received through at least February 1 of each calendar year for  
29 centers to be opened at the beginning of the sponsor's next  
30 school year. A sponsor may receive applications later than  
31 this date if it so chooses. To facilitate an accurate budget

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1 projection process, a sponsor shall be held harmless for FTE  
 2 students who are not included in the FTE projection due to  
 3 approval of applications after the FTE projection deadline. A  
 4 sponsor must, by a majority vote, approve or deny an  
 5 application no later than 60 days after the application is  
 6 received. If an application is denied, the sponsor must,  
 7 within 10 days, notify the applicant in writing of the  
 8 specific reasons for denial, which must be based upon good  
 9 cause. Upon approval of a charter application, the initial  
 10 startup must be consistent with the beginning of the public  
 11 school or community college calendar for the district in which  
 12 the charter is granted, unless the sponsor allows a waiver of  
 13 this provision for good cause.

14 (b) An applicant may appeal any denial of its  
 15 application to the State Board of Education within 30 days  
 16 after the sponsor's denial and shall notify the sponsor of its  
 17 appeal. Any response of the sponsor must be submitted to the  
 18 state board within 30 days after notification of the appeal.  
 19 The State Board of Education must, by majority vote, accept or  
 20 reject the decision of the sponsor no later than 60 days after  
 21 an appeal is filed, pursuant to State Board of Education rule.  
 22 The State Board of Education may reject an appeal for failure  
 23 to comply with procedural rules governing the appeals process,  
 24 and the rejection must describe the submission errors. The  
 25 appellant may have up to 15 days after notice of rejection to  
 26 resubmit an appeal. An application for appeal submitted after  
 27 a rejection is timely if the original appeal was filed within  
 28 30 days after the sponsor's denial. The State Board of  
 29 Education shall remand the application to the sponsor with a  
 30 written recommendation that the sponsor approve or deny the  
 31 application, consistent with the state board's decision. The

1 decision of the State Board of Education is not subject to the  
2 provisions of chapter 120.

3 (c) The sponsor must act upon the recommendation of  
4 the State Board of Education within 30 days after it is  
5 received, unless the sponsor determines by competent  
6 substantial evidence that approving the state board's  
7 recommendation would be contrary to law or the best interests  
8 of the students or the community. The sponsor must notify the  
9 applicant in writing concerning the specific reasons for its  
10 failure to follow the state board's recommendation. The  
11 sponsor's action on the state board's recommendation is a  
12 final action, subject to judicial review.

13 (d) The Department of Education may provide technical  
14 assistance to an applicant upon written request.

15 (e) The terms and conditions for the operation of a  
16 center must be agreed to by the sponsor and the applicant in a  
17 written contract. The sponsor may not impose unreasonable  
18 requirements that violate the intent of giving centers greater  
19 flexibility to meet educational goals. The applicant and  
20 sponsor must reach an agreement on the provisions of the  
21 contract or the application is deemed denied.

22 (f) The sponsor shall monitor and review the center's  
23 progress towards charter goals and shall monitor the center's  
24 revenues and expenditures.

25 (7) LEGAL ENTITY.--A center must organize as a  
26 nonprofit organization and adopt a name and corporate seal. A  
27 center is a body corporate and politic, with all powers to  
28 implement its charter program. The center may:

29 (a) Be a private or a public employer.

30 (b) Sue and be sued, but only to the same extent and  
31 upon the same conditions that a public entity can be sued.

1           (c) Acquire real property by purchase, lease, lease  
2 with an option to purchase, or gift, to use as a center  
3 facility.

4           (d) Receive and disburse funds.

5           (e) Enter into contracts or leases for services,  
6 equipment, or supplies.

7           (f) Incur temporary debts in anticipation of the  
8 receipt of funds.

9           (g) Solicit and accept gifts or grants for career  
10 center purposes.

11           (h) Take any other action that is not inconsistent  
12 with this section and rules adopted under this section.

13           (8) ELIGIBLE STUDENTS.--A center must be open to all  
14 students as space is available and may not discriminate in  
15 admissions policies or practices on the basis of an  
16 individual's physical disability or proficiency in English or  
17 on any other basis that would be unlawful if practiced by a  
18 public school or a community college. A center may establish  
19 reasonable criteria by which to evaluate prospective students,  
20 which criteria must be outlined in the charter.

21           (9) FACILITIES.--A center may be located in any  
22 suitable location, including part of an existing public school  
23 or community college building, space provided on a public  
24 worksite, or a public building. A center's facilities must  
25 comply with the State Uniform Building Code for Public  
26 Educational Facilities Construction adopted pursuant to s.  
27 1013.37, or with applicable state minimum building codes  
28 pursuant to chapter 553, and state minimum fire protection  
29 codes pursuant to s. 633.025, adopted by the authority in  
30 whose jurisdiction the facility is located. If K-12 public  
31 school funds are used for construction, the facility must

1 remain on the local school district's Florida Inventory of  
2 School Houses (FISH) school building inventory of the district  
3 school board and must revert to the district school board if  
4 the consortium dissolves and the program is discontinued. If  
5 community college public school funds are used for  
6 construction, the facility must remain on the local community  
7 college's facilities inventory and must revert to the local  
8 community college board of trustees if the consortium  
9 dissolves and the program is discontinued. The additional  
10 student capacity created by the addition of the center to the  
11 local school district's FISH may not be calculated in the  
12 permanent student capacity for the purpose of determining need  
13 or eligibility for state capital outlay funds while the  
14 facility is used as a center. If the construction of the  
15 center is funded jointly by K-12 public school funds and  
16 community college funds, the sponsoring entities must agree,  
17 before granting the charter, on the appropriate owner and  
18 terms of transfer of the facility if the charter is dissolved.

19 (10) EXEMPTION FROM STATUTES.--

20 (a) A center must operate pursuant to its charter and  
21 is exempt from all statutes of the Florida School Code except  
22 provisions pertaining to civil rights and to student health,  
23 safety, and welfare, or as otherwise required by law.

24 (b) A center must comply with the Florida K-20  
25 Education Code with respect to providing services to students  
26 with disabilities.

27 (c) A center must comply with the antidiscrimination  
28 provisions of s. 1000.05.

29 (11) FUNDING.--

30 (a) Each district school board and community college  
31 that sponsors a charter technical career center shall pay

1 directly to the center an amount stated in the charter. State  
 2 funding shall be generated for the center for its student  
 3 enrollment and program outcomes as provided in law. A center  
 4 is eligible for funding from the Florida Workforce Development  
 5 Education Fund, the Florida Education Finance Program, and the  
 6 Community College Program Fund, depending upon the programs  
 7 conducted by the center.

8       (b) A center may receive other state and federal aid,  
 9 grants, and revenue through the district school board or  
 10 community college board of trustees.

11       (c) A center may receive gifts and grants from private  
 12 sources.

13       (d) A center may not levy taxes or issue bonds, but it  
 14 may charge a student tuition fee consistent with authority  
 15 granted in its charter and permitted by law.

16       (e) A center shall provide for an annual financial  
 17 audit in accordance with s. 218.39.

18       (f) A center must provide instruction for at least the  
 19 number of days required by law for other public schools or  
 20 community colleges, as appropriate, and may provide  
 21 instruction for additional days.

22       (12) EMPLOYEES OF A CENTER.--

23       (a) A center may select its own employees.

24       (b) A center may contract for services with an  
 25 individual, partnership, or a cooperative. Such persons  
 26 contracted with are not public employees.

27       (c) If a center contracts with a public educational  
 28 agency for services, the terms of employment must follow  
 29 existing state law and rule and local policies and procedures.

30       (d) The employees of a center may bargain  
 31 collectively, as a separate unit or as part of the existing



1 district collective bargaining unit, as determined by the  
2 structure of the center.

3 (e) As a public employer, a center may participate in:

4 1. The Florida Retirement System upon application and  
5 approval as a "covered group" under s. 121.021(34). If a  
6 center participates in the Florida Retirement System, its  
7 employees are compulsory members of the Florida Retirement  
8 System.

9 2. The State Community College System Optional  
10 Retirement Program pursuant to s. 1012.875(2), if the charter  
11 is granted by a community college that participates in the  
12 optional retirement program and meets the eligibility criteria  
13 of s. 121.051(2)(c).

14 (f) Teachers who are considered qualified by the  
15 career center are exempt from state certification  
16 requirements.

17 (g) A public school or community college teacher or  
18 administrator may take a leave of absence to accept employment  
19 in a charter technical career center upon the approval of the  
20 school district or community college.

21 (h) An employee who is on a leave of absence under  
22 this section may retain seniority accrued in that school  
23 district or community college and may continue to be covered  
24 by the benefit programs of that district or community college  
25 if the center and the district school board or community  
26 college board of trustees agree to this arrangement and its  
27 financing.

28 (13) BOARD OF DIRECTORS AUTHORITY.--The board of  
29 directors of a center may decide matters relating to the  
30 operation of the school, including budgeting, curriculum, and  
31 operating procedures, subject to the center's charter.

1           (14) ACCOUNTABILITY.--Each center must submit a report  
 2 to the participating district school board or community  
 3 college board of trustees by August 1 of each year. The  
 4 report must be in such form as the sponsor prescribes and must  
 5 include:

6           (a) A discussion of progress made toward the  
 7 achievement of the goals outlined in the center's charter.

8           (b) A financial statement setting forth by appropriate  
 9 categories the revenue and expenditures for the previous  
 10 school year.

11           (15) TERMS OF THE CHARTER.--The term of an initial  
 12 charter may not exceed 5 years. Thereafter, the sponsor may  
 13 renew a charter for a period up to 5 years. The sponsor may  
 14 refuse to renew a charter or may revoke a charter if the  
 15 center has not fulfilled a condition imposed under the charter  
 16 or if the center has violated any provision of the charter.  
 17 The sponsor may place the center on probationary status to  
 18 allow the implementation of a remedial plan, after which, if  
 19 the plan is unsuccessful, the charter may be summarily  
 20 revoked. The sponsor shall develop procedures and guidelines  
 21 for the revocation and renewal of a center's charter. The  
 22 sponsor must give written notice of its intent not to renew  
 23 the charter at least 12 months before the charter expires. If  
 24 the sponsor revokes a charter before the scheduled expiration  
 25 date, the sponsor must provide written notice to the governing  
 26 board of the center at least 60 days before the date of  
 27 termination, stating the grounds for the proposed revocation.  
 28 The governing board of the center may request in writing an  
 29 informal hearing before the sponsor within 14 days after  
 30 receiving the notice of revocation. A revocation takes effect  
 31 at the conclusion of a school year, unless the sponsor

1 determines that earlier revocation is necessary to protect the  
2 health, safety, and welfare of students. The sponsor shall  
3 monitor and review the center in its progress towards the  
4 goals established in the charter and shall monitor the  
5 revenues and expenditures of the center.

6 (16) TRANSPORTATION.--The center may provide  
7 transportation, pursuant to chapter 1006, through a contract  
8 with the district school board or the community college board  
9 of trustees, a private provider, or parents of students. The  
10 center must ensure that transportation is not a barrier to  
11 equal access for all students in grades K-12 residing within a  
12 reasonable distance of the facility.

13 (17) IMMUNITY.--For the purposes of tort liability,  
14 the governing body and employees of a center are governed by  
15 s. 768.28.

16 (18) RULES.--The State Board of Education shall adopt  
17 rules, pursuant to chapter 120, relating to the implementation  
18 of charter technical career centers.

19 (19) EVALUATION; REPORT.--The Commissioner of  
20 Education shall provide for an annual comparative evaluation  
21 of charter technical career centers and public technical  
22 centers. The evaluation may be conducted in cooperation with  
23 the sponsor, through private contracts, or by department  
24 staff. At a minimum, the comparative evaluation must address  
25 the demographic and socioeconomic characteristics of the  
26 students served, the types and costs of services provided, and  
27 the outcomes achieved. By December 30 of each year, the  
28 Commissioner of Education shall submit to the Governor, the  
29 President of the Senate, the Speaker of the House of  
30 Representatives, and the Senate and House committees that have  
31 responsibility for secondary and postsecondary career and

1 technical education a report of the comparative evaluation  
2 completed for the previous school year.

3 Section 99. Section 1002.35, Florida Statutes, is  
4 created to read:

5 1002.35 New World School of the Arts.--

6 (1) This section shall be known and may be cited as  
7 the "New World School of the Arts Act."

8 (2) As Florida strives to achieve excellence in all  
9 aspects of public education, it is the intent of the  
10 Legislature that specific attention be given to the needs of  
11 artistically talented high school and college students. It is  
12 further intended that such students who are occupationally  
13 oriented to the arts be provided with the means for achieving  
14 both an academic education and artistic training appropriate  
15 to their gifts.

16 (3) There is hereby created the New World School of  
17 the Arts, a center of excellence for the performing and visual  
18 arts, to serve all of the State of Florida. The school shall  
19 offer a program of academic and artistic studies in the visual  
20 and performing arts which shall be available to talented high  
21 school and college students.

22 (4)(a) For purposes of governance, the New World  
23 School of the Arts is assigned to the University of Florida,  
24 Miami-Dade Community College, and the Miami-Dade County School  
25 District. The respective boards shall appoint members to an  
26 executive board for administration of the school. The  
27 executive board may include community members and shall  
28 reflect proportionately the participating institutions.  
29 Miami-Dade Community College shall serve as fiscal agent for  
30 the school.

31 (b) The New World School of the Arts Foundation is

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1 hereby created for the purpose of providing auxiliary  
 2 financial support for the school's programs, including, but  
 3 not limited to, the promotion and sponsorship of special  
 4 events and scholarships. Foundation membership shall be  
 5 determined by the executive board.

6 (c) The school may affiliate with other public or  
 7 private educational or arts institutions. The school shall  
 8 serve as a professional school for all qualified students  
 9 within appropriations and limitations established by the  
 10 Legislature and the respective educational institutions.

11 (5) The school shall submit annually a formula-driven  
 12 budget request to the Commissioner of Education and the  
 13 Legislature. This formula shall be developed in consultation  
 14 with the Department of Education, the State Board of  
 15 Education, and staff of the Legislature. However, the actual  
 16 funding for the school shall be determined by the Legislature  
 17 in the General Appropriations Act.

18 Section 100. Section 1002.36, Florida Statutes, is  
 19 created to read:

20 1002.36 Florida School for the Deaf and the Blind.--

21 (1) RESPONSIBILITIES.--The Florida School for the Deaf  
 22 and the Blind is a state-supported residential school for  
 23 hearing-impaired and visually impaired students in preschool  
 24 through 12th grade. The school is a part of the state system  
 25 of public education and shall be funded through the Department  
 26 of Education. The school shall provide educational programs  
 27 and support services appropriate to meet the education and  
 28 related evaluation and counseling needs of hearing-impaired  
 29 and visually impaired students in the state who meet  
 30 enrollment criteria. Education services may be provided on an  
 31 outreach basis for sensory-impaired children ages 0 through 5

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1 years and their parents. Graduates of the Florida School for  
2 the Deaf and the Blind shall be eligible for the William L.  
3 Boyd, IV, Florida Resident Access Grant Program as provided in  
4 s. 1009.89.

5 (2) MISSION.--The mission of the Florida School for  
6 the Deaf and the Blind is to utilize all available talent,  
7 energy, and resources to provide free appropriate public  
8 education for eligible sensory-impaired students of Florida.  
9 As a school of academic excellence, the school shall strive to  
10 provide students an opportunity to maximize their individual  
11 potential in a caring, safe, unique learning environment to  
12 prepare them to be literate, employable, and independent  
13 lifelong learners. The school shall encourage input from  
14 students, staff, parents, and the community. As a diverse  
15 organization, the school shall foster respect and  
16 understanding for each individual.

17 (3) AUDITS.--The Auditor General shall audit the  
18 Florida School for the Deaf and the Blind as provided in  
19 chapter 11.

20 (4) BOARD OF TRUSTEES.--

21 (a) There is hereby created a Board of Trustees for  
22 the Florida School for the Deaf and the Blind which shall  
23 consist of seven members. Of these seven members, one  
24 appointee shall be a blind person and one appointee shall be a  
25 deaf person. Each member shall have been a resident of the  
26 state for a period of at least 10 years. Their terms of office  
27 shall be 4 years. The appointment of the trustees shall be by  
28 the Governor with the confirmation of the Senate. The Governor  
29 may remove any member for cause and shall fill all vacancies  
30 that occur.

31 (b) The board of trustees shall elect a chair

1 annually. The trustees shall be reimbursed for travel expenses  
 2 as provided in s. 112.061, the accounts of which shall be paid  
 3 by the Treasurer upon itemized vouchers duly approved by the  
 4 chair.

5 (c) The board of trustees has authority to adopt rules  
 6 pursuant to ss. 120.536(1) and 120.54 to implement provisions  
 7 of law relating to operation of the Florida School for the  
 8 Deaf and the Blind. Such rules shall be submitted to the State  
 9 Board of Education for approval or disapproval. If any rule is  
 10 not disapproved by the State Board of Education within 60 days  
 11 of its receipt by the State Board of Education, the rule shall  
 12 be filed immediately with the Department of State. The board  
 13 of trustees shall act at all times in conjunction with the  
 14 rules of the State Board of Education.

15 (d) The board of trustees is a body corporate and  
 16 shall have a corporate seal. Title to any gift, donation, or  
 17 bequest received by the board of trustees pursuant to  
 18 subsection (5) shall vest in the board of trustees. Title to  
 19 all other property and other assets of the Florida School for  
 20 the Deaf and the Blind shall vest in the State Board of  
 21 Education, but the board of trustees shall have complete  
 22 jurisdiction over the management of the school and is invested  
 23 with full power and authority to appoint a president, faculty,  
 24 teachers, and other employees and remove the same as in its  
 25 judgment may be best and fix their compensation; to procure  
 26 professional services, such as medical, mental health,  
 27 architectural, engineering, and legal services; to determine  
 28 eligibility of students and procedure for admission; to  
 29 provide for the students of the school necessary bedding,  
 30 clothing, food, and medical attendance and such other things  
 31 as may be proper for the health and comfort of the students

1 without cost to their parents, except that the board of  
 2 trustees may set tuition and other fees for nonresidents; to  
 3 provide for the proper keeping of accounts and records and for  
 4 budgeting of funds; to enter into contracts; to sue and be  
 5 sued; to secure public liability insurance; and to do and  
 6 perform every other matter or thing requisite to the proper  
 7 management, maintenance, support, and control of the school at  
 8 the highest efficiency economically possible, the board of  
 9 trustees taking into consideration the purposes of the  
 10 establishment.

11 (e)1. The board of trustees is authorized to receive  
 12 gifts, donations, and bequests of money or property, real or  
 13 personal, tangible or intangible, from any person, firm,  
 14 corporation, or other legal entity. However, the board of  
 15 trustees may not obligate the state to any expenditure or  
 16 policy that is not specifically authorized by law.

17 2. If the bill of sale, will, trust indenture, deed,  
 18 or other legal conveyance specifies terms and conditions  
 19 concerning the use of such money or property, the board of  
 20 trustees shall observe such terms and conditions.

21 3. The board of trustees may deposit outside the State  
 22 Treasury such moneys as are received as gifts, donations, or  
 23 bequests and may disburse and expend such moneys, upon its own  
 24 warrant, for the use and benefit of the Florida School for the  
 25 Deaf and the Blind and its students, as the board of trustees  
 26 deems to be in the best interest of the school and its  
 27 students. Such money or property shall not constitute or be  
 28 considered a part of any legislative appropriation, and such  
 29 money shall not be used to compensate any person for engaging  
 30 in lobbying activities before the House of Representatives or  
 31 Senate or any committee thereof.



1           4. The board of trustees may sell or convey by bill of  
 2 sale, deed, or other legal instrument any property, real or  
 3 personal, received as a gift, donation, or bequest, upon such  
 4 terms and conditions as the board of trustees deems to be in  
 5 the best interest of the school and its students.

6           5. The board of trustees may invest such moneys in  
 7 securities enumerated under s. 215.47, and in The Common Fund,  
 8 an Investment Management Fund exclusively for nonprofit  
 9 educational institutions.

10           (f) The board of trustees shall:

11           1. Prepare and submit legislative budget requests,  
 12 including fixed capital outlay requests, in accordance with  
 13 chapter 216 and s. 1013.60.

14           2. Administer and maintain personnel programs for all  
 15 employees of the board of trustees and the Florida School for  
 16 the Deaf and the Blind who shall be state employees, including  
 17 the personnel classification and pay plan established in  
 18 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for  
 19 academic and academic administrative personnel, the provisions  
 20 of chapter 110, and the provisions of law that grant authority  
 21 to the Department of Management Services over such programs  
 22 for state employees.

23           3. Adopt a master plan which specifies the mission and  
 24 objectives of the Florida School for the Deaf and the Blind.  
 25 The plan shall include, but not be limited to, procedures for  
 26 systematically measuring the school's progress toward meeting  
 27 its objectives, analyzing changes in the student population,  
 28 and modifying school programs and services to respond to such  
 29 changes. The plan shall be for a period of 5 years and shall  
 30 be reviewed for needed modifications every 2 years. The board  
 31 of trustees shall submit the initial plan and subsequent

1 modifications to the Speaker of the House of Representatives  
2 and the President of the Senate.

3 4. Seek the advice of the Division of Public Schools  
4 within the Department of Education.

5 (g) The Board of Trustees for the Florida School for  
6 the Deaf and the Blind, located in St. Johns County, shall  
7 designate a portion of the school as "The Verle Allyn Pope  
8 Complex for the Deaf," in tribute to the late Senator Verle  
9 Allyn Pope.

10 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board  
11 of Trustees for the Florida School for the Deaf and the Blind  
12 shall provide for the content and custody of student and  
13 employee personnel records. Student records shall be subject  
14 to the provisions of s. 1002.22. Employee personnel records  
15 shall be subject to the provisions of s. 1012.31.

16 (6) USE OF OUT-OF-STATE EDUCATIONAL FACILITIES,  
17 FINANCING.--

18 (a) The Board of Trustees for the Florida School for  
19 the Deaf and the Blind may expend funds for the purpose of  
20 sending children under the age of 20 years, who are deaf as  
21 well as blind, and for whom there are no facilities for  
22 education in this state, to any school, institution, or other  
23 place outside the state that provides a qualified program of  
24 education for such children. Such funds may be spent for room,  
25 board, tuition, transportation, and other items that are  
26 necessarily relevant to the education of such children.

27 (b) In interpreting and carrying out the provisions of  
28 this act, the words "deaf-blind children," wherever used, will  
29 be construed to include any child whose combination of  
30 disabilities of deafness and blindness would prevent him or  
31 her from profiting satisfactorily from educational programs

1 provided for the blind child or the deaf child.

2 (c) The Florida School for the Deaf and the Blind may  
3 determine if such children should be sent to such out-of-state  
4 places, and the board of trustees may adopt rules necessary to  
5 carry out the purposes and intents of this section.

6 (7) LEGAL SERVICES.--The Board of Trustees for the  
7 Florida School for the Deaf and the Blind may provide legal  
8 services for officers and employees of the board of trustees  
9 who are charged with civil or criminal actions arising out of  
10 and in the course of the performance of assigned duties and  
11 responsibilities. The board of trustees may provide for  
12 reimbursement of reasonable expenses for legal services for  
13 officers and employees of said board of trustees who are  
14 charged with civil or criminal actions arising out of and in  
15 the course of the performance of assigned duties and  
16 responsibilities upon successful defense by the officer or  
17 employee. However, in any case in which the officer or  
18 employee pleads guilty or nolo contendere or is found guilty  
19 of any such action, the officer or employee shall reimburse  
20 the board of trustees for any legal services that the board of  
21 trustees may have supplied pursuant to this section. The  
22 board of trustees may also reimburse an officer or employee  
23 thereof for any judgment that may be entered against him or  
24 her in a civil action arising out of and in the course of the  
25 performance of his or her assigned duties and  
26 responsibilities. Each expenditure by the board of trustees  
27 for legal defense of an officer or employee, or for  
28 reimbursement pursuant to this section, shall be made at a  
29 public meeting with notice pursuant to s. 120.525(1). The  
30 providing of such legal services or reimbursement under the  
31 conditions described in this subsection is declared to be a

1 school purpose for which school funds may be expended.

2 (8) PERSONNEL SCREENING.--

3 (a) The Board of Trustees of the Florida School for  
4 the Deaf and the Blind shall, because of the special trust or  
5 responsibility of employees of the school, require all  
6 employees and applicants for employment to undergo personnel  
7 screening and security background investigations as provided  
8 in chapter 435, using the level 2 standards for screening set  
9 forth in that chapter, as a condition of employment and  
10 continued employment. The cost of a personnel screening and  
11 security background investigation for an employee of the  
12 school shall be paid by the school. The cost of such a  
13 screening and investigation for an applicant for employment  
14 may be paid by the school.

15 (b) As a prerequisite for initial and continuing  
16 employment at the Florida School for the Deaf and the Blind:

17 1. The applicant or employee shall submit to the  
18 Florida School for the Deaf and the Blind a complete set of  
19 fingerprints taken by an authorized law enforcement agency or  
20 an employee of the Florida School for the Deaf and the Blind  
21 who is trained to take fingerprints. The Florida School for  
22 the Deaf and the Blind shall submit the fingerprints to the  
23 Department of Law Enforcement for state processing and the  
24 Federal Bureau of Investigation for federal processing.

25 2.a. The applicant or employee shall attest to the  
26 minimum standards for good moral character as contained in  
27 chapter 435, using the level 2 standards set forth in that  
28 chapter under penalty of perjury.

29 b. New personnel shall be on a probationary status  
30 pending a determination of compliance with such minimum  
31 standards for good moral character. This paragraph is in

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1 addition to any probationary status provided for by Florida  
2 law or Florida School for the Deaf and the Blind rules or  
3 collective bargaining contracts.

4 3. The Florida School for the Deaf and the Blind shall  
5 review the record of the applicant or employee with respect to  
6 the crimes contained in s. 435.04 and shall notify the  
7 applicant or employee of its findings. When disposition  
8 information is missing on a criminal record, it shall be the  
9 responsibility of the applicant or employee, upon request of  
10 the Florida School for the Deaf and the Blind, to obtain and  
11 supply within 30 days the missing disposition information to  
12 the Florida School for the Deaf and the Blind. Failure to  
13 supply missing information within 30 days or to show  
14 reasonable efforts to obtain such information shall result in  
15 automatic disqualification of an applicant and automatic  
16 termination of an employee.

17 4. After an initial personnel screening and security  
18 background investigation, written notification shall be given  
19 to the affected employee within a reasonable time prior to any  
20 subsequent screening and investigation.

21 (c) The Florida School for the Deaf and the Blind may  
22 grant exemptions from disqualification as provided in s.  
23 435.07.

24 (d) The Florida School for the Deaf and the Blind may  
25 not use the criminal records, private investigator findings,  
26 or information reference checks obtained by the school  
27 pursuant to this section for any purpose other than  
28 determining if a person meets the minimum standards for good  
29 moral character for personnel employed by the school. The  
30 criminal records, private investigator findings, and  
31 information from reference checks obtained by the Florida

1 School for the Deaf and the Blind for determining the moral  
2 character of employees of the school are confidential and  
3 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
4 I of the State Constitution.

5 (e) It is a misdemeanor of the first degree,  
6 punishable as provided in s. 775.082 or s. 775.083, for any  
7 person willfully, knowingly, or intentionally to:

8 1. Fail, by false statement, misrepresentation,  
9 impersonation, or other fraudulent means, to disclose in any  
10 application for voluntary or paid employment a material fact  
11 used in making a determination as to such person's  
12 qualifications for a position of special trust.

13 2. Use the criminal records, private investigator  
14 findings, or information from reference checks obtained under  
15 this section or information obtained from such records or  
16 findings for purposes other than screening for employment or  
17 release such information or records to persons for purposes  
18 other than screening for employment.

19 (9) CAMPUS POLICE.--

20 (a) The Board of Trustees for the Florida School for  
21 the Deaf and the Blind is permitted and empowered to employ  
22 police officers for the school, who must be designated Florida  
23 School for the Deaf and the Blind campus police.

24 (b) Each Florida School for the Deaf and the Blind  
25 campus police officer is a law enforcement officer of the  
26 state and a conservator of the peace who has the authority to  
27 arrest, in accordance with the laws of this state, any person  
28 for a violation of state law or applicable county or municipal  
29 ordinance if that violation occurs on or in any property or  
30 facilities of the school. A campus police officer may also  
31 arrest a person off campus for a violation committed on campus

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1 after a hot pursuit of that person which began on campus. A  
 2 campus police officer shall have full authority to bear arms  
 3 in the performance of the officer's duties and carry out a  
 4 search pursuant to a search warrant on the campus. Florida  
 5 School for the Deaf and the Blind campus police, upon request  
 6 of the sheriff or local police authority, may serve subpoenas  
 7 or other legal process and may make arrests of persons against  
 8 whom arrest warrants have been issued or against whom charges  
 9 have been made for violations of federal or state laws or  
 10 county or municipal ordinances.

11 (c) The campus police shall promptly deliver all  
 12 persons arrested and charged with felonies to the sheriff of  
 13 the county within which the school is located and all persons  
 14 arrested and charged with misdemeanors to the applicable  
 15 authority as provided by law, but otherwise to the sheriff of  
 16 the county in which the school is located.

17 (d) The campus police must meet the minimum standards  
 18 established by the Criminal Justice Standards and Training  
 19 Commission of the Department of Law Enforcement and chapter  
 20 943 for law enforcement officers. Each campus police officer  
 21 must, before entering into the performance of the officer's  
 22 duties, take the oath of office established by the board of  
 23 trustees. The board of trustees may obtain and approve a bond  
 24 on each campus police officer, conditioned upon the officer's  
 25 faithful performance of the officer's duties, which bond must  
 26 be payable to the Governor. The board of trustees may  
 27 determine the amount of the bond. In determining the amount of  
 28 the bond, the board may consider the amount of money or  
 29 property likely to be in the custody of the officer at any one  
 30 time. The board of trustees must provide a uniform set of  
 31 identifying credentials to each campus police officer it

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1 employs.

2 (e) In performance of any of the powers, duties, and  
3 functions authorized by law, campus police have the same  
4 rights, protections, and immunities afforded other law  
5 enforcement officers.

6 (f) The board of trustees shall adopt rules,  
7 including, without limitation, rules for the appointment,  
8 employment, and removal of campus police in accordance with  
9 the State Career Service System and shall establish in writing  
10 a policy manual, that includes, without limitation, procedures  
11 for managing routine law enforcement situations and emergency  
12 law enforcement situations. The board of trustees shall  
13 furnish a copy of the policy manual to each of the campus  
14 police officers it employs. A campus police officer appointed  
15 by the board of trustees must have completed the training  
16 required by the school in the special needs and proper  
17 procedures for dealing with students served by the school.

18 (10) REPORT OF CAMPUS CRIME STATISTICS.--

19 (a) The school shall prepare an annual report of  
20 statistics of crimes committed on its campus and shall submit  
21 the report to the board of trustees and the Commissioner of  
22 Education. The data for these reports may be taken from the  
23 annual report of the Department of Law Enforcement. The board  
24 of trustees shall prescribe the form for submission of these  
25 reports.

26 (b) The school shall prepare annually a report of  
27 statistics of crimes committed on its campus for the preceding  
28 3 years. The school shall give students and prospective  
29 students notice that this report is available upon request.

30 Section 101. Section 1002.37, Florida Statutes, is  
31 created to read:



1           1002.37 The Florida Virtual High School.--  
 2           (1)(a) The Florida Virtual High School is established  
 3 for the development and delivery of on-line and distance  
 4 learning education and shall be administratively housed within  
 5 the Commissioner of Education's Office of Technology and  
 6 Information Services. The Commissioner of Education shall  
 7 monitor the school's performance and report its performance to  
 8 the State Board of Education and the Legislature.

9           (b) The mission of the Florida Virtual High School is  
 10 to provide students with technology-based educational  
 11 opportunities to gain the knowledge and skills necessary to  
 12 succeed. The school shall serve any student in the state who  
 13 meets the profile for success in this educational delivery  
 14 context and shall give priority to:

15           1. Students who need expanded access to courses in  
 16 order to meet their educational goals, such as home education  
 17 students and students in inner-city and rural high schools who  
 18 do not have access to higher-level courses.

19           2. Students seeking accelerated access in order to  
 20 obtain a high school diploma at least one semester early.

21           (c) To ensure students are informed of the  
 22 opportunities offered by the Florida Virtual High School, the  
 23 commissioner shall provide the board of trustees of the  
 24 Florida Virtual High School access to the records of public  
 25 school students in a format prescribed by the board of  
 26 trustees.

27  
 28 The board of trustees of the Florida Virtual High School shall  
 29 identify appropriate performance measures and standards based  
 30 on student achievement that reflect the school's statutory  
 31 mission and priorities, and shall implement an accountability

1 system for the school that includes assessment of its  
2 effectiveness and efficiency in providing quality services  
3 that encourage high student achievement, seamless  
4 articulation, and maximum access.

5 (2) The Florida Virtual High School shall be governed  
6 by a board of trustees comprised of seven members appointed by  
7 the Governor to 4-year staggered terms. The board of trustees  
8 shall be a public agency entitled to sovereign immunity  
9 pursuant to s. 768.28, and board members shall be public  
10 officers who shall bear fiduciary responsibility for the  
11 Florida Virtual High School. The board of trustees shall have  
12 the following powers and duties:

13 (a)1. The board of trustees shall meet at least 4  
14 times each year, upon the call of the chair, or at the request  
15 of a majority of the membership.

16 2. The fiscal year for the Florida Virtual High School  
17 shall be the state fiscal year as provided in s.  
18 216.011(1)(o).

19 (b) The board of trustees shall be responsible for the  
20 Florida Virtual High School's development of a  
21 state-of-the-art technology-based education delivery system  
22 that is cost-effective, educationally sound, marketable, and  
23 capable of sustaining a self-sufficient delivery system  
24 through the Florida Education Finance Program, by fiscal year  
25 2003-2004. The school shall collect and report data for all  
26 students served and credit awarded. This data shall be  
27 segregated by private, public, and home education students by  
28 program. Information shall also be collected that reflects any  
29 other school in which a virtual school student is enrolled.

30 (c) The board of trustees shall aggressively seek  
31 avenues to generate revenue to support its future endeavors,

1 and shall enter into agreements with distance learning  
 2 providers. The board of trustees may acquire, enjoy, use, and  
 3 dispose of patents, copyrights, and trademarks and any  
 4 licenses and other rights or interests thereunder or therein.  
 5 Ownership of all such patents, copyrights, trademarks,  
 6 licenses, and rights or interests thereunder or therein shall  
 7 vest in the state, with the board of trustees having full  
 8 right of use and full right to retain the revenues derived  
 9 therefrom. Any funds realized from patents, copyrights,  
 10 trademarks, or licenses shall be used to support the school's  
 11 research and development activities in order to improve  
 12 courseware and services to its students.

13 (d) The board of trustees shall annually prepare and  
 14 submit to the State Board of Education a legislative budget  
 15 request, including funding requests for computers for public  
 16 school students who do not have access to public school  
 17 computers, in accordance with chapter 216 and s. 1013.60. The  
 18 legislative budget request of the Florida Virtual High School  
 19 shall be prepared using the same format, procedures, and  
 20 timelines required for the submission of the legislative  
 21 budget of the Department of Education. Nothing in this  
 22 section shall be construed to guarantee a computer to any  
 23 individual student.

24 (e) In accordance with law and rules of the State  
 25 Board of Education, the board of trustees shall administer and  
 26 maintain personnel programs for all employees of the board of  
 27 trustees and the Florida Virtual High School. The board of  
 28 trustees may adopt rules, policies, and procedures related to  
 29 the appointment, employment, and removal of personnel.

30 1. The board of trustees shall determine the  
 31 compensation, including salaries and fringe benefits, and

1 other conditions of employment for such personnel.

2           2. The board of trustees may establish and maintain a  
3 personnel loan or exchange program by which persons employed  
4 by the board of trustees for the Florida Virtual High School  
5 as academic administrative and instructional staff may be  
6 loaned to, or exchanged with persons employed in like  
7 capacities by, public agencies either within or without this  
8 state, or by private industry. With respect to public agency  
9 employees, the program authorized by this subparagraph shall  
10 be consistent with the requirements of part II of chapter 112.  
11 The salary and benefits of board of trustees personnel  
12 participating in the loan or exchange program shall be  
13 continued during the period of time they participate in a loan  
14 or exchange program, and such personnel shall be deemed to  
15 have no break in creditable or continuous service or  
16 employment during such time. The salary and benefits of  
17 persons participating in the personnel loan or exchange  
18 program who are employed by public agencies or private  
19 industry shall be paid by the originating employers of those  
20 participants, and such personnel shall be deemed to have no  
21 break in creditable or continuous service or employment during  
22 such time.

23           3. The employment of all Florida Virtual High School  
24 academic administrative and instructional personnel shall be  
25 subject to rejection for cause by the board of trustees, and  
26 shall be subject to policies of the board of trustees relative  
27 to certification, tenure, leaves of absence, sabbaticals,  
28 remuneration, and such other conditions of employment as the  
29 board of trustees deems necessary and proper, not inconsistent  
30 with law.

31           4. Each person employed by the board of trustees in an

1 academic administrative or instructional capacity with the  
2 Florida Virtual School shall be entitled to a contract as  
3 provided by rules of the board of trustees.

4 5. All employees except temporary, seasonal, and  
5 student employees may be state employees for the purpose of  
6 being eligible to participate in the Florida Retirement System  
7 and receive benefits. The classification and pay plan,  
8 including terminal leave and other benefits, and any  
9 amendments thereto, shall be subject to review and approval by  
10 the Department of Management Services and the Executive Office  
11 of the Governor prior to adoption. In the event that the board  
12 of trustees assumes responsibility for governance pursuant to  
13 this section before approval is obtained, employees shall be  
14 compensated pursuant to the system in effect for the employees  
15 of the fiscal agent.

16 (f) The board of trustees shall establish priorities  
17 for admission of students in accordance with paragraph (1)(b).

18 (g) The board of trustees shall establish and  
19 distribute to all school districts and high schools in the  
20 state procedures for enrollment of students in courses offered  
21 by the Florida Virtual High School. Such procedures shall be  
22 designed to minimize paperwork and fairly resolve the issue of  
23 double funding students taking courses online.

24 (h) The board of trustees shall annually submit to the  
25 State Board of Education both forecasted and actual  
26 enrollments for the Florida Virtual High School, according to  
27 procedures established by the State Board of Education. At a  
28 minimum, such procedures must include the number of public,  
29 private, and home education students served by district.

30 (i) The board of trustees shall provide for the  
31 content and custody of student and employee personnel records.

1 Student records shall be subject to the provisions of s.  
2 1002.22. Employee records shall be subject to the provisions  
3 of s. 1012.31.

4 (j) The financial records and accounts of the Florida  
5 Virtual High School shall be maintained under the direction of  
6 the board of trustees and under rules adopted by the State  
7 Board of Education for the uniform system of financial records  
8 and accounts for the schools of the state.

9  
10 The Governor shall designate the initial chair of the board of  
11 trustees to serve a term of 4 years. Members of the board of  
12 trustees shall serve without compensation, but may be  
13 reimbursed for per diem and travel expenses pursuant to s.  
14 112.061. The board of trustees shall be a body corporate with  
15 all the powers of a body corporate and such authority as is  
16 needed for the proper operation and improvement of the Florida  
17 Virtual High School. The board of trustees is specifically  
18 authorized to adopt rules, policies, and procedures,  
19 consistent with law and rules of the State Board of Education  
20 related to governance, personnel, budget and finance,  
21 administration, programs, curriculum and instruction, travel  
22 and purchasing, technology, students, contracts and grants,  
23 and property as necessary for optimal, efficient operation of  
24 the Florida Virtual High School. Tangible personal property  
25 owned by the board of trustees shall be subject to the  
26 provisions of chapter 273.

27 (3)(a) Until fiscal year 2003-2004, the Commissioner  
28 of Education shall include the Florida Virtual High School as  
29 a grant-in-aid appropriation in the department's legislative  
30 budget request to the State Board of Education, the Governor,  
31 and the Legislature, subject to any guidelines imposed in the

1 General Appropriations Act.

2       (b) The Orange County District School Board shall be  
3 the temporary fiscal agent of the Florida Virtual High School.

4       (4) Under no circumstance may the credit of the state  
5 be pledged on behalf of the Florida Virtual High School.

6       (5) The board of trustees shall annually submit to the  
7 Governor, the Legislature, the Commissioner of Education, and  
8 the State Board of Education a complete and detailed report  
9 setting forth:

10       (a) The operations and accomplishments of the Florida  
11 Virtual High School.

12       (b) The marketing and operational plan for the Florida  
13 Virtual High School, including recommendations regarding  
14 methods for improving the delivery of education through the  
15 Internet and other distance learning technology.

16       (c) The assets and liabilities of the Florida Virtual  
17 High School at the end of the fiscal year.

18       (d) A copy of an annual financial and compliance audit  
19 of the accounts and records of the Florida Virtual High  
20 School, conducted by an independent certified public  
21 accountant and performed in accordance with rules adopted by  
22 the Auditor General.

23       (e) Recommendations regarding the unit cost of  
24 providing services to students. In order to most effectively  
25 develop public policy regarding any future funding of the  
26 Florida Virtual High School, it is imperative that the cost of  
27 the program is accurately identified. The identified cost of  
28 the program must be based on reliable data.

29       (f) Recommendations regarding an accountability  
30 mechanism to assess the effectiveness of the services provided  
31 by the Florida Virtual High School.

1           (6) The State Board of Education may adopt rules it  
2 deems necessary to implement reporting requirements for the  
3 Florida Virtual High School.

4           Section 102. Section 1002.38, Florida Statutes, is  
5 created to read:

6           1002.38 Opportunity Scholarship Program.--

7           (1) FINDINGS AND INTENT.--The purpose of this section  
8 is to provide enhanced opportunity for students in this state  
9 to gain the knowledge and skills necessary for postsecondary  
10 education, a technical education, or the world of work. The  
11 Legislature recognizes that the voters of the State of  
12 Florida, in the November 1998 general election, amended s. 1,  
13 Art. IX of the Florida Constitution so as to make education a  
14 paramount duty of the state. The Legislature finds that the  
15 State Constitution requires the state to provide a uniform,  
16 safe, secure, efficient, and high-quality system which allows  
17 the opportunity to obtain a high-quality education. The  
18 Legislature further finds that a student should not be  
19 compelled, against the wishes of the student's parent, to  
20 remain in a school found by the state to be failing for 2  
21 years in a 4-year period. The Legislature shall make available  
22 opportunity scholarships in order to give parents the  
23 opportunity for their children to attend a public school that  
24 is performing satisfactorily or to attend an eligible private  
25 school when the parent chooses to apply the equivalent of the  
26 public education funds generated by his or her child to the  
27 cost of tuition in the eligible private school as provided in  
28 paragraph (6)(a). Eligibility of a private school shall  
29 include the control and accountability requirements that,  
30 coupled with the exercise of parental choice, are reasonably  
31 necessary to secure the educational public purpose, as



1 delineated in subsection (4).

2 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public  
3 school student's parent may request and receive from the state  
4 an opportunity scholarship for the student to enroll in and  
5 attend a private school in accordance with the provisions of  
6 this section if:

7 (a)1. By assigned school attendance area or by special  
8 assignment, the student has spent the prior school year in  
9 attendance at a public school that has been designated  
10 pursuant to s. 1008.34 as performance grade category "F,"  
11 failing to make adequate progress, and that has had two school  
12 years in a 4-year period of such low performance, and the  
13 student's attendance occurred during a school year in which  
14 such designation was in effect;

15 2. The student has been in attendance elsewhere in the  
16 public school system and has been assigned to such school for  
17 the next school year; or

18 3. The student is entering kindergarten or first grade  
19 and has been notified that the student has been assigned to  
20 such school for the next school year.

21 (b) The parent has obtained acceptance for admission  
22 of the student to a private school eligible for the program  
23 pursuant to subsection (4), and has notified the Department of  
24 Education and the school district of the request for an  
25 opportunity scholarship no later than July 1 of the first year  
26 in which the student intends to use the scholarship.

27  
28 The provisions of this section shall not apply to a student  
29 who is enrolled in a school operating for the purpose of  
30 providing educational services to youth in Department of  
31 Juvenile Justice commitment programs. For purposes of

1 continuity of educational choice, the opportunity scholarship  
 2 shall remain in force until the student returns to a public  
 3 school or, if the student chooses to attend a private school  
 4 the highest grade of which is grade 8, until the student  
 5 matriculates to high school and the public high school to  
 6 which the student is assigned is an accredited school with a  
 7 performance grade category designation of "C" or better.  
 8 However, at any time upon reasonable notice to the Department  
 9 of Education and the school district, the student's parent may  
 10 remove the student from the private school and place the  
 11 student in a public school, as provided in subparagraph  
 12 (3)(a)2.

13 (3) SCHOOL DISTRICT OBLIGATIONS.--

14 (a) A school district shall, for each student enrolled  
 15 in or assigned to a school that has been designated as  
 16 performance grade category "F" for 2 school years in a 4-year  
 17 period:

18 1. Timely notify the parent of the student as soon as  
 19 such designation is made of all options available pursuant to  
 20 this section.

21 2. Offer that student's parent an opportunity to  
 22 enroll the student in the public school within the district  
 23 that has been designated by the state pursuant to s. 1008.34  
 24 as a school performing higher than that in which the student  
 25 is currently enrolled or to which the student has been  
 26 assigned, but not less than performance grade category "C."  
 27 The parent is not required to accept this offer in lieu of  
 28 requesting a state opportunity scholarship to a private  
 29 school. The opportunity to continue attending the higher  
 30 performing public school shall remain in force until the  
 31 student graduates from high school.

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1           (b) The parent of a student enrolled in or assigned to  
 2 a school that has been designated performance grade category  
 3 "F" for 2 school years in a 4-year period may choose as an  
 4 alternative to enroll the student in and transport the student  
 5 to a higher-performing public school that has available space  
 6 in an adjacent school district, and that school district shall  
 7 accept the student and report the student for purposes of the  
 8 district's funding pursuant to the Florida Education Finance  
 9 Program.

10           (c) For students in the school district who are  
 11 participating in the state Opportunity Scholarship Program,  
 12 the school district shall provide locations and times to take  
 13 all statewide assessments required pursuant to s. 1008.22.

14           (d) Students with disabilities who are eligible to  
 15 receive services from the school district under federal or  
 16 state law, and who participate in this program, remain  
 17 eligible to receive services from the school district as  
 18 provided by federal or state law.

19           (e) If for any reason a qualified private school is  
 20 not available for the student or if the parent chooses to  
 21 request that the student be enrolled in the higher performing  
 22 public school, rather than choosing to request the state  
 23 opportunity scholarship, transportation costs to the higher  
 24 performing public school shall be the responsibility of the  
 25 school district. The district may utilize state categorical  
 26 transportation funds or state-appropriated public school  
 27 choice incentive funds for this purpose.

28           (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
 29 participate in the Opportunity Scholarship Program, a private  
 30 school must be a Florida private school, may be sectarian or  
 31 nonsectarian, and must:

1           (a) Demonstrate fiscal soundness by being in operation  
 2 for 1 school year or provide the Department of Education with  
 3 a statement by a certified public accountant confirming that  
 4 the private school desiring to participate is insured and the  
 5 owner or owners have sufficient capital or credit to operate  
 6 the school for the upcoming year serving the number of  
 7 students anticipated with expected revenues from tuition and  
 8 other sources that may be reasonably expected. In lieu of such  
 9 a statement, a surety bond or letter of credit for the amount  
 10 equal to the opportunity scholarship funds for any quarter may  
 11 be filed with the department.

12           (b) Notify the Department of Education and the school  
 13 district in whose service area the school is located of its  
 14 intent to participate in the program under this section by May  
 15 1 of the school year preceding the school year in which it  
 16 intends to participate. The notice shall specify the grade  
 17 levels and services that the private school has available for  
 18 the Opportunity Scholarship Program.

19           (c) Comply with the antidiscrimination provisions of  
 20 42 U.S.C. s. 2000d.

21           (d) Meet state and local health and safety laws and  
 22 codes.

23           (e) Accept scholarship students on an entirely random  
 24 and religious-neutral basis without regard to the student's  
 25 past academic history; however, the private school may give  
 26 preference in accepting applications to siblings of students  
 27 who have already been accepted on a random and  
 28 religious-neutral basis.

29           (f) Be subject to the instruction, curriculum, and  
 30 attendance criteria adopted by an appropriate nonpublic school  
 31 accrediting body and be academically accountable to the parent

1 for meeting the educational needs of the student. The private  
2 school must furnish a school profile which includes student  
3 performance.

4 (g) Employ or contract with teachers who hold a  
5 baccalaureate or higher degree, or have at least 3 years of  
6 teaching experience in public or private schools, or have  
7 special skills, knowledge, or expertise that qualifies them to  
8 provide instruction in subjects taught.

9 (h) Comply with all state statutes relating to private  
10 schools.

11 (i) Accept as full tuition and fees the amount  
12 provided by the state for each student.

13 (j) Agree not to compel any student attending the  
14 private school on an opportunity scholarship to profess a  
15 specific ideological belief, to pray, or to worship.

16 (k) Adhere to the tenets of its published disciplinary  
17 procedures prior to the expulsion of any opportunity  
18 scholarship student.

19 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

20 (a) Any student participating in the Opportunity  
21 Scholarship Program must remain in attendance throughout the  
22 school year, unless excused by the school for illness or other  
23 good cause, and must comply fully with the school's code of  
24 conduct.

25 (b) The parent of each student participating in the  
26 Opportunity Scholarship Program must comply fully with the  
27 private school's parental involvement requirements, unless  
28 excused by the school for illness or other good cause.

29 (c) The parent shall ensure that the student  
30 participating in the Opportunity Scholarship Program takes all  
31 statewide assessments required pursuant to s. 1008.22.

1           (d) A participant who fails to comply with this  
2 subsection shall forfeit the opportunity scholarship.

3           (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

4           (a) The maximum opportunity scholarship granted for an  
5 eligible student shall be a calculated amount equivalent to  
6 the base student allocation in the Florida Education Finance  
7 Program multiplied by the appropriate cost factor for the  
8 educational program that would have been provided for the  
9 student in the district school to which he or she was  
10 assigned, multiplied by the district cost differential. In  
11 addition, the calculated amount shall include the per-student  
12 share of instructional materials funds, technology funds, and  
13 other categorical funds as provided for this purpose in the  
14 General Appropriations Act.

15           (b) The amount of the opportunity scholarship shall be  
16 the calculated amount or the amount of the private school's  
17 tuition and fees, whichever is less. Fees eligible shall  
18 include textbook fees, lab fees, and other fees related to  
19 instruction, including transportation.

20           (c) The school district shall report all students who  
21 are attending a private school under this program. The  
22 students attending private schools on opportunity scholarships  
23 shall be reported separately from those students reported for  
24 purposes of the Florida Education Finance Program.

25           (d) The public or private school that provides  
26 services to students with disabilities shall receive the  
27 weighted funding for such services at the appropriate funding  
28 level consistent with the provisions of s. 1011.62(1)(e).

29           (e) For purposes of calculating the opportunity  
30 scholarship, a student will be eligible for the amount of the  
31 appropriate basic cost factor if:

1           1. The student currently participates in a Group I  
2 program funded at the basic cost factor and is not  
3 subsequently identified as having a disability; or

4           2. The student currently participates in a Group II  
5 program and the parent has chosen a private school that does  
6 not provide the additional services funded by the Group II  
7 program.

8           (f) Following annual notification on July 1 of the  
9 number of participants, the Department of Education shall  
10 transfer from each school district's appropriated funds the  
11 calculated amount from the Florida Education Finance Program  
12 and authorized categorical accounts to a separate account for  
13 the Opportunity Scholarship Program for quarterly disbursement  
14 to the parents of participating students.

15           (g) Upon proper documentation reviewed and approved by  
16 the Department of Education, the Comptroller shall make  
17 opportunity scholarship payments in four equal amounts no  
18 later than September 1, November 1, February 1, and April 1 of  
19 each academic year in which the opportunity scholarship is in  
20 force. The initial payment shall be made after Department of  
21 Education verification of admission acceptance, and subsequent  
22 payments shall be made upon verification of continued  
23 enrollment and attendance at the private school. Payment must  
24 be by individual warrant made payable to the student's parent  
25 and mailed by the Department of Education to the private  
26 school of the parent's choice, and the parent shall  
27 restrictively endorse the warrant to the private school.

28           (7) LIABILITY.--No liability shall arise on the part  
29 of the state based on any grant or use of an opportunity  
30 scholarship.

31           (8) RULES.--The State Board of Education may adopt

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1 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 2 provisions of this section. Rules shall include penalties for  
 3 noncompliance with subsections (3) and (5). However, the  
 4 inclusion of eligible private schools within options available  
 5 to Florida public school students does not expand the  
 6 regulatory authority of the state, its officers, or any school  
 7 district to impose any additional regulation of private  
 8 schools beyond those reasonably necessary to enforce  
 9 requirements expressly set forth in this section.

10 Section 103. Section 1002.39, Florida Statutes, is  
 11 created to read:

12 1002.39 The John M. McKay Scholarships for Students  
 13 with Disabilities Program.--There is established a program  
 14 that is separate and distinct from the Opportunity Scholarship  
 15 Program and is named the John M. McKay Scholarships for  
 16 Students with Disabilities Program, pursuant to this section.

17 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
 18 DISABILITIES PROGRAM.--The John M. McKay Scholarships for  
 19 Students with Disabilities Program is established to provide  
 20 the option to attend a public school other than the one to  
 21 which assigned, or to provide a scholarship to a private  
 22 school of choice, for students with disabilities for whom an  
 23 individual education plan has been written in accordance with  
 24 rules of the State Board of Education. Students with  
 25 disabilities include K-12 students who are mentally  
 26 handicapped, speech and language impaired, deaf or hard of  
 27 hearing, visually impaired, dual sensory impaired, physically  
 28 impaired, emotionally handicapped, specific learning disabled,  
 29 hospitalized or homebound, or autistic.

30 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public  
 31 school student with a disability who is dissatisfied with the



1 student's progress may request and receive from the state a  
 2 John M. McKay Scholarship for the child to enroll in and  
 3 attend a private school in accordance with this section if:  
 4 (a) By assigned school attendance area or by special  
 5 assignment, the student has spent the prior school year in  
 6 attendance at a Florida public school. Prior school year in  
 7 attendance means that the student was enrolled and reported by  
 8 a school district for funding during the preceding October and  
 9 February Florida Education Finance Program surveys in  
 10 kindergarten through grade 12.

11 (b) The parent has obtained acceptance for admission  
 12 of the student to a private school that is eligible for the  
 13 program under subsection (4) and has notified, in writing, the  
 14 school district of the request for a scholarship at least 60  
 15 days prior to the date of the first scholarship payment.

16  
 17 This section does not apply to a student who is enrolled in a  
 18 school operating for the purpose of providing educational  
 19 services to youth in Department of Juvenile Justice commitment  
 20 programs. For purposes of continuity of educational choice,  
 21 the scholarship shall remain in force until the student  
 22 returns to a public school or graduates from high school.  
 23 However, at any time, the student's parent may remove the  
 24 student from the private school and place the student in  
 25 another private school that is eligible for the program under  
 26 subsection (4) or in a public school as provided in subsection  
 27 (3).

28 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION  
 29 OBLIGATIONS.--

30 (a) A school district shall timely notify the parent  
 31 of the student of all options available pursuant to this

1 section and offer that student's parent an opportunity to  
 2 enroll the student in another public school within the  
 3 district. The parent is not required to accept this offer in  
 4 lieu of requesting a John M. McKay Scholarship to a private  
 5 school. However, if the parent chooses the public school  
 6 option, the student may continue attending a public school  
 7 chosen by the parent until the student graduates from high  
 8 school. If the parent chooses a public school consistent with  
 9 the district school board's choice plan under s. 1002.31, the  
 10 school district shall provide transportation to the public  
 11 school selected by the parent. The parent is responsible to  
 12 provide transportation to a public school chosen that is not  
 13 consistent with the district school board's choice plan under  
 14 s. 1002.31.

15 (b) For a student with disabilities who does not have  
 16 a matrix of services under s. 1011.62(1)(e), the school  
 17 district must complete a matrix that assigns the student to  
 18 one of the levels of service as they existed prior to the  
 19 2000-2001 school year. The school district must complete the  
 20 matrix of services for any student who is participating in the  
 21 John M. McKay Scholarships for Students with Disabilities  
 22 Program and must notify the Department of Education of the  
 23 student's matrix level within 30 days after receiving  
 24 notification by the student's parent of intent to participate  
 25 in the scholarship program. The Department of Education shall  
 26 notify the private school of the amount of the scholarship  
 27 within 10 days after receiving the school district's  
 28 notification of the student's matrix level.

29 (c) If the parent chooses the private school option  
 30 and the student is accepted by the private school pending the  
 31 availability of a space for the student, the parent of the

1 student must notify the school district 60 days prior to the  
 2 first scholarship payment and before entering the private  
 3 school in order to be eligible for the scholarship when a  
 4 space becomes available for the student in the private school.

5 (d) The parent of a student may choose, as an  
 6 alternative, to enroll the student in and transport the  
 7 student to a public school in an adjacent school district  
 8 which has available space and has a program with the services  
 9 agreed to in the student's individual education plan already  
 10 in place, and that school district shall accept the student  
 11 and report the student for purposes of the district's funding  
 12 pursuant to the Florida Education Finance Program.

13 (e) For a student in the district who participates in  
 14 the John M. McKay Scholarships for Students with Disabilities  
 15 Program whose parent requests that the student take the  
 16 statewide assessments under s. 1008.22, the district shall  
 17 provide locations and times to take all statewide assessments.

18 (f) A school district must notify the Department of  
 19 Education within 10 days after it receives notification of a  
 20 parent's intent to apply for a scholarship for a student with  
 21 a disability.

22 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
 23 participate in the John M. McKay Scholarships for Students  
 24 with Disabilities Program, a private school must be a Florida  
 25 private school, may be sectarian or nonsectarian, and must:

26 (a) Demonstrate fiscal soundness by being in operation  
 27 for 1 school year or provide the Department of Education with  
 28 a statement by a certified public accountant confirming that  
 29 the private school desiring to participate is insured and the  
 30 owner or owners have sufficient capital or credit to operate  
 31 the school for the upcoming year serving the number of

1 students anticipated with expected revenues from tuition and  
2 other sources that may be reasonably expected. In lieu of such  
3 a statement, a surety bond or letter of credit for the amount  
4 equal to the scholarship funds for any quarter may be filed  
5 with the department.

6 (b) Notify the Department of Education of its intent  
7 to participate in the program under this section by May 1 of  
8 the school year preceding the school year in which it intends  
9 to participate. The notice must specify the grade levels and  
10 services that the private school has available for students  
11 with disabilities who are participating in the scholarship  
12 program.

13 (c) Comply with the antidiscrimination provisions of  
14 42 U.S.C. s. 2000d.

15 (d) Meet state and local health and safety laws and  
16 codes.

17 (e) Be academically accountable to the parent for  
18 meeting the educational needs of the student.

19 (f) Employ or contract with teachers who hold  
20 baccalaureate or higher degrees, or have at least 3 years of  
21 teaching experience in public or private schools, or have  
22 special skills, knowledge, or expertise that qualifies them to  
23 provide instruction in subjects taught.

24 (g) Comply with all state laws relating to general  
25 regulation of private schools.

26 (h) Adhere to the tenets of its published disciplinary  
27 procedures prior to the expulsion of a scholarship student.

28 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

29 (a) A parent who applies for a John M. McKay  
30 Scholarship is exercising his or her parental option to place  
31 his or her child in a private school. The parent must select

1 the private school and apply for the admission of his or her  
2 child.

3 (b) The parent must have requested the scholarship at  
4 least 60 days prior to the date of the first scholarship  
5 payment.

6 (c) Any student participating in the scholarship  
7 program must remain in attendance throughout the school year,  
8 unless excused by the school for illness or other good cause,  
9 and must comply fully with the school's code of conduct.

10 (d) The parent of each student participating in the  
11 scholarship program must comply fully with the private  
12 school's parental involvement requirements, unless excused by  
13 the school for illness or other good cause.

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

19 (f) Upon receipt of a scholarship warrant, the parent  
20 to whom the warrant is made must restrictively endorse the  
21 warrant to the private school for deposit into the account of  
22 the private school.

23 (g) A participant who fails to comply with this  
24 subsection forfeits the scholarship.

25 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

26 (a)1. The maximum scholarship granted for an eligible  
27 student with disabilities shall be a calculated amount  
28 equivalent to the base student allocation in the Florida  
29 Education Finance Program multiplied by the appropriate cost  
30 factor for the educational program that would have been  
31 provided for the student in the district school to which he or

1 she was assigned, multiplied by the district cost  
2 differential.

3 2. In addition, a share of the guaranteed allocation  
4 for exceptional students shall be determined and added to the  
5 calculated amount. The calculation shall be based on the  
6 methodology and the data used to calculate the guaranteed  
7 allocation for exceptional students for each district in  
8 chapter 2000-166, Laws of Florida. The calculation shall be  
9 based on the student's grade, matrix level of services, and  
10 the difference between the 2000-2001 basic program and the  
11 appropriate level of services cost factor, multiplied by the  
12 2000-2001 base student allocation and the 2000-2001 district  
13 cost differential for the sending district. Also, the  
14 calculated amount shall include the per-student share of  
15 supplemental academic instruction funds, instructional  
16 materials funds, technology funds, and other categorical funds  
17 as provided for such purposes in the General Appropriations  
18 Act.

19 (b) The amount of the John M. McKay Scholarship shall  
20 be the calculated amount or the amount of the private school's  
21 tuition and fees, whichever is less. The amount of any  
22 assessment fee required by the participating private school  
23 may be paid from the total amount of the scholarship.

24 (c) If the participating private school requires  
25 partial payment of tuition prior to the start of the academic  
26 year to reserve space for students admitted to the school,  
27 that partial payment may be paid by the Department of  
28 Education prior to the first quarterly payment of the year in  
29 which the John M. McKay Scholarship is awarded, up to a  
30 maximum of \$1,000, and deducted from subsequent scholarship  
31 payments. If a student decides not to attend the participating

1 private school, the partial reservation payment must be  
 2 returned to the Department of Education by the participating  
 3 private school. There is a limit of one reservation payment  
 4 per student per year.

5 (d) The school district shall report all students who  
 6 are attending a private school under this program. The  
 7 students with disabilities attending private schools on John  
 8 M. McKay Scholarships shall be reported separately from other  
 9 students reported for purposes of the Florida Education  
 10 Finance Program.

11 (e) Following notification on July 1, September 1,  
 12 December 1, or February 1 of the number of program  
 13 participants, the Department of Education shall transfer, from  
 14 General Revenue funds only, the amount calculated under  
 15 paragraph (b) from the school district's total funding  
 16 entitlement under the Florida Education Finance Program and  
 17 from authorized categorical accounts to a separate account for  
 18 the scholarship program for quarterly disbursement to the  
 19 parents of participating students. When a student enters the  
 20 scholarship program, the Department of Education must receive  
 21 all documentation required for the student's participation,  
 22 including the private school's and student's fee schedules, at  
 23 least 30 days before the first quarterly scholarship payment  
 24 is made for the student. The Department of Education may not  
 25 make any retroactive payments.

26 (f) Upon proper documentation reviewed and approved by  
 27 the Department of Education, the Comptroller shall make  
 28 scholarship payments in four equal amounts no later than  
 29 September 1, November 1, February 1, and April 15 of each  
 30 academic year in which the scholarship is in force. The  
 31 initial payment shall be made after Department of Education

1 verification of admission acceptance, and subsequent payments  
 2 shall be made upon verification of continued enrollment and  
 3 attendance at the private school. Payment must be by  
 4 individual warrant made payable to the student's parent and  
 5 mailed by the Department of Education to the private school of  
 6 the parent's choice, and the parent shall restrictively  
 7 endorse the warrant to the private school for deposit into the  
 8 account of the private school.

9 (7) LIABILITY.--No liability shall arise on the part  
 10 of the state based on the award or use of a John M. McKay  
 11 Scholarship.

12 (8) RULES.--The State Board of Education may adopt  
 13 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
 14 section. However, the inclusion of eligible private schools  
 15 within options available to Florida public school students  
 16 does not expand the regulatory authority of the state, its  
 17 officers, or any school district to impose any additional  
 18 regulation of private schools beyond those reasonably  
 19 necessary to enforce requirements expressly set forth in this  
 20 section.

21 Section 104. Part IV of chapter 1002, Florida  
 22 Statutes, shall be entitled "Home Education, Private Schools,  
 23 Other Education Options" and shall consist of ss.  
 24 1002.41-1002.43.

25 Section 105. Section 1002.41, Florida Statutes, is  
 26 created to read:

27 1002.41 Home education programs.--

28 (1) A "home education program" is defined in s.  
 29 1002.01. The parent is not required to hold a valid regular  
 30 Florida teaching certificate.

31 (a) The parent shall notify the district school



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1 superintendent of the county in which the parent resides of  
 2 her or his intent to establish and maintain a home education  
 3 program. The notice shall be in writing, signed by the parent,  
 4 and shall include the names, addresses, and birthdates of all  
 5 children who shall be enrolled as students in the home  
 6 education program. The notice shall be filed in the district  
 7 school superintendent's office within 30 days of the  
 8 establishment of the home education program. A written notice  
 9 of termination of the home education program shall be filed in  
 10 the district school superintendent's office within 30 days  
 11 after said termination.

12 (b) The parent shall maintain a portfolio of records  
 13 and materials. The portfolio shall consist of the following:

14 1. A log of educational activities that is made  
 15 contemporaneously with the instruction and that designates by  
 16 title any reading materials used.

17 2. Samples of any writings, worksheets, workbooks, or  
 18 creative materials used or developed by the student.

19  
 20 The portfolio shall be preserved by the parent for 2 years and  
 21 shall be made available for inspection by the district school  
 22 superintendent, or the district school superintendent's agent,  
 23 upon 15 days' written notice. Nothing in this section shall  
 24 require the district school superintendent to inspect the  
 25 portfolio.

26 (c) The parent shall provide for an annual educational  
 27 evaluation in which is documented the student's demonstration  
 28 of educational progress at a level commensurate with her or  
 29 his ability. The parent shall select the method of evaluation  
 30 and shall file a copy of the evaluation annually with the  
 31 district school superintendent's office in the county in which

1 the student resides. The annual educational evaluation shall  
2 consist of one of the following:

3 1. A teacher selected by the parent shall evaluate the  
4 student's educational progress upon review of the portfolio  
5 and discussion with the student. Such teacher shall hold a  
6 valid regular Florida certificate to teach academic subjects  
7 at the elementary or secondary level;

8 2. The student shall take any nationally normed  
9 student achievement test administered by a certified teacher;

10 3. The student shall take a state student assessment  
11 test used by the school district and administered by a  
12 certified teacher, at a location and under testing conditions  
13 approved by the school district;

14 4. The student shall be evaluated by an individual  
15 holding a valid, active license pursuant to the provisions of  
16 s. 490.003(7) or (8); or

17 5. The student shall be evaluated with any other valid  
18 measurement tool as mutually agreed upon by the district  
19 school superintendent of the district in which the student  
20 resides and the student's parent.

21 (2) The district school superintendent shall review  
22 and accept the results of the annual educational evaluation of  
23 the student in a home education program. If the student does  
24 not demonstrate educational progress at a level commensurate  
25 with her or his ability, the district school superintendent  
26 shall notify the parent, in writing, that such progress has  
27 not been achieved. The parent shall have 1 year from the date  
28 of receipt of the written notification to provide remedial  
29 instruction to the student. At the end of the 1-year  
30 probationary period, the student shall be reevaluated as  
31 specified in paragraph (1)(c). Continuation in a home

1 education program shall be contingent upon the student  
2 demonstrating educational progress commensurate with her or  
3 his ability at the end of the probationary period.

4 (3) A home education program shall be excluded from  
5 meeting the requirements of a school day.

6 (4) Home education students may participate in  
7 interscholastic extracurricular student activities in  
8 accordance with the provisions of s. 1006.15.

9 (5) Home education students may participate in the  
10 Bright Futures Scholarship Program in accordance with the  
11 provisions of ss. 1009.53-1009.539.

12 (6) Home education students may participate in dual  
13 enrollment programs in accordance with the provisions of s.  
14 1007.27(4) and 1007.271(10).

15 (7) Home education students are eligible for admission  
16 to community colleges in accordance with the provisions of s.  
17 1007.263.

18 (8) Home education students are eligible for admission  
19 to state universities in accordance with the provisions of s.  
20 1007.261.

21 (9) Home education program students may receive  
22 testing and evaluation services at diagnostic and resource  
23 centers, in accordance with the provisions of s. 1006.03.

24 Section 106. Section 1002.42, Florida Statutes, is  
25 created to read:

26 1002.42 Private schools.--

27 (1) DEFINITION.--A "private school" is defined in s.  
28 1002.01.

29 (2) ANNUAL PRIVATE SCHOOL SURVEY.--

30 (a) The Department of Education shall organize,  
31 maintain, and annually update a database of educational

1 institutions within the state coming within the provisions of  
 2 this section. There shall be included in the database of each  
 3 institution the name, address, and telephone number of the  
 4 institution; the type of institution; the names of  
 5 administrative officers; the enrollment by grade or special  
 6 group (e.g., career and technical education and exceptional  
 7 child education); the number of graduates; the number of  
 8 instructional and administrative personnel; the number of days  
 9 the school is in session; and such data as may be needed to  
 10 meet the provisions of this section and s. 1003.23(2).

11 (b) For the purpose of organizing, maintaining, and  
 12 updating this database, each private school shall annually  
 13 execute and file a database survey form on a date designated  
 14 by the Department of Education which shall include a notarized  
 15 statement ascertaining that the owner of the private school  
 16 has complied with the provisions of paragraph (c). For the  
 17 purpose of this section, "owner" means any individual who is  
 18 the chief administrative officer of a private school.

19 (c)1. Notwithstanding the provisions of paragraph (h),  
 20 each person who is an owner or who establishes, purchases, or  
 21 otherwise becomes an owner of a private school shall, within 5  
 22 days of assuming ownership of a school, file with the  
 23 Department of Law Enforcement a complete set of fingerprints  
 24 for state processing and checking for criminal background. The  
 25 fingerprints shall be taken by an authorized law enforcement  
 26 officer or an employee of the school who is trained to take  
 27 fingerprints. The costs of fingerprinting, criminal records  
 28 checking, and processing shall be borne by the applicant or  
 29 private school. The result of the criminal records checking  
 30 by the Department of Law Enforcement shall be forwarded to the  
 31 owner of the private school and shall be made available for

1 public inspection in the private school office as soon as it  
2 is received.

3 2. It shall be unlawful for a person who has been  
4 convicted of a crime involving moral turpitude to own or  
5 operate a private school.

6 3. An owner of a private school may require school  
7 employees to file a complete set of fingerprints with the  
8 Department of Law Enforcement for processing and criminal  
9 records checking. Findings from such processing and checking  
10 shall be reported to the owner for use in employment  
11 decisions.

12 4. Owners or employees of private schools who have  
13 been fingerprinted pursuant to this paragraph, s. 1012.32, or  
14 s. 402.3055 shall not be required to be refingerprinted if  
15 they have not been unemployed or unassociated with a private  
16 school or child care facility for more than 90 days.

17 5. Persons holding a valid Florida teaching  
18 certificate who have been fingerprinted pursuant to s. 1012.35  
19 shall not be required to comply with the provisions of this  
20 paragraph.

21 (d) The data inquiries to be included and answered in  
22 the survey required in paragraph (b) shall be limited to  
23 matters set forth in paragraph (a). The department shall  
24 furnish annually to each school sufficient copies of this  
25 form.

26 (e) To ensure completeness and accuracy of the  
27 database, each existing private educational institution  
28 falling within the provisions of this section shall notify the  
29 Department of Education of any change in the name of the  
30 institution, the address, or the chief administrative officer.  
31 Each new institution shall notify the department of its

1 establishment.

2 (f) Annually, the department shall make accessible to  
3 the public data on private education in this state. Such data  
4 shall include that collected pursuant to paragraph (a) and  
5 from other sources.

6 (g) The failure of any institution to submit the  
7 annual database survey form and notarized statement of  
8 compliance with the provisions of paragraph (c), as required  
9 by this section, shall be judged a misdemeanor and, upon  
10 conviction, proper authorities of such institution shall be  
11 subject to a fine not exceeding \$500. Submission of data for  
12 a nonexistent school or an institution providing no  
13 instruction or training, the purpose of which is to defraud  
14 the public, is unlawful and the person or persons responsible  
15 commit a misdemeanor of the second degree, punishable as  
16 provided in s. 775.082 or s. 775.083. Persons found to be in  
17 violation of subparagraph (c)2. commit a misdemeanor of the  
18 first degree, punishable as provided in s. 775.082 or s.  
19 775.083.

20 (h) It is the intent of the Legislature not to  
21 regulate, control, approve, or accredit private educational  
22 institutions, but to create a database where current  
23 information may be obtained relative to the educational  
24 institutions in this state coming within the provisions of  
25 this section as a service to the public, to governmental  
26 agencies, and to other interested parties. It is not the  
27 intent of the Legislature to regulate, control, or monitor,  
28 expressly or implicitly, churches, their ministries, or  
29 religious instruction, freedoms, or rites. It is the intent  
30 of the Legislature that the annual submission of the database  
31 survey by a school shall not be used by that school to imply

1 approval or accreditation by the Department of Education.

2 (3) RETENTION OF RECORDS.--

3 (a) As used in this subsection:

4 1. "Defunct private school" means any private school  
5 that has terminated the operation of an education or training  
6 program, or that has no students in attendance, or that has  
7 dissolved as a business entity.

8 2. "Student records" means those records, files,  
9 documents, and other materials that contain information  
10 directly related to students that are maintained by a private  
11 school or by a person acting for such institution and that are  
12 accessible to other professional personnel to facilitate the  
13 instruction, guidance, and educational progress of students.  
14 Information contained in student records shall be classified  
15 as follows:

16 a. Permanent information, which includes verified  
17 information of clear educational importance, containing the  
18 following: student's full name and any known changes thereto  
19 due to marriage or adoption; authenticated birthdate, place of  
20 birth, race, and sex; last known address of student; names of  
21 student's parents; name and location of last school attended;  
22 number of days present and absent; date enrolled; date  
23 withdrawn; courses taken and record of achievement; and date  
24 of graduation or program achievement.

25 b. Temporary information, which includes verified  
26 information subject to change, containing, but not limited to,  
27 the following: health information, standardized test scores,  
28 honors and activities, personal attributes, work experience,  
29 teacher and counselor comments, and special reports.

30 (b) All private schools that become defunct shall  
31 transfer all permanent information contained in student

1 records to the district school superintendent of the public  
 2 school district in which the private school was located; or,  
 3 if the private school is a member of a private school system  
 4 or association, such school may transfer such records to the  
 5 principal office of such system or association, which shall  
 6 constitute full compliance with this subsection. In the event  
 7 that such private school system or association becomes  
 8 defunct, it shall transfer all the permanent information  
 9 contained in its files to the district school superintendent  
 10 of the public school district in which the private school was  
 11 located.

12 (c) All private schools that become defunct shall  
 13 notify the Department of Education Office of Private Schools  
 14 and Home Education Programs of the date of transfer of student  
 15 records, the location of storage, the custodian of such  
 16 records, and the number of records to be stored. The  
 17 department shall act as a clearinghouse and maintain a  
 18 registry of such transfers of student records.

19 (d) It is not the intent of the Legislature to limit  
 20 or restrict the use or possession of any student records while  
 21 a school is operational, but to facilitate access to academic  
 22 records by former students seeking to continue their education  
 23 or training after a private school has become defunct.

24 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,  
 25 teachers, and other employees in parochial, religious,  
 26 denominational, and private schools shall keep and prepare  
 27 records in accordance with the provisions of s. 1003.23(2).

28 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing  
 29 authority of each private school shall require students to  
 30 present a certification of a school-entry health examination  
 31 in accordance with the provisions of s. 1003.22(1) and (2).



1           (6) IMMUNIZATIONS.--The governing authority of each  
 2 private school shall require students to present a  
 3 certification of immunization in accordance with the  
 4 provisions of s. 1003.22(3)-(11).

5           (7) ATTENDANCE REQUIREMENTS.--Attendance of a student  
 6 at a private, parochial, religious, or denominational school  
 7 satisfies the attendance requirements of ss. 1003.01(14) and  
 8 1003.21(1).

9           (8) ATHLETIC COMPETITION.--A private school may  
 10 participate in athletic competition with a public high school  
 11 in accordance with the provisions of s. 1006.20(1).

12           (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department  
 13 of Education may disseminate educational materials and sell  
 14 copies for educational use to private schools pursuant to s.  
 15 1006.39.

16           (10) INSTRUCTIONAL MATERIALS.--District school boards  
 17 may dispose of instructional materials when they become  
 18 unserviceable or surplus or are no longer on state contract by  
 19 giving them to a private school in accordance with the  
 20 provisions of s. 1006.41.

21           (11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and  
 22 resource centers may provide testing and evaluation services  
 23 to private school students in accordance with the provisions  
 24 of s. 1006.03(3).

25           (12) EXCEPTIONAL EDUCATION SERVICES.--District school  
 26 boards may provide instruction for an appropriate program of  
 27 special instruction, facilities, and services for exceptional  
 28 students through contractual arrangements with approved  
 29 private schools in accordance with the provisions of s.  
 30 1003.57.

31           (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization

1 of private schools that has no fewer than 10 member schools in  
2 this state may develop a professional development system to be  
3 filed with the Department of Education in accordance with the  
4 provisions of s. 1012.98(7).

5 (14) BUS DRIVER TRAINING.--Private school bus drivers  
6 may participate in a district school board's bus driver  
7 training program, if the district school board makes the  
8 program available pursuant to s. 1006.26.

9 (15) POOL PURCHASE OF SCHOOL BUSES.--

10 (a) Florida private schools that demonstrate a  
11 racially nondiscriminatory student admission policy may  
12 purchase school buses from the state pool purchase program as  
13 authorized in s. 1006.27(1), if the private school meets the  
14 following conditions:

15 1. Students in one or more grades, kindergarten  
16 through grade 12, are provided an education program by the  
17 school and the school has submitted the information required  
18 pursuant to this section and the most recent school survey  
19 required in subsection (2).

20 2. All conditions of the contracts for purchasing  
21 school buses between the Department of Education and the  
22 companies involved, including bus specifications, ordering  
23 deadlines, delivery period and procedures, and payment  
24 requirements, shall be met.

25 3. Purchase orders shall be made out to the  
26 appropriate company or companies involved and shall be  
27 accompanied by a certified check in the amount of 25 percent  
28 of the total cost of the bus or buses as a good faith deposit  
29 that the bus or buses will be purchased.

30 4. The remainder of the total cost shall be paid upon  
31 delivery of the bus or buses to the representative of the

1 private school receiving the bus or buses, or shall be paid  
 2 when the company informs the purchaser that the buses are  
 3 ready for delivery if the purchaser has specified that buses  
 4 are to be picked up at the company's location. If the chassis  
 5 and the body are purchased from different companies, the  
 6 remainder of the chassis' total cost shall be payable upon  
 7 delivery of the chassis to the body manufacturer.

8 5. If the private school does not meet the obligation  
 9 stated in subparagraph 4. within 30 calendar days after notice  
 10 that the bus is ready for delivery or that the chassis has  
 11 been delivered to the body manufacturer, the selling company  
 12 may retain 15 percent of the amount being held by the company  
 13 as a good faith deposit, and all obligations to the private  
 14 school may be canceled. When the 15 percent is retained, the  
 15 company shall return 10 percent of the good faith deposit to  
 16 the nonpublic school within 15 days of cancellation of the  
 17 companies' objection.

18 (b) Any bus purchased under this section may not be  
 19 sold, if still titled as a motor vehicle, within 5 calendar  
 20 years of the date of the initial Florida title being issued,  
 21 unless the following conditions are met:

22 1. The bus or buses may be sold only to a Florida  
 23 public school district or Florida private school. Any such  
 24 sale during the first 5 years shall be documented to the  
 25 Department of Education within 15 days after the sale.

26 2. The bus or buses shall be advertised by the private  
 27 school in one major newspaper located in each of the five  
 28 regions of the state for 3 consecutive days and a copy of the  
 29 advertisement and the name of each newspaper shall be sent to  
 30 the Department of Education before the first day of  
 31 advertising the bus or buses for sale.

1           3. The bus may not be sold at a profit. The bus shall  
2 be depreciated at a rate of 10 percent per calendar year, with  
3 the first year starting on the date of issue of the initial  
4 title in this state.

5           4. Notwithstanding any other provisions of law and  
6 rule regarding purchase of used school buses, the bus may be  
7 sold to a public school district if the conditions of  
8 subparagraph 3. are met.

9           5. Any public school district or private school  
10 purchasing a bus under the conditions of this subsection must  
11 accept the obligations of this subsection, and such shall be  
12 entered in the sales contract.

13           (c) Any private school, including the owner or  
14 corporation purchasing a bus or buses under the conditions of  
15 this section, that does not comply with all the conditions of  
16 this section shall not be eligible for future purchases of a  
17 school bus under this section.

18           (d) Any private school interested in purchasing a bus  
19 under this section shall notify, in writing, the Department of  
20 Education. The Department of Education shall send the school  
21 the appropriate forms, instructions, and price quotations.

22           (e) Notwithstanding any other provisions of this  
23 section, no school bus manufacturer, distributor, or dealer  
24 shall be required to violate any dealer contract or franchise  
25 agreement entered into before the effective date of this  
26 section regarding the sale of its buses.

27           (f) The State Board of Education may adopt rules  
28 pursuant to ss. 120.536 and 120.54 necessary to implement this  
29 section, maintain the integrity of the school bus pool  
30 purchase program, and ensure the best and lowest price for  
31 purchasing school buses by the public school districts.

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1           Section 107. Section 1002.43, Florida Statutes, is  
2 created to read:

3           1002.43 Private tutoring programs.--

4           (1) Regular attendance as defined in s. 1003.01(14)  
5 may be achieved by attendance in a private tutoring program if  
6 the person tutoring the student meets the following  
7 requirements:

8           (a) Holds a valid Florida certificate to teach the  
9 subjects or grades in which instruction is given.

10           (b) Keeps all records and makes all reports required  
11 by the state and district school board and makes regular  
12 reports on the attendance of students in accordance with the  
13 provisions of s. 1003.23(2).

14           (c) Requires students to be in actual attendance for  
15 the minimum length of time prescribed by s. 1011.60(2).

16           (2) Private tutors shall keep and prepare records in  
17 accordance with the provisions of s. 1003.23(2).

18           Section 108. Chapter 1003, Florida Statutes, shall be  
19 entitled "Public K-12 Education" and shall consist of ss.  
20 1003.01-1003.63.

21           Section 109. Part I of chapter 1003, Florida Statutes,  
22 shall be entitled "General Provisions" and shall consist of  
23 ss. 1003.01-1003.03.

24           Section 110. Section 1003.01, Florida Statutes, is  
25 created to read:

26           1003.01 Definitions.--As used in this chapter, the  
27 term:

28           (1) "District school board" means the members who are  
29 elected by the voters of a school district created and  
30 existing pursuant to s. 4, Art. IX of the State Constitution  
31 to operate and control public K-12 education within the school

1 district.

2 (2) "School" means an organization of students for  
3 instructional purposes on an elementary, middle or junior high  
4 school, secondary or high school, or other public school level  
5 authorized under rules of the State Board of Education.

6 (3)(a) "Exceptional student" means any student who has  
7 been determined eligible for a special program in accordance  
8 with rules of the State Board of Education. The term includes  
9 students who are gifted and students with disabilities who are  
10 mentally handicapped, speech and language impaired, deaf or  
11 hard of hearing, visually impaired, dual sensory impaired,  
12 physically impaired, emotionally handicapped, specific  
13 learning disabled, hospital and homebound, autistic,  
14 developmentally delayed children, ages birth through 5 years,  
15 or children, ages birth through 2 years, with established  
16 conditions that are identified in State Board of Education  
17 rules pursuant to s. 1003.21(1)(e).

18 (b) "Special education services" means specially  
19 designed instruction and such related services as are  
20 necessary for an exceptional student to benefit from  
21 education. Such services may include: transportation;  
22 diagnostic and evaluation services; social services; physical  
23 and occupational therapy; job placement; orientation and  
24 mobility training; braillists, typists, and readers for the  
25 blind; interpreters and auditory amplification; rehabilitation  
26 counseling; transition services; mental health services;  
27 guidance and career counseling; specified materials, assistive  
28 technology devices, and other specialized equipment; and other  
29 such services as approved by rules of the state board.

30 (4) "Career and technical education" means education  
31 that provides instruction for the following purposes:

1           (a) At the elementary, middle, and secondary school  
 2 levels, exploratory courses designed to give students initial  
 3 exposure to a broad range of occupations to assist them in  
 4 preparing their academic and occupational plans, and practical  
 5 arts courses that provide generic skills that may apply to  
 6 many occupations but are not designed to prepare students for  
 7 entry into a specific occupation. Career and technical  
 8 education provided before high school completion must be  
 9 designed to enhance both occupational and academic skills  
 10 through integration with academic instruction.

11           (b) At the secondary school level, job-preparatory  
 12 instruction in the competencies that prepare students for  
 13 effective entry into an occupation, including diversified  
 14 cooperative education, work experience, and job-entry programs  
 15 that coordinate directed study and on-the-job training.

16           (c) At the postsecondary education level, courses of  
 17 study that provide competencies needed for entry into specific  
 18 occupations or for advancement within an occupation.

19           (5)(a) "Suspension," also referred to as out-of-school  
 20 suspension, means the temporary removal of a student from all  
 21 classes of instruction on public school grounds and all other  
 22 school-sponsored activities, except as authorized by the  
 23 principal or the principal's designee, for a period not to  
 24 exceed 10 school days and remanding of the student to the  
 25 custody of the student's parent with specific homework  
 26 assignments for the student to complete.

27           (b) "In-school suspension" means the temporary removal  
 28 of a student from the student's regular school program and  
 29 placement in an alternative program, such as that provided in  
 30 s. 1003.53, under the supervision of district school board  
 31 personnel, for a period not to exceed 10 school days.

1           (6) "Expulsion" means the removal of the right and  
 2 obligation of a student to attend a public school under  
 3 conditions set by the district school board, and for a period  
 4 of time not to exceed the remainder of the term or school year  
 5 and 1 additional year of attendance. Expulsions may be imposed  
 6 with or without continuing educational services and shall be  
 7 reported accordingly.

8           (7) "Corporal punishment" means the moderate use of  
 9 physical force or physical contact by a teacher or principal  
 10 as may be necessary to maintain discipline or to enforce  
 11 school rule. However, the term "corporal punishment" does not  
 12 include the use of such reasonable force by a teacher or  
 13 principal as may be necessary for self-protection or to  
 14 protect other students from disruptive students.

15           (8) "Habitual truant" means a student who has 15  
 16 unexcused absences within 90 calendar days with or without the  
 17 knowledge or consent of the student's parent, is subject to  
 18 compulsory school attendance under s. 1003.21(1) and (2)(a),  
 19 and is not exempt under s. 1003.21(3) or s. 1003.24, or by  
 20 meeting the criteria for any other exemption specified by law  
 21 or rules of the State Board of Education. Such a student must  
 22 have been the subject of the activities specified in ss.  
 23 1003.26 and 1003.27(3), without resultant successful  
 24 remediation of the truancy problem before being dealt with as  
 25 a child in need of services according to the provisions of  
 26 chapter 984.

27           (9) "Dropout" means a student who meets any one or  
 28 more of the following criteria:

29           (a) The student has voluntarily removed himself or  
 30 herself from the school system before graduation for reasons  
 31 that include, but are not limited to, marriage, or the student



1 has withdrawn from school because he or she has failed the  
2 statewide student assessment test and thereby does not receive  
3 any of the certificates of completion;

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

9 (c) The student has withdrawn from school, but has not  
10 transferred to another public or private school or enrolled in  
11 any career and technical, adult, home education, or  
12 alternative educational program;

13 (d) The student has withdrawn from school due to  
14 hardship, unless such withdrawal has been granted under the  
15 provisions of s. 322.091, court action, expulsion, medical  
16 reasons, or pregnancy; or

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

20  
21 The State Board of Education may adopt rules to implement the  
22 provisions of this subsection.

23 (10) "Alternative measures for students with special  
24 needs" or "special programs" means measures designed to meet  
25 the special needs of a student that cannot be met by regular  
26 school curricula.

27 (11)(a) "Juvenile justice education programs or  
28 schools" means programs or schools operating for the purpose  
29 of providing educational services to youth in Department of  
30 Juvenile Justice programs, for a school year comprised of 250  
31 days of instruction distributed over 12 months. At the request

1 of the provider, a district school board may decrease the  
 2 minimum number of days of instruction by up to 10 days for  
 3 teacher planning for residential programs and up to 20 days  
 4 for teacher planning for nonresidential programs, subject to  
 5 the approval of the Department of Juvenile Justice and the  
 6 Department of Education.

7 (b) "Juvenile justice provider" means the Department  
 8 of Juvenile Justice or a private, public, or other  
 9 governmental organization under contract with the Department  
 10 of Juvenile Justice that provides treatment, care and custody,  
 11 or educational programs for youth in juvenile justice  
 12 intervention, detention, or commitment programs.

13 (12) "Homeless child" means:

14 (a) One who lacks a fixed, regular nighttime  
 15 residence;

16 (b) One who has a primary nighttime residence that is:

17 1. A supervised publicly or privately operated shelter  
 18 designed to provide temporary living accommodations, including  
 19 welfare hotels, congregate shelters, and transitional housing  
 20 for the mentally ill;

21 2. An institution that provides a temporary residence  
 22 for individuals intended to be institutionalized; or

23 3. A public or private place not designed for, or  
 24 ordinarily used as, a regular sleeping accommodation for human  
 25 beings; or

26 (c) One who temporarily resides with an adult other  
 27 than his or her parent because the parent is suffering  
 28 financial hardship.

29  
 30 A child who is imprisoned, detained, or in the custody of the  
 31 state pursuant to a state or federal law is not a homeless

1 child.

2 (13) "Regular school attendance" means the actual  
3 attendance of a student during the school day as defined by  
4 law and rules of the State Board of Education. Regular  
5 attendance within the intent of s. 1003.21 may be achieved by  
6 attendance in:

7 (a) A public school supported by public funds;

8 (b) A parochial, religious, or denominational school;

9 (c) A private school supported in whole or in part by  
10 tuition charges or by endowments or gifts;

11 (d) A home education program that meets the  
12 requirements of chapter 1002; or

13 (e) A private tutoring program that meets the  
14 requirements of chapter 1002.

15 Section 111. Section 1003.02, Florida Statutes, is  
16 created to read:

17 1003.02 District school board operation and control of  
18 public K-12 education within the school district.--As provided  
19 in part II of chapter 1001, district school boards are  
20 constitutionally and statutorily charged with the operation  
21 and control of public K-12 education within their school  
22 district. The district school boards must establish, organize,  
23 and operate their public K-12 schools and educational  
24 programs, employees, and facilities. Their responsibilities  
25 include staff development, public K-12 school student  
26 education including education for exceptional students and  
27 students in juvenile justice programs, special programs, adult  
28 education programs, and career and technical education  
29 programs. Additionally, district school boards must:

30 (1) Provide for the proper accounting for all students  
31 of school age, for the attendance and control of students at

1 school, and for proper attention to health, safety, and other  
2 matters relating to the welfare of students in the following  
3 fields:

4 (a) Admission, classification, promotion, and  
5 graduation of students.--Adopt rules for admitting,  
6 classifying, promoting, and graduating students to or from the  
7 various schools of the district.

8 (b) Enforcement of attendance laws.--Provide for the  
9 enforcement of all laws and rules relating to the attendance  
10 of students at school.

11 (c) Control of students.--

12 1. Adopt rules for the control, attendance,  
13 discipline, in-school suspension, suspension, and expulsion of  
14 students and decide all cases recommended for expulsion.

15 2. Maintain a code of student conduct as provided in  
16 chapter 1006.

17 (d) Courses of study and instructional materials.--

18 1. Provide adequate instructional materials for all  
19 students as follows and in accordance with the requirements of  
20 chapter 1006, in the core courses of mathematics, language  
21 arts, social studies, science, reading, and literature, except  
22 for instruction for which the school advisory council approves  
23 the use of a program that does not include a textbook as a  
24 major tool of instruction.

25 2. Adopt courses of study for use in the schools of  
26 the district.

27 3. Provide for proper requisitioning, distribution,  
28 accounting, storage, care, and use of all instructional  
29 materials as may be needed, and ensure that instructional  
30 materials used in the district are consistent with the  
31 district goals and objectives and the curriculum frameworks

1 approved by the State Board of Education, as well as with the  
2 state and school district performance standards required by  
3 law and state board rule.

4 (e) Transportation.--Make provision for the  
5 transportation of students to the public schools or school  
6 activities they are required or expected to attend,  
7 efficiently and economically, in accordance with the  
8 requirements of chapter 1006.

9 (f) Facilities and school plant.--

10 1. Approve and adopt a districtwide school facilities  
11 program, in accordance with the requirements of chapter 1013.

12 2. Approve plans for locating, planning, constructing,  
13 sanitating, insuring, maintaining, protecting, and condemning  
14 school property as prescribed in chapter 1013.

15 3. Approve and adopt a districtwide school building  
16 program.

17 4. Select and purchase school sites, playgrounds, and  
18 recreational areas located at centers at which schools are to  
19 be constructed, of adequate size to meet the needs of  
20 projected students to be accommodated.

21 5. Approve the proposed purchase of any site,  
22 playground, or recreational area for which school district  
23 funds are to be used.

24 6. Expand existing sites.

25 7. Rent buildings when necessary.

26 8. Enter into leases or lease-purchase arrangements,  
27 in accordance with the requirements and conditions provided in  
28 s. 1013.15(2).

29 9. Provide for the proper supervision of construction.

30 10. Make or contract for additions, alterations, and  
31 repairs on buildings and other school properties.

1           11. Ensure that all plans and specifications for  
2 buildings provide adequately for the safety and well-being of  
3 students, as well as for economy of construction.

4           12. Provide adequately for the proper maintenance and  
5 upkeep of school plants.

6           13. Carry insurance on every school building in all  
7 school plants including contents, boilers, and machinery,  
8 except buildings of three classrooms or less which are of  
9 frame construction and located in a tenth class public  
10 protection zone as defined by the Florida Inspection and  
11 Rating Bureau, and on all school buses and other property  
12 under the control of the district school board or title to  
13 which is vested in the district school board, except as  
14 exceptions may be authorized under rules of the State Board of  
15 Education.

16           14. Condemn and prohibit the use for public school  
17 purposes of any building under the control of the district  
18 school board.

19           (g) School operation.--

20           1. Provide for the operation of all public schools as  
21 free schools for a term of at least 180 days or the equivalent  
22 on an hourly basis as specified by rules of the State Board of  
23 Education; determine district school funds necessary in  
24 addition to state funds to operate all schools for the minimum  
25 term; and arrange for the levying of district school taxes  
26 necessary to provide the amount needed from district sources.

27           2. Prepare, adopt, and timely submit to the Department  
28 of Education, as required by law and by rules of the State  
29 Board of Education, the annual school budget, so as to promote  
30 the improvement of the district school system.

31           (h) Records and reports.--

1           1. Keep all necessary records and make all needed and  
2 required reports, as required by law or by rules of the State  
3 Board of Education.

4           2. At regular intervals require reports to be made by  
5 principals or teachers in all public schools to the parents of  
6 the students enrolled and in attendance at their schools,  
7 apprising them of the academic and other progress being made  
8 by the student and giving other useful information.

9           (2) Require that all laws, all rules of the State  
10 Board of Education, and all rules of the district school board  
11 are properly enforced.

12           (3) Maintain a system of school improvement and  
13 education accountability as required by law and State Board of  
14 Education rule, including but not limited to the requirements  
15 of chapter 1008.

16           (4) For any school within the district that is not in  
17 compliance with the small school size requirements of chapter  
18 1013, in order to reduce the anonymity of students in large  
19 schools, adopt policies that encourage subdivision of the  
20 school into schools-within-a-school, which shall operate  
21 within existing resources. A "school-within-a-school" means an  
22 operational program that uses flexible scheduling, team  
23 planning, and curricular and instructional innovation to  
24 organize groups of students with groups of teachers as smaller  
25 units, so as to functionally operate as a smaller school.  
26 Examples of this include, but are not limited to:

27           (a) An organizational arrangement assigning both  
28 students and teachers to smaller units in which the students  
29 take some or all of their coursework with their fellow grouped  
30 students and from the teachers assigned to the smaller unit. A  
31 unit may be grouped together for 1 year or on a vertical,

1 multiyear basis.

2 (b) An organizational arrangement similar to that  
3 described in paragraph (a) with additional variations in  
4 instruction and curriculum. The smaller unit usually seeks to  
5 maintain a program different from that of the larger school,  
6 or of other smaller units. It may be vertically organized, but  
7 is dependent upon the school principal for its existence,  
8 budget, and staff.

9 (c) A separate and autonomous smaller unit formally  
10 authorized by the district school board or district school  
11 superintendent. The smaller unit plans and runs its own  
12 program, has its own staff and students, and receives its own  
13 separate budget. The smaller unit must negotiate the use of  
14 common space with the larger school and defer to the building  
15 principal on matters of safety and building operation.

16 Section 112. Section 1003.03, Florida Statutes, is  
17 created to read:

18 1003.03 Maximum class size goals.--It is the goal of  
19 the Legislature and each district school board that each  
20 elementary school in the school district beginning with  
21 kindergarten through grade three class sizes not exceed 20  
22 students, with a ratio of one full-time equivalent teacher per  
23 20 students; except that only in the case of "D" and "F"  
24 schools as identified by the commissioner, the goal in  
25 kindergarten through grade three shall be a ratio of one  
26 full-time equivalent teacher per 15 students. For purposes of  
27 any funding in the General Appropriations Act to meet these  
28 goals, the district school board shall give priority to  
29 identified "D" and "F" schools in the school district. Second  
30 priority for the use of any funds designated for meeting these  
31 goals shall be for kindergarten through grade one. Third



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1 priority for the use of any funds designated for meeting these  
2 goals shall be for grades two and three.

3 Section 113. Part II of chapter 1003, Florida  
4 Statutes, shall be entitled "School Attendance" and shall  
5 consist of ss. 1003.21-1003.29.

6 Section 114. Section 1003.21, Florida Statutes, is  
7 created to read:

8 1003.21 School attendance.--

9 (1)(a)1. All children who have attained the age of 6  
10 years or who will have attained the age of 6 years by February  
11 1 of any school year or who are older than 6 years of age but  
12 who have not attained the age of 16 years, except as otherwise  
13 provided, are required to attend school regularly during the  
14 entire school term.

15 2. Children who will have attained the age of 5 years  
16 on or before September 1 of the school year are eligible for  
17 admission to public kindergartens during that school year  
18 under rules adopted by the district school board.

19 (b) Any child who has attained the age of 6 years on  
20 or before September 1 of the school year and who has been  
21 enrolled in a public school or who has attained the age of 6  
22 years on or before September 1 and has satisfactorily  
23 completed the requirements for kindergarten in a private  
24 school from which the district school board accepts transfer  
25 of academic credit, or who otherwise meets the criteria for  
26 admission or transfer in a manner similar to that applicable  
27 to other grades, shall progress according to the district's  
28 student progression plan. However, nothing in this section  
29 shall authorize the state or any school district to oversee or  
30 exercise control over the curricula or academic programs of  
31 private schools or home education programs.

1           (c) A student who attains the age of 16 years during  
2 the school year is not subject to compulsory school attendance  
3 beyond the date upon which he or she attains that age if the  
4 student files a formal declaration of intent to terminate  
5 school enrollment with the district school board. The  
6 declaration must acknowledge that terminating school  
7 enrollment is likely to reduce the student's earning potential  
8 and must be signed by the student and the student's parent.  
9 The school district must notify the student's parent of  
10 receipt of the student's declaration of intent to terminate  
11 school enrollment.

12           (d) Students who become or have become married and  
13 students who are pregnant shall not be prohibited from  
14 attending school. These students and students who are parents  
15 shall receive the same educational instruction or its  
16 equivalent as other students, but may voluntarily be assigned  
17 to a class or program suited to their special needs.  
18 Consistent with s. 1003.54, pregnant or parenting teens may  
19 participate in a teenage parent program. Pregnant students may  
20 attend alternative education programs or adult education  
21 programs, provided that the curriculum allows the student to  
22 continue to work toward a high school diploma.

23           (e) Consistent with rules adopted by the State Board  
24 of Education, children with disabilities who have attained the  
25 age of 3 years shall be eligible for admission to public  
26 special education programs and for related services under  
27 rules adopted by the district school board. Exceptional  
28 children who are deaf or hard of hearing, visually impaired,  
29 dual sensory impaired, severely physically handicapped,  
30 trainable mentally handicapped, or profoundly handicapped, or  
31 who have established conditions, or exhibit developmental

1 delays, below age 3 may be eligible for special programs; or,  
 2 if enrolled in other school readiness programs, they may be  
 3 eligible for supplemental instruction. Rules for the  
 4 identification of established conditions for children birth  
 5 through 2 years of age and developmental delays for children  
 6 birth through 5 years of age must be adopted by the State  
 7 Board of Education.

8       (f) Homeless children, as defined in s. 1003.01, must  
 9 have access to a free public education and must be admitted to  
 10 school in the school district in which they or their families  
 11 live. School districts shall assist homeless children to meet  
 12 the requirements of subsection (4) and s. 1003.22, as well as  
 13 local requirements for documentation.

14       (2)(a) The State Board of Education may adopt rules  
 15 under which students not meeting the entrance age may be  
 16 transferred from another state if their parents have been  
 17 legal residents of that state.

18       (b) Each district school board, in accordance with  
 19 rules of the State Board of Education, shall adopt a policy  
 20 that authorizes a parent to request and be granted permission  
 21 for absence of a student from school for religious instruction  
 22 or religious holidays.

23       (3) The district school superintendent may authorize  
 24 certificates of exemptions from school attendance requirements  
 25 in certain situations. Students within the compulsory  
 26 attendance age limits who hold valid certificates of exemption  
 27 that have been issued by the superintendent shall be exempt  
 28 from attending school. A certificate of exemption shall cease  
 29 to be valid at the end of the school year in which it is  
 30 issued.

31       (4) Before admitting a child to kindergarten, the

1 principal shall require evidence that the child has attained  
2 the age at which he or she should be admitted in accordance  
3 with the provisions of subparagraph (1)(a)2. The district  
4 school superintendent may require evidence of the age of any  
5 child whom he or she believes to be within the limits of  
6 compulsory attendance as provided for by law. If the first  
7 prescribed evidence is not available, the next evidence  
8 obtainable in the order set forth below shall be accepted:

9       (a) A duly attested transcript of the child's birth  
10 record filed according to law with a public officer charged  
11 with the duty of recording births;

12       (b) A duly attested transcript of a certificate of  
13 baptism showing the date of birth and place of baptism of the  
14 child, accompanied by an affidavit sworn to by the parent;

15       (c) An insurance policy on the child's life that has  
16 been in force for at least 2 years;

17       (d) A bona fide contemporary religious record of the  
18 child's birth accompanied by an affidavit sworn to by the  
19 parent;

20       (e) A passport or certificate of arrival in the United  
21 States showing the age of the child;

22       (f) A transcript of record of age shown in the child's  
23 school record of at least 4 years prior to application,  
24 stating date of birth; or

25       (g) If none of these evidences can be produced, an  
26 affidavit of age sworn to by the parent, accompanied by a  
27 certificate of age signed by a public health officer or by a  
28 public school physician, or, if neither of these is available  
29 in the county, by a licensed practicing physician designated  
30 by the district school board, which certificate states that  
31 the health officer or physician has examined the child and

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1 believes that the age as stated in the affidavit is  
 2 substantially correct. A homeless child, as defined in s.  
 3 1003.01, shall be given temporary exemption from this section  
 4 for 30 school days.

5 Section 115. Section 1003.22, Florida Statutes, is  
 6 created to read:

7 1003.22 School-entry health examinations; immunization  
 8 against communicable diseases; exemptions; duties of  
 9 Department of Health.--

10 (1) Each district school board and the governing  
 11 authority of each private school shall require that each child  
 12 who is entitled to admittance to kindergarten, or is entitled  
 13 to any other initial entrance into a public or private school  
 14 in this state, present a certification of a school-entry  
 15 health examination performed within 1 year prior to enrollment  
 16 in school. Each district school board, and the governing  
 17 authority of each private school, may establish a policy that  
 18 permits a student up to 30 school days to present a  
 19 certification of a school-entry health examination. A homeless  
 20 child, as defined in s. 1003.01, shall be given a temporary  
 21 exemption for 30 school days. Any district school board that  
 22 establishes such a policy shall include provisions in its  
 23 local school health services plan to assist students in  
 24 obtaining the health examinations. However, any child shall be  
 25 exempt from the requirement of a health examination upon  
 26 written request of the parent of the child stating objections  
 27 to the examination on religious grounds.

28 (2) The State Board of Education, subject to the  
 29 concurrence of the Department of Health, shall adopt rules to  
 30 govern medical examinations and immunizations performed under  
 31 this section.

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1           (3) The Department of Health may adopt rules necessary  
2 to administer and enforce this section. The Department of  
3 Health, after consultation with the Department of Education,  
4 shall adopt rules governing the immunization of children  
5 against, the testing for, and the control of preventable  
6 communicable diseases. The rules must include procedures for  
7 exempting a child from immunization requirements.  
8 Immunizations shall be required for poliomyelitis, diphtheria,  
9 rubeola, rubella, pertussis, mumps, tetanus, and other  
10 communicable diseases as determined by rules of the Department  
11 of Health. The manner and frequency of administration of the  
12 immunization or testing shall conform to recognized standards  
13 of medical practice. The Department of Health shall supervise  
14 and secure the enforcement of the required immunization.  
15 Immunizations required by this section shall be available at  
16 no cost from the county health departments.

17           (4) Each district school board and the governing  
18 authority of each private school shall establish and enforce  
19 as policy that, prior to admittance to or attendance in a  
20 public or private school, grades kindergarten through 12, each  
21 child present or have on file with the school a certification  
22 of immunization for the prevention of those communicable  
23 diseases for which immunization is required by the Department  
24 of Health and further shall provide for appropriate screening  
25 of its students for scoliosis at the proper age. Such  
26 certification shall be made on forms approved and provided by  
27 the Department of Health and shall become a part of each  
28 student's permanent record, to be transferred when the student  
29 transfers, is promoted, or changes schools. The transfer of  
30 such immunization certification by Florida public schools  
31 shall be accomplished using the Florida Automated System for

1 Transferring Education Records and shall be deemed to meet the  
2 requirements of this section.

3 (5) The provisions of this section shall not apply if:

4 (a) The parent of the child objects in writing that  
5 the administration of immunizing agents conflicts with his or  
6 her religious tenets or practices;

7 (b) A physician licensed under the provisions of  
8 chapter 458 or chapter 459 certifies in writing, on a form  
9 approved and provided by the Department of Health, that the  
10 child should be permanently exempt from the required  
11 immunization for medical reasons stated in writing, based upon  
12 valid clinical reasoning or evidence, demonstrating the need  
13 for the permanent exemption;

14 (c) A physician licensed under the provisions of  
15 chapter 458, chapter 459, or chapter 460 certifies in writing,  
16 on a form approved and provided by the Department of Health,  
17 that the child has received as many immunizations as are  
18 medically indicated at the time and is in the process of  
19 completing necessary immunizations;

20 (d) The Department of Health determines that,  
21 according to recognized standards of medical practice, any  
22 required immunization is unnecessary or hazardous; or

23 (e) An authorized school official issues a temporary  
24 exemption, for a period not to exceed 30 school days, to  
25 permit a student who transfers into a new county to attend  
26 class until his or her records can be obtained. A homeless  
27 child, as defined in s. 1003.01, shall be given a temporary  
28 exemption for 30 school days. The public school health nurse  
29 or authorized private school official is responsible for  
30 followup of each such student until proper documentation or  
31 immunizations are obtained. An exemption for 30 days may be

1 issued for a student who enters a juvenile justice program to  
 2 permit the student to attend class until his or her records  
 3 can be obtained or until the immunizations can be obtained. An  
 4 authorized juvenile justice official is responsible for  
 5 followup of each student who enters a juvenile justice program  
 6 until proper documentation or immunizations are obtained.

7       (6)(a) No person licensed by this state as a physician  
 8 or nurse shall be liable for any injury caused by his or her  
 9 action or failure to act in the administration of a vaccine or  
 10 other immunizing agent pursuant to the provisions of this  
 11 section if the person acts as a reasonably prudent person with  
 12 similar professional training would have acted under the same  
 13 or similar circumstances.

14       (b) No member of a district school board, or any of  
 15 its employees, or member of a governing board of a private  
 16 school, or any of its employees, shall be liable for any  
 17 injury caused by the administration of a vaccine to any  
 18 student who is required to be so immunized or for a failure to  
 19 diagnose scoliosis pursuant to the provisions of this section.

20       (7) The parents of any child admitted to or in  
 21 attendance at a Florida public or private school, grades  
 22 kindergarten through 12, are responsible for assuring that the  
 23 child is in compliance with the provisions of this section.

24       (8) Each public school, including public kindergarten,  
 25 and each private school, including private kindergarten, shall  
 26 be required to provide to the county health department  
 27 director or administrator annual reports of compliance with  
 28 the provisions of this section. Reports shall be completed on  
 29 forms provided by the Department of Health for each  
 30 kindergarten, and other grade as specified; and the reports  
 31 shall include the status of children who were admitted at the



1 beginning of the school year. After consultation with the  
 2 Department of Education, the Department of Health shall  
 3 establish by administrative rule the dates for submission of  
 4 these reports, the grades for which the reports shall be  
 5 required, and the forms to be used.

6 (9) The presence of any of the communicable diseases  
 7 for which immunization is required by the Department of Health  
 8 in a Florida public or private school shall permit the county  
 9 health department director or administrator or the State  
 10 Health Officer to declare a communicable disease emergency.  
 11 The declaration of such emergency shall mandate that all  
 12 students in attendance in the school who are not in compliance  
 13 with the provisions of this section be identified by the  
 14 district school board or by the governing authority of the  
 15 private school; and the school health and immunization records  
 16 of such children shall be made available to the county health  
 17 department director or administrator. Those children  
 18 identified as not being immunized against the disease for  
 19 which the emergency has been declared shall be temporarily  
 20 excluded from school by the district school board, or the  
 21 governing authority of the private school, until such time as  
 22 is specified by the county health department director or  
 23 administrator.

24 (10) Each district school board and the governing  
 25 authority of each private school shall:

26 (a) Refuse admittance to any child otherwise entitled  
 27 to admittance to kindergarten, or any other initial entrance  
 28 into a Florida public or private school, who is not in  
 29 compliance with the provisions of subsection (4).

30 (b) Temporarily exclude from attendance any student  
 31 who is not in compliance with the provisions of subsection

1 (4).

2 (11) The provisions of this section do not apply to  
3 those persons admitted to or attending adult education classes  
4 unless the adult students are under 21 years of age.

5 Section 116. Section 1003.23, Florida Statutes, is  
6 created to read:

7 1003.23 Attendance records and reports.--

8 (1) The attendance of all public K-12 school students  
9 shall be checked each school day in the manner prescribed by  
10 rules of the State Board of Education and recorded in the  
11 teacher's register or by some approved system of recording  
12 attendance. Students may be counted in attendance only if  
13 they are actually present at school or are away from school on  
14 a school day and are engaged in an educational activity which  
15 constitutes a part of the school-approved instructional  
16 program for the student.

17 (2) All officials, teachers, and other employees in  
18 public, parochial, religious, denominational, and private K-12  
19 schools, including private tutors, shall keep all records and  
20 shall prepare and submit promptly all reports that may be  
21 required by law and by rules of the State Board of Education  
22 and district school boards. Such records shall include a  
23 register of enrollment and attendance and all persons  
24 described above shall make these reports therefrom as may be  
25 required by the State Board of Education. The enrollment  
26 register shall show the absence or attendance of each student  
27 enrolled for each school day of the year in a manner  
28 prescribed by the State Board of Education. The register shall  
29 be open for the inspection by the designated school  
30 representative or the district school superintendent of the  
31 district in which the school is located. Violation of the

1 provisions of this section shall be a misdemeanor of the  
 2 second degree, punishable as provided by law. This section  
 3 shall not apply to home education programs provided in s.  
 4 1002.41.

5 Section 117. Section 1003.24, Florida Statutes, is  
 6 created to read:

7 1003.24 Parents responsible for attendance of  
 8 children; attendance policy.--Each parent of a child within  
 9 the compulsory attendance age is responsible for the child's  
 10 school attendance as required by law. The absence of a  
 11 student from school is prima facie evidence of a violation of  
 12 this section; however, criminal prosecution under this chapter  
 13 may not be brought against a parent until the provisions of s.  
 14 1003.26 have been complied with. A parent of a student is not  
 15 responsible for the student's nonattendance at school under  
 16 any of the following conditions:

17 (1) WITH PERMISSION.--The absence was with permission  
 18 of the head of the school;

19 (2) WITHOUT KNOWLEDGE.--The absence was without the  
 20 parent's knowledge, consent, or connivance, in which case the  
 21 student shall be dealt with as a dependent child;

22 (3) FINANCIAL INABILITY.--The parent was unable  
 23 financially to provide necessary clothes for the student,  
 24 which inability was reported in writing to the superintendent  
 25 prior to the opening of school or immediately after the  
 26 beginning of such inability, provided that the validity of any  
 27 claim for exemption under this paragraph shall be determined  
 28 by the district school superintendent subject to appeal to the  
 29 district school board; or

30 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE  
 31 CONDITION.--Attendance was impracticable or inadvisable on

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1 account of sickness or injury, attested to by a written  
 2 statement of a licensed practicing physician, or was  
 3 impracticable because of some other stated insurmountable  
 4 condition as defined by rules of the State Board of Education.  
 5 If a student is continually sick and repeatedly absent from  
 6 school, he or she must be under the supervision of a physician  
 7 in order to receive an excuse from attendance. Such excuse  
 8 provides that a student's condition justifies absence for more  
 9 than the number of days permitted by the district school  
 10 board.

11  
 12 Each district school board shall establish an attendance  
 13 policy that includes, but is not limited to, the required  
 14 number of days each school year that a student must be in  
 15 attendance and the number of absences and tardinesses after  
 16 which a statement explaining such absences and tardinesses  
 17 must be on file at the school. Each school in the district  
 18 must determine if an absence or tardiness is excused or  
 19 unexcused according to criteria established by the district  
 20 school board.

21 Section 118. Section 1003.25, Florida Statutes, is  
 22 created to read:

23 1003.25 Procedures for maintenance and transfer of  
 24 student records.--

25 (1) Each principal shall maintain a permanent  
 26 cumulative record for each student enrolled in a public K-12  
 27 school. Such record shall be maintained in the form, and  
 28 contain all data, prescribed by rule by the State Board of  
 29 Education. The cumulative record is confidential and exempt  
 30 from the provisions of s. 119.07(1) and is open to inspection  
 31 only as provided in chapter 1002.

1           (2) The procedure for transferring and maintaining  
2 records of students who transfer from school to school shall  
3 be prescribed by rules of the State Board of Education.

4           (3) Procedures relating to the acceptance of transfer  
5 work and credit for students shall be prescribed by rule by  
6 the State Board of Education.

7           Section 119. Section 1003.26, Florida Statutes, is  
8 created to read:

9           1003.26 Enforcement of school attendance.--The  
10 Legislature finds that poor academic performance is associated  
11 with nonattendance and that schools must take an active role  
12 in enforcing attendance as a means of improving the  
13 performance of many students. It is the policy of the state  
14 that each district school superintendent be responsible for  
15 enforcing school attendance of all students subject to the  
16 compulsory school age in the school district. The  
17 responsibility includes recommending to the district school  
18 board policies and procedures to ensure that schools respond  
19 in a timely manner to every unexcused absence, or absence for  
20 which the reason is unknown, of students enrolled in the  
21 schools. District school board policies must require each  
22 parent of a student to justify each absence of the student,  
23 and that justification will be evaluated based on adopted  
24 district school board policies that define excused and  
25 unexcused absences. The policies must provide that schools  
26 track excused and unexcused absences and contact the home in  
27 the case of an unexcused absence from school, or an absence  
28 from school for which the reason is unknown, to prevent the  
29 development of patterns of nonattendance. The Legislature  
30 finds that early intervention in school attendance matters is  
31 the most effective way of producing good attendance habits

1 that will lead to improved student learning and achievement.  
 2 Each public school shall implement the following steps to  
 3 enforce regular school attendance:

4 (1) CONTACT, REFER, AND ENFORCE.--

5 (a) Upon each unexcused absence, or absence for which  
 6 the reason is unknown, the school principal or his or her  
 7 designee shall contact the student's parent to determine the  
 8 reason for the absence. If the absence is an excused absence,  
 9 as defined by district school board policy, the school shall  
 10 provide opportunities for the student to make up assigned work  
 11 and not receive an academic penalty unless the work is not  
 12 made up within a reasonable time.

13 (b) If a student has had at least five unexcused  
 14 absences, or absences for which the reasons are unknown,  
 15 within a calendar month or 10 unexcused absences, or absences  
 16 for which the reasons are unknown, within a 90-calendar-day  
 17 period, the student's primary teacher shall report to the  
 18 school principal or his or her designee that the student may  
 19 be exhibiting a pattern of nonattendance. The principal shall,  
 20 unless there is clear evidence that the absences are not a  
 21 pattern of nonattendance, refer the case to the school's child  
 22 study team to determine if early patterns of truancy are  
 23 developing. If the child study team finds that a pattern of  
 24 nonattendance is developing, whether the absences are excused  
 25 or not, a meeting with the parent must be scheduled to  
 26 identify potential remedies, and the principal shall notify  
 27 the district school superintendent and the school district  
 28 contact for home education programs that the referred student  
 29 is exhibiting a pattern of nonattendance.

30 (c) If an initial meeting does not resolve the  
 31 problem, the child study team shall implement interventions

1 that best address the problem. The interventions may include,  
2 but need not be limited to:

- 3 1. Frequent communication between the teacher and the
- 4 family;
- 5 2. Changes in the learning environment;
- 6 3. Mentoring;
- 7 4. Student counseling;
- 8 5. Tutoring, including peer tutoring;
- 9 6. Placement into different classes;
- 10 7. Evaluation for alternative education programs;
- 11 8. Attendance contracts;
- 12 9. Referral to other agencies for family services; or
- 13 10. Other interventions, including, but not limited
- 14 to, a truancy petition pursuant to s. 984.151.

15 (d) The child study team shall be diligent in  
16 facilitating intervention services and shall report the case  
17 to the district school superintendent only when all reasonable  
18 efforts to resolve the nonattendance behavior are exhausted.

19 (e) If the parent refuses to participate in the  
20 remedial strategies because he or she believes that those  
21 strategies are unnecessary or inappropriate, the parent may  
22 appeal to the district school board. The district school board  
23 may provide a hearing officer, and the hearing officer shall  
24 make a recommendation for final action to the district school  
25 board. If the district school board's final determination is  
26 that the strategies of the child study team are appropriate,  
27 and the parent still refuses to participate or cooperate, the  
28 district school superintendent may seek criminal prosecution  
29 for noncompliance with compulsory school attendance.

30 (f)1. If the parent of a child who has been identified  
31 as exhibiting a pattern of nonattendance enrolls the child in

1 a home education program pursuant to chapter 1002, the  
 2 district school superintendent shall provide the parent a copy  
 3 of s. 1002.41 and the accountability requirements of this  
 4 paragraph. The district school superintendent shall also  
 5 refer the parent to a home education review committee composed  
 6 of the district contact for home education programs and at  
 7 least two home educators selected by the parent from a  
 8 district list of all home educators who have conducted a home  
 9 education program for at least 3 years and who have indicated  
 10 a willingness to serve on the committee. The home education  
 11 review committee shall review the portfolio of the student, as  
 12 defined by s. 1002.41, every 30 days during the district's  
 13 regular school terms until the committee is satisfied that the  
 14 home education program is in compliance with s. 1002.41(1)(b).  
 15 The first portfolio review must occur within the first 30  
 16 calendar days of the establishment of the program. The  
 17 provisions of subparagraph 2. do not apply once the committee  
 18 determines the home education program is in compliance with s.  
 19 1002.41(1)(b).

20 2. If the parent fails to provide a portfolio to the  
 21 committee, the committee shall notify the district school  
 22 superintendent. The district school superintendent shall then  
 23 terminate the home education program and require the parent to  
 24 enroll the child in an attendance option that meets the  
 25 definition of "regular school attendance" under s.  
 26 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon  
 27 termination of a home education program pursuant to this  
 28 subparagraph, the parent shall not be eligible to reenroll the  
 29 child in a home education program for 180 calendar days.  
 30 Failure of a parent to enroll the child in an attendance  
 31 option as required by this subparagraph after termination of



1 the home education program pursuant to this subparagraph shall  
 2 constitute noncompliance with the compulsory attendance  
 3 requirements of s. 1003.21 and may result in criminal  
 4 prosecution under s. 1003.27(2). Nothing contained herein  
 5 shall restrict the ability of the district school  
 6 superintendent, or the ability of his or her designee, to  
 7 review the portfolio pursuant to s. 1002.41(1)(b).

8       (g) If a student subject to compulsory school  
 9 attendance will not comply with attempts to enforce school  
 10 attendance, the parent or the district school superintendent  
 11 or his or her designee shall refer the case to the case  
 12 staffing committee pursuant to s. 984.12, and the district  
 13 school superintendent or his or her designee may file a  
 14 truancy petition pursuant to the procedures in s. 984.151.

15       (2) GIVE WRITTEN NOTICE.--

16       (a) Under the direction of the district school  
 17 superintendent, a designated school representative shall give  
 18 written notice that requires enrollment or attendance within 3  
 19 days after the date of notice, in person or by return-receipt  
 20 mail, to the parent when no valid reason is found for a  
 21 student's nonenrollment in school. If the notice and  
 22 requirement are ignored, the designated school representative  
 23 shall report the case to the district school superintendent,  
 24 and may refer the case to the case staffing committee,  
 25 established pursuant to s. 984.12. The district school  
 26 superintendent shall take such steps as are necessary to bring  
 27 criminal prosecution against the parent.

28       (b) Subsequent to the activities required under  
 29 subsection (1), the district school superintendent or his or  
 30 her designee shall give written notice in person or by  
 31 return-receipt mail to the parent that criminal prosecution is

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1 being sought for nonattendance. The district school  
2 superintendent may file a truancy petition, as defined in s.  
3 984.03, following the procedures outlined in s. 984.151.

4 (3) RETURN STUDENT TO PARENT.--A designated school  
5 representative shall visit the home or place of residence of a  
6 student and any other place in which he or she is likely to  
7 find any student who is required to attend school when the  
8 student is not enrolled or is absent from school during school  
9 hours without an excuse, and, when the student is found, shall  
10 return the student to his or her parent or to the principal or  
11 teacher in charge of the school, or to the private tutor from  
12 whom absent, or to the juvenile assessment center or other  
13 location established by the district school board to receive  
14 students who are absent from school. Upon receipt of the  
15 student, the parent shall be immediately notified.

16 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated  
17 school representative shall report to the appropriate  
18 authority designated by law to receive such notices, all  
19 violations of the Child Labor Law that may come to his or her  
20 knowledge.

21 (5) RIGHT TO INSPECT.--A designated school  
22 representative shall have the right of access to, and  
23 inspection of, establishments where minors may be employed or  
24 detained only for the purpose of ascertaining whether students  
25 of compulsory school age are actually employed there and are  
26 actually working there regularly. The designated school  
27 representative shall, if he or she finds unsatisfactory  
28 working conditions or violations of the Child Labor Law,  
29 report his or her findings to the appropriate authority.

30 Section 120. Section 1003.27, Florida Statutes, is  
31 created to read:

1           1003.27 Court procedure and penalties.--The court  
2 procedure and penalties for the enforcement of the provisions  
3 of this part, relating to compulsory school attendance, shall  
4 be as follows:

5           (1) COURT JURISDICTION.--The circuit court has  
6 original and exclusive jurisdiction of all proceedings  
7 against, or prosecutions of, students under the provisions of  
8 this part. Proceedings against, or prosecutions of, parents or  
9 employers as provided by this section shall be in the court of  
10 each county having jurisdiction of misdemeanors wherein trial  
11 by jury is afforded the defendant.

12           (2) NONENROLLMENT AND NONATTENDANCE CASES.--

13           (a) In each case of nonenrollment or of nonattendance  
14 upon the part of a student who is required to attend some  
15 school, when no valid reason for such nonenrollment or  
16 nonattendance is found, the district school superintendent  
17 shall institute a criminal prosecution against the student's  
18 parent.

19           (b) Each public school principal or the principal's  
20 designee shall notify the district school board of each minor  
21 student under its jurisdiction who accumulates 15 unexcused  
22 absences in a period of 90 calendar days. Each designee of the  
23 governing body of each private school, and each parent whose  
24 child is enrolled in a home education program, may provide the  
25 Department of Highway Safety and Motor Vehicles with the legal  
26 name, sex, date of birth, and social security number of each  
27 minor student under his or her jurisdiction who fails to  
28 satisfy relevant attendance requirements and who fails to  
29 otherwise satisfy the requirements of s. 322.091. The district  
30 school superintendent must provide the Department of Highway  
31 Safety and Motor Vehicles the legal name, sex, date of birth,

1 and social security number of each minor student who has been  
 2 reported under this paragraph and who fails to otherwise  
 3 satisfy the requirements of s. 322.091. The Department of  
 4 Highway Safety and Motor Vehicles may not issue a driver's  
 5 license or learner's driver's license to, and shall suspend  
 6 any previously issued driver's license or learner's driver's  
 7 license of, any such minor student, pursuant to the provisions  
 8 of s. 322.091.

9       (3) HABITUAL TRUANCY CASES.--The district school  
 10 superintendent is authorized to file a truancy petition, as  
 11 defined in s. 984.03, following the procedures outlined in s.  
 12 984.151. If the district school superintendent chooses not to  
 13 file a truancy petition, procedures for filing a  
 14 child-in-need-of-services petition shall be commenced pursuant  
 15 to this subsection and chapter 984. In accordance with  
 16 procedures established by the district school board, the  
 17 designated school representative shall refer a student who is  
 18 habitually truant and the student's family to the  
 19 children-in-need-of-services and families-in-need-of-services  
 20 provider or the case staffing committee, established pursuant  
 21 to s. 984.12, as determined by the cooperative agreement  
 22 required in this section. The case staffing committee may  
 23 request the Department of Juvenile Justice or its designee to  
 24 file a child-in-need-of-services petition based upon the  
 25 report and efforts of the district school board or other  
 26 community agency or may seek to resolve the truant behavior  
 27 through the school or community-based organizations or  
 28 agencies. Prior to and subsequent to the filing of a  
 29 child-in-need-of-services petition due to habitual truancy,  
 30 the appropriate governmental agencies must allow a reasonable  
 31 time to complete actions required by this section and s.

1 1003.26 to remedy the conditions leading to the truant  
 2 behavior. Prior to the filing of a petition, the district  
 3 school board must have complied with the requirements of s.  
 4 1003.26, and those efforts must have been unsuccessful.

5 (4) COOPERATIVE AGREEMENTS.--The circuit manager of  
 6 the Department of Juvenile Justice or the circuit manager's  
 7 designee, the district administrator of the Department of  
 8 Children and Family Services or the district administrator's  
 9 designee, and the district school superintendent or the  
 10 superintendent's designee must develop a cooperative  
 11 interagency agreement that:

12 (a) Clearly defines each department's role,  
 13 responsibility, and function in working with habitual truants  
 14 and their families.

15 (b) Identifies and implements measures to resolve and  
 16 reduce truant behavior.

17 (c) Addresses issues of streamlining service delivery,  
 18 the appropriateness of legal intervention, case management,  
 19 the role and responsibility of the case staffing committee,  
 20 student and parental intervention and involvement, and  
 21 community action plans.

22 (d) Delineates timeframes for implementation and  
 23 identifies a mechanism for reporting results by the circuit  
 24 juvenile justice manager or the circuit manager's designee and  
 25 the district school superintendent or the superintendent's  
 26 designee to the Department of Juvenile Justice and the  
 27 Department of Education and other governmental entities as  
 28 needed.

29 (e) Designates which agency is responsible for each of  
 30 the intervention steps in this section, to yield more  
 31 effective and efficient intervention services.

1           (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of  
 2 attendance of students at a public, parochial, religious,  
 3 denominational, or private school, or of students taught by a  
 4 private tutor, kept in compliance with rules of the State  
 5 Board of Education is prima facie evidence of the facts which  
 6 it is required to show. A certified copy of any rule and a  
 7 statement of the date of its adoption by the State Board of  
 8 Education is admissible as prima facie evidence of the  
 9 provisions of the rule and of the date of its adoption.

10           (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY  
 11 BEGIN.--Proceedings or prosecutions under this chapter may be  
 12 commenced by the district school superintendent, by a  
 13 designated school representative, by the probation officer of  
 14 the county, by the executive officer of any court of competent  
 15 jurisdiction, by an officer of any court of competent  
 16 jurisdiction, or by a duly authorized agent of the Department  
 17 of Education or the Department of Juvenile Justice. If a  
 18 proceeding has been commenced against both a parent and a  
 19 child pursuant to this chapter, the presiding courts shall  
 20 make every effort to coordinate sanctions against the child  
 21 and parent, including ordering the child and parent to perform  
 22 community service hours or attend counseling together.

23           (7) PENALTIES.--The penalties for refusing or failing  
 24 to comply with this chapter shall be as follows:

25           (a) The parent.--

26           1. A parent who refuses or fails to have a minor  
 27 student who is under his or her control attend school  
 28 regularly, or who refuses or fails to comply with the  
 29 requirements in subsection (3), commits a misdemeanor of the  
 30 second degree, punishable as provided in s. 775.082 or s.  
 31 775.083.

1           2. The continued or habitual absence of a minor  
 2 student without the consent of the principal or teacher in  
 3 charge of the school he or she attends or should attend, or of  
 4 the tutor who instructs or should instruct him or her, is  
 5 prima facie evidence of a violation of this chapter; however,  
 6 a showing that the parent has made a bona fide and diligent  
 7 effort to control and keep the student in school shall be an  
 8 affirmative defense to any criminal or other liability under  
 9 this subsection and the court shall refer the parent and child  
 10 for counseling, guidance, or other needed services.

11           3. In addition to any other punishment, the court  
 12 shall order a parent who has violated this section to send the  
 13 minor student to school, and may also order the parent to  
 14 participate in an approved parent training class, attend  
 15 school with the student unless this would cause undue  
 16 hardship, perform community service hours at the school, or  
 17 participate in counseling or other services, as appropriate.  
 18 If a parent is ordered to attend school with a student, the  
 19 school shall provide for programming to educate the parent and  
 20 student on the importance of school attendance. It shall be  
 21 unlawful to terminate any employee solely because he or she is  
 22 attending school with his or her child pursuant to a court  
 23 order.

24           (b) The principal or teacher.--A principal or teacher  
 25 in any public, parochial, religious, denominational, or  
 26 private school, or a private tutor who willfully violates any  
 27 provision of this chapter may, upon satisfactory proof of such  
 28 violation, have his or her certificate revoked by the  
 29 Department of Education.

30           (c) The employer.--

31           1. An employer who fails to notify the district school

1 superintendent when he or she ceases to employ a student  
2 commits a misdemeanor of the second degree, punishable as  
3 provided in s. 775.082 or s. 775.083.

4 2. An employer who terminates any employee solely  
5 because he or she is attending school with a student pursuant  
6 to court order commits a misdemeanor of the second degree,  
7 punishable as provided in s. 775.082 or s. 775.083.

8 (d) The student.--

9 1. In addition to any other authorized sanctions, the  
10 court shall order a student found to be a habitual truant to  
11 make up all school work missed and may order the student to  
12 pay a civil penalty of up to \$2, based on the student's  
13 ability to pay, for each day of school missed, perform up to  
14 25 community service hours at the school, or participate in  
15 counseling or other services, as appropriate.

16 2. Upon a second or subsequent finding that a student  
17 is a habitual truant, the court, in addition to any other  
18 authorized sanctions, shall order the student to make up all  
19 school work missed and may order the student to pay a civil  
20 penalty of up to \$5, based on the student's ability to pay,  
21 for each day of school missed, perform up to 50 community  
22 service hours at the school, or participate in counseling or  
23 other services, as appropriate.

24 Section 121. Section 1003.28, Florida Statutes, is  
25 created to read:

26 1003.28 Continuation of truancy remedial activities  
27 upon transfer of student; retention of legal jurisdiction.--

28 (1) If, during the activities designed to remedy  
29 truancy behavior as described in s. 1003.27, the parent of the  
30 student who is the subject of such activities transfers the  
31 student to another school district in this state in an attempt



1 to circumvent the remedial procedures which have already  
 2 begun, the administration of the school from which the student  
 3 transferred shall provide to the administration of the new  
 4 school, at no charge, copies of all available records and  
 5 documents relevant to such remedial activities, and the  
 6 administration of the new school shall begin remedial  
 7 activities in the program that most closely meets the transfer  
 8 student's needs.

9       (2) In the event that a legal proceeding has  
 10 commenced, as provided in s. 1003.27, against a student who  
 11 has been determined to be a habitual truant, the movement of  
 12 the student who is the subject of such proceeding to another  
 13 circuit court district in this state will not affect the  
 14 jurisdiction of the court to proceed with the case under the  
 15 law.

16       Section 122. Section 1003.29, Florida Statutes, is  
 17 created to read:

18       1003.29 Notice to schools of court action.--If a court  
 19 takes action that directly involves a student's school,  
 20 including, but not limited to, an order that a student attend  
 21 school, attend school with his or her parent, perform at grade  
 22 level, or perform community service hours at the school, the  
 23 office of the clerk of the court shall provide notice to the  
 24 school of the court's action.

25       Section 123. Part III of chapter 1003, Florida  
 26 Statutes, shall be entitled "Control of Students" and shall  
 27 consist of ss. 1003.31-1003.33.

28       Section 124. Section 1003.31, Florida Statutes, is  
 29 created to read:

30       1003.31 Students subject to control of school.--

31       (1) Subject to law and rules of the State Board of

1 Education and of the district school board, each student  
2 enrolled in a school shall:

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

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

6       (c) During the time she or he is on the school  
7 premises participating with authorization in a  
8 school-sponsored activity; and

9       (d) During a reasonable time before and after the  
10 student is on the premises for attendance at school or for  
11 authorized participation in a school-sponsored activity, and  
12 only when on the premises,

13

14 be under the control and direction of the principal or teacher  
15 in charge of the school, and under the immediate control and  
16 direction of the teacher or other member of the instructional  
17 staff or of the bus driver to whom such responsibility may be  
18 assigned by the principal. However, the State Board of  
19 Education or the district school board may, by rules, subject  
20 each student to the control and direction of the principal or  
21 teacher in charge of the school during the time she or he is  
22 otherwise en route to or from school or is presumed by law to  
23 be attending school.

24       (2) There is a rebuttable presumption that the term  
25 "reasonable time" means 30 minutes before or after the  
26 activity is scheduled or actually begins or ends, whichever  
27 period is longer. A school or district school board may, by  
28 policy or other formal action, assume a longer period of  
29 supervision. Casual or incidental contact between school  
30 district personnel and students on school property shall not  
31 result in a legal duty to supervise outside of the reasonable

1 times set forth in this section, provided that parents shall  
 2 be advised in writing twice per year or by posted signs of the  
 3 school's formal supervisory responsibility and that parents  
 4 should not rely on additional supervision. The duty of  
 5 supervision shall not extend to anyone other than students  
 6 attending school and students authorized to participate in  
 7 school-sponsored activities.

8 (3) Nothing shall prohibit a district school board  
 9 from having the right to expel, or to take disciplinary action  
 10 against, a student who is found to have committed an offense  
 11 on school property at any time if:

12 (a) The student is found to have committed a  
 13 delinquent act which would be a felony if committed by an  
 14 adult;

15 (b) The student has had adjudication withheld for a  
 16 delinquent act which, if committed by an adult, would be a  
 17 felony; or

18 (c) The student has been found guilty of a felony.

19  
 20 However, if the student is a student with a disability, the  
 21 disciplinary action must comply with the procedures set forth  
 22 in State Board of Education rule.

23 (4) Each student enrolled in a school may be required  
 24 to take the following school child's daily conduct pledge:

25 (a) I will be respectful at all times and obedient  
 26 unless asked to do wrong.

27 (b) I will not hurt another person with my words or my  
 28 acts, because it is wrong to hurt others.

29 (c) I will tell the truth, because it is wrong to tell  
 30 a lie.

31 (d) I will not steal, because it is wrong to take

1 someone else's property.

2 (e) I will respect my body, and not take drugs.

3 (f) I will show strength and courage, and not do  
4 something wrong, just because others are doing it.

5 (g) I pledge to be nonviolent and to respect my  
6 teachers and fellow classmates.

7 Section 125. Section 1003.32, Florida Statutes, is  
8 created to read:

9 1003.32 Authority of teacher; responsibility for  
10 control of students; district school board and principal  
11 duties.--Subject to law and to the rules of the district  
12 school board, each teacher or other member of the staff of any  
13 school shall have such authority for the control and  
14 discipline of students as may be assigned to him or her by the  
15 principal or the principal's designated representative and  
16 shall keep good order in the classroom and in other places in  
17 which he or she is assigned to be in charge of students.

18 (1) Within the framework of the district school  
19 board's code of student conduct, teachers and other  
20 instructional personnel shall have the authority to undertake  
21 any of the following actions in managing student behavior and  
22 ensuring the safety of all students in their classes and  
23 school:

24 (a) Establish classroom rules of conduct.

25 (b) Establish and implement consequences, designed to  
26 change behavior, for infractions of classroom rules.

27 (c) Have disobedient, disrespectful, violent, abusive,  
28 uncontrollable, or disruptive students temporarily removed  
29 from the classroom for behavior management intervention.

30 (d) Have violent, abusive, uncontrollable, or  
31 disruptive students directed for information or assistance

1 from appropriate school or district school board personnel.

2 (e) Assist in enforcing school rules on school  
3 property, during school-sponsored transportation, and during  
4 school-sponsored activities.

5 (f) Request and receive information as to the  
6 disposition of any referrals to the administration for  
7 violation of classroom or school rules.

8 (g) Request and receive immediate assistance in  
9 classroom management if a student becomes uncontrollable or in  
10 case of emergency.

11 (h) Request and receive training and other assistance  
12 to improve skills in classroom management, violence  
13 prevention, conflict resolution, and related areas.

14 (i) Press charges if a crime has been committed  
15 against the teacher or other instructional personnel on school  
16 property, during school-sponsored transportation, or during  
17 school-sponsored activities.

18 (j) Use reasonable force, according to standards  
19 adopted by the State Board of Education, to protect himself or  
20 herself or others from injury.

21 (k) Use corporal punishment according to school board  
22 policy and at least the following procedures, if a teacher  
23 feels that corporal punishment is necessary:

24 1. The use of corporal punishment shall be approved in  
25 principle by the principal before it is used, but approval is  
26 not necessary for each specific instance in which it is used.  
27 The principal shall prepare guidelines for administering such  
28 punishment which identify the types of punishable offenses,  
29 the conditions under which the punishment shall be  
30 administered, and the specific personnel on the school staff  
31 authorized to administer the punishment.

1           2. A teacher or principal may administer corporal  
2 punishment only in the presence of another adult who is  
3 informed beforehand, and in the student's presence, of the  
4 reason for the punishment.

5           3. A teacher or principal who has administered  
6 punishment shall, upon request, provide the student's parent  
7 with a written explanation of the reason for the punishment  
8 and the name of the other adult who was present.

9           (2) Teachers and other instructional personnel shall:

10           (a) Set and enforce reasonable classroom rules that  
11 treat all students equitably.

12           (b) Seek professional development to improve classroom  
13 management skills when data show that they are not effective  
14 in handling minor classroom disruptions.

15           (c) Maintain a positive and effective learning  
16 environment that maximizes learning and minimizes disruption.

17           (d) Work with parents and other school personnel to  
18 solve discipline problems in their classrooms.

19           (3) A teacher may send a student to the principal's  
20 office to maintain effective discipline in the classroom. The  
21 principal shall respond by employing appropriate  
22 discipline-management techniques consistent with the student  
23 code of conduct under s. 1006.07.

24           (4) A teacher may remove from class a student whose  
25 behavior the teacher determines interferes with the teacher's  
26 ability to communicate effectively with the students in the  
27 class or with the ability of the student's classmates to  
28 learn.

29           (5) If a teacher removes a student from class under  
30 subsection (4), the principal may place the student in another  
31 appropriate classroom, in in-school suspension, or in a

1 dropout prevention and academic intervention program as  
 2 provided by s. 1003.53; or the principal may recommend the  
 3 student for out-of-school suspension or expulsion, as  
 4 appropriate. The student may be prohibited from attending or  
 5 participating in school-sponsored or school-related  
 6 activities. The principal may not return the student to that  
 7 teacher's class without the teacher's consent unless the  
 8 committee established under subsection (6) determines that  
 9 such placement is the best or only available alternative. The  
 10 teacher and the placement review committee must render  
 11 decisions within 5 days of the removal of the student from the  
 12 classroom.

13 (6) Each school shall establish a committee to  
 14 determine placement of a student when a teacher withholds  
 15 consent to the return of a student to the teacher's class.  
 16 Committee membership must include at least the following:

17 (a) Two teachers selected by the school's faculty.

18 (b) One member from the school's staff who is selected  
 19 by the principal.

20  
 21 The teacher who withheld consent to readmitting the student  
 22 may not serve on the committee. The teacher and the placement  
 23 review committee must render decisions within 5 days after the  
 24 removal of the student from the classroom.

25 (7) Any teacher who removes 25 percent of his or her  
 26 total class enrollment shall be required to complete  
 27 professional development to improve classroom management  
 28 skills.

29 (8) When knowledgeable of the likely risk of physical  
 30 violence in the schools, the district school board shall take  
 31 reasonable steps to ensure that teachers, other school staff,

1 and students are not at undue risk of violence or harm.

2 Section 126. Section 1003.33, Florida Statutes, is  
3 created to read:

4 1003.33 Report cards; end-of-the-year status.--

5 (1) Each district school board shall establish and  
6 publish policies requiring the content and regular issuance of  
7 student report cards for all elementary school, middle school,  
8 and high school students. These report cards must clearly  
9 depict and grade:

10 (a) The student's academic performance in each class  
11 or course, which in grades 1 through 12 must be based upon  
12 examinations as well as written papers, class participation,  
13 and other academic performance criteria.

14 (b) The student's conduct and behavior.

15 (c) The student's attendance, including absences and  
16 tardiness.

17 (2) A student's final report card for a school year  
18 shall contain a statement indicating end-of-the-year status  
19 regarding performance or nonperformance at grade level,  
20 acceptable or unacceptable behavior and attendance, and  
21 promotion or nonpromotion.

22  
23 District school boards shall not allow schools to exempt  
24 students from academic performance requirements based on  
25 practices or policies designed to encourage student  
26 attendance. A student's attendance record may not be used in  
27 whole or in part to provide an exemption from any academic  
28 performance requirement.

29 Section 127. Part IV of chapter 1003, Florida  
30 Statutes, shall be entitled "Public K-12 Educational  
31 Instruction" and shall consist of ss. 1003.41-1003.491.



1 Section 128. Section 1003.41, Florida Statutes, is  
2 created to read:

3 1003.41 Sunshine State Standards.--Public K-12  
4 educational instruction in Florida is based on the "Sunshine  
5 State Standards." These standards have been adopted by the  
6 State Board of Education and delineate the academic  
7 achievement of students, for which the state will hold schools  
8 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects  
9 of language arts, mathematics, science, social studies, the  
10 arts, health and physical education, and foreign languages.  
11 They include standards in reading, writing, history,  
12 government, geography, economics, and computer literacy.

13 Section 129. Section 1003.42, Florida Statutes, is  
14 created to read:

15 1003.42 Required instruction.--  
16 (1) Each district school board shall provide all  
17 courses required for high school graduation and appropriate  
18 instruction designed to ensure that students meet State Board  
19 of Education adopted standards in the following subject areas:  
20 reading and other language arts, mathematics, science, social  
21 studies, foreign languages, health and physical education, and  
22 the arts.

23 (2) Members of the instructional staff of the public  
24 schools, subject to the rules of the State Board of Education  
25 and the district school board, shall teach efficiently and  
26 faithfully, using the books and materials required, following  
27 the prescribed courses of study, and employing approved  
28 methods of instruction, the following:

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

31 (b) The arguments in support of adopting our

1 republican form of government, as they are embodied in the  
2 most important of the Federalist Papers.

3 (c) The essentials of the United States Constitution  
4 and how it provides the structure of our government.

5 (d) Flag education, including proper flag display and  
6 flag salute.

7 (e) The elements of civil government, including the  
8 primary functions of and interrelationships between the  
9 Federal Government, the state, and its counties,  
10 municipalities, school districts, and special districts.

11 (f) The history of the Holocaust (1933-1945), the  
12 systematic, planned annihilation of European Jews and other  
13 groups by Nazi Germany, a watershed event in the history of  
14 humanity, to be taught in a manner that leads to an  
15 investigation of human behavior, an understanding of the  
16 ramifications of prejudice, racism, and stereotyping, and an  
17 examination of what it means to be a responsible and  
18 respectful person, for the purposes of encouraging tolerance  
19 of diversity in a pluralistic society and for nurturing and  
20 protecting democratic values and institutions.

21 (g) The history of African Americans, including the  
22 history of African peoples before the political conflicts that  
23 led to the development of slavery, the passage to America, the  
24 enslavement experience, abolition, and the contributions of  
25 African Americans to society.

26 (h) The elementary principles of agriculture.

27 (i) The true effects of all alcoholic and intoxicating  
28 liquors and beverages and narcotics upon the human body and  
29 mind.

30 (j) Kindness to animals.

31 (k) The history of the state.

1           (l) The conservation of natural resources.

2           (m) Comprehensive health education that addresses  
3 concepts of community health; consumer health; environmental  
4 health; family life, including an awareness of the benefits of  
5 sexual abstinence as the expected standard and the  
6 consequences of teenage pregnancy; mental and emotional  
7 health; injury prevention and safety; nutrition; personal  
8 health; prevention and control of disease; and substance use  
9 and abuse.

10           (n) Such additional materials, subjects, courses, or  
11 fields in such grades as are prescribed by law or by rules of  
12 the State Board of Education and the district school board in  
13 fulfilling the requirements of law.

14           (o) The study of Hispanic contributions to the United  
15 States.

16           (p) The study of women's contributions to the United  
17 States.

18           (q) A character-development program in the elementary  
19 schools, similar to Character First or Character Counts, which  
20 is secular in nature and stresses such character qualities as  
21 attentiveness, patience, and initiative.

22           (r) In order to encourage patriotism, the sacrifices  
23 that veterans have made in serving our country and protecting  
24 democratic values worldwide. Such instruction must occur on or  
25 before Veterans' Day and Memorial Day. Members of the  
26 instructional staff are encouraged to use the assistance of  
27 local veterans when practicable.

28           (3) Any student whose parent makes written request to  
29 the school principal shall be exempted from the teaching of  
30 reproductive health or any disease, including HIV/AIDS, its  
31 symptoms, development, and treatment. A student so exempted

1 may not be penalized by reason of that exemption. Course  
 2 descriptions for comprehensive health education shall not  
 3 interfere with the local determination of appropriate  
 4 curriculum which reflects local values and concerns.

5 Section 130. Section 1003.43, Florida Statutes, is  
 6 created to read:

7 1003.43 General requirements for high school  
 8 graduation.--

9 (1) Graduation requires successful completion of  
 10 either a minimum of 24 academic credits in grades 9 through 12  
 11 or an International Baccalaureate curriculum. The 24 credits  
 12 shall be distributed as follows:

13 (a) Four credits in English, with major concentration  
 14 in composition and literature.

15 (b) Three credits in mathematics. Effective for  
 16 students entering the 9th grade in the 1997-1998 school year  
 17 and thereafter, one of these credits must be Algebra I, a  
 18 series of courses equivalent to Algebra I, or a higher-level  
 19 mathematics course.

20 (c) Three credits in science, two of which must have a  
 21 laboratory component. The State Board of Education may grant  
 22 an annual waiver of the laboratory requirement to a district  
 23 school board that certifies that its laboratory facilities are  
 24 inadequate, provided the district school board submits a  
 25 capital outlay plan to provide adequate facilities and makes  
 26 the funding of this plan a priority of the district school  
 27 board. Agriscience Foundations I, the core course in secondary  
 28 Agriscience and Natural Resources programs, counts as one of  
 29 the science credits.

30 (d) One credit in American history.

31 (e) One credit in world history, including a

1 comparative study of the history, doctrines, and objectives of  
2 all major political systems.

3 (f) One-half credit in economics, including a  
4 comparative study of the history, doctrines, and objectives of  
5 all major economic systems. The Florida Council on Economic  
6 Education shall provide technical assistance to the department  
7 and district school boards in developing curriculum materials  
8 for the study of economics.

9 (g) One-half credit in American government, including  
10 study of the Constitution of the United States. For students  
11 entering the 9th grade in the 1997-1998 school year and  
12 thereafter, the study of Florida government, including study  
13 of the State Constitution, the three branches of state  
14 government, and municipal and county government, shall be  
15 included as part of the required study of American government.

16 (h)1. One credit in practical arts career and  
17 technical education or exploratory career and technical  
18 education. Any career and technical education course as  
19 defined in s. 1003.01 may be taken to satisfy the high school  
20 graduation requirement for one credit in practical arts or  
21 exploratory career and technical education provided in this  
22 subparagraph;

23 2. One credit in performing fine arts to be selected  
24 from music, dance, drama, painting, or sculpture. A course in  
25 any art form, in addition to painting or sculpture, that  
26 requires manual dexterity, or a course in speech and debate,  
27 may be taken to satisfy the high school graduation requirement  
28 for one credit in performing arts pursuant to this  
29 subparagraph; or

30 3. One-half credit each in practical arts career and  
31 technical education or exploratory career and technical

1 education and performing fine arts, as defined in this  
2 paragraph.

3  
4 Such credit for practical arts career and technical education  
5 or exploratory career and technical education or for  
6 performing fine arts shall be made available in the 9th grade,  
7 and students shall be scheduled into a 9th grade course as a  
8 priority.

9 (i) One-half credit in life management skills to  
10 include consumer education, positive emotional development,  
11 marriage and relationship skill-based education, nutrition,  
12 prevention of human immunodeficiency virus infection and  
13 acquired immune deficiency syndrome and other sexually  
14 transmissible diseases, benefits of sexual abstinence and  
15 consequences of teenage pregnancy, information and instruction  
16 on breast cancer detection and breast self-examination,  
17 cardiopulmonary resuscitation, drug education, and the hazards  
18 of smoking. Such credit shall be given for a course to be  
19 taken by all students in either the 9th or 10th grade.

20 (j) One credit in physical education to include  
21 assessment, improvement, and maintenance of personal fitness.  
22 Participation in an interscholastic sport at the junior  
23 varsity or varsity level, for two full seasons, shall satisfy  
24 the one-credit requirement in physical education if the  
25 student passes a competency test on personal fitness with a  
26 score of "C" or better. The competency test on personal  
27 fitness must be developed by the Department of Education. A  
28 district school board may not require that the one credit in  
29 physical education be taken during the 9th grade year.

30 (k) Eight and one-half elective credits.  
31

hbd-38

Bill No. HB 2017

Amendment No. \_\_\_\_ (for drafter's use only)

1 District school boards may award a maximum of one-half credit  
 2 in social studies and one-half elective credit for student  
 3 completion of nonpaid voluntary community or school service  
 4 work. Students choosing this option must complete a minimum  
 5 of 75 hours of service in order to earn the one-half credit in  
 6 either category of instruction. Credit may not be earned for  
 7 service provided as a result of court action. District school  
 8 boards that approve the award of credit for student volunteer  
 9 service shall develop guidelines regarding the award of the  
 10 credit, and school principals are responsible for approving  
 11 specific volunteer activities. A course designated in the  
 12 Course Code Directory as grade 9 through grade 12 that is  
 13 taken below the 9th grade may be used to satisfy high school  
 14 graduation requirements or Florida Academic Scholars award  
 15 requirements as specified in a district school board's student  
 16 progression plan. A student shall be granted credit toward  
 17 meeting the requirements of this subsection for equivalent  
 18 courses, as identified pursuant to s. 1007.271(6), taken  
 19 through dual enrollment.

20 (2) Remedial and compensatory courses taken in grades  
 21 9 through 12 may only be counted as elective credit as  
 22 provided in subsection (1).

23 (3) Credit for high school graduation may be earned  
 24 for volunteer activities and nonacademic activities which have  
 25 been approved for such credit by the State Board of Education.

26 (4)(a) A district school board may require specific  
 27 courses and programs of study within the minimum credit  
 28 requirements for high school graduation and shall modify basic  
 29 courses, as necessary, to assure exceptional students the  
 30 opportunity to meet the graduation requirements for a standard  
 31 diploma, using one of the following strategies:

1           1. Assignment of the exceptional student to an  
2 exceptional education class for instruction in a basic course  
3 with the same student performance standards as those required  
4 of nonexceptional students in the district school board  
5 student progression plan; or

6           2. Assignment of the exceptional student to a basic  
7 education class for instruction that is modified to  
8 accommodate the student's exceptionality.

9           (b) The district school board shall determine which of  
10 these strategies to employ based upon an assessment of the  
11 student's needs and shall reflect this decision in the  
12 student's individual educational plan.

13           (c) District school boards are authorized and  
14 encouraged to establish requirements for high school  
15 graduation in excess of the minimum requirements; however, an  
16 increase in academic credit or minimum grade point average  
17 requirements shall not apply to those students enrolled in  
18 grades 9 through 12 at the time the district school board  
19 increases the requirements. In addition, any increase in  
20 academic credit or minimum grade point average requirements  
21 shall not apply to a student who earns credit toward the  
22 graduation requirements of this section for equivalent courses  
23 taken through dual enrollment.

24           (5) Each district school board shall establish  
25 standards for graduation from its schools, and these standards  
26 must include:

27           (a) Earning passing scores on the FCAT, as defined in  
28 s. 1008.22(3)(c).

29           (b) Completion of all other applicable requirements  
30 prescribed by the district school board pursuant to s.  
31 1008.25.



1           (c) Achievement of a cumulative grade point average of  
 2 1.5 on a 4.0 scale, or its equivalent, for students entering  
 3 9th grade before the 1997-1998 school year; however, these  
 4 students must earn a cumulative grade point average of 2.0 on  
 5 a 4.0 scale, or its equivalent, in the courses required by  
 6 subsection (1) that are taken after July 1, 1997, or have an  
 7 overall cumulative grade point average of 2.0 or above.

8           (d) Achievement of a cumulative grade point average of  
 9 2.0 on a 4.0 scale, or its equivalent, in the courses required  
 10 by subsection (1), for students entering 9th grade in the  
 11 1997-1998 school year and thereafter.

12           (e) For purposes of paragraphs (c) and (d):

13           1. Each district school board shall adopt policies  
 14 designed to assist students in meeting these requirements.  
 15 These policies may include, but are not limited to:  
 16 forgiveness policies, summer school or before or after school  
 17 attendance, special counseling, volunteer and/or peer tutors,  
 18 school-sponsored help sessions, homework hotlines, and study  
 19 skills classes. Beginning in the 2000-2001 school year and  
 20 each year thereafter, forgiveness policies for required  
 21 courses shall be limited to replacing a grade of "D" or "F,"  
 22 or the equivalent of a grade of "D" or "F," with a grade of  
 23 "C" or higher, or the equivalent of a grade of "C" or higher,  
 24 earned subsequently in the same or comparable course.

25 Forgiveness policies for elective courses shall be limited to  
 26 replacing a grade of "D" or "F," or the equivalent of a grade  
 27 of "D" or "F," with a grade of "C" or higher, or the  
 28 equivalent of a grade of "C" or higher, earned subsequently in  
 29 another course. Any course grade not replaced according to a  
 30 district school board forgiveness policy shall be included in  
 31 the calculation of the cumulative grade point average required

1 for graduation.

2 2. At the end of each semester, the parent of each  
3 student in grades 9, 10, 11, and 12 who has a cumulative grade  
4 point average of less than 0.5 above the cumulative grade  
5 point average required for graduation shall be notified that  
6 the student is at risk of not meeting the requirements for  
7 graduation. The notice shall contain an explanation of the  
8 policies the district school board has in place to assist the  
9 student in meeting the grade point average requirement.

10 3. Special assistance to obtain a high school  
11 equivalency diploma pursuant to s. 1003.435 may be given only  
12 when the student has completed all requirements for graduation  
13 except the attainment of the required cumulative grade point  
14 average.

15  
16 The standards required in this subsection, and any subsequent  
17 modifications, shall be reprinted in the Florida  
18 Administrative Code even though not defined as "rules."

19 (6) The Legislature recognizes that adult learners are  
20 unique in situation and needs. The following graduation  
21 requirements are therefore instituted for students enrolled in  
22 adult general education in accordance with s. 1004.93 in  
23 pursuit of a high school diploma:

24 (a) The one credit in physical education required for  
25 graduation, pursuant to subsection (1), is not required for  
26 graduation and shall be substituted with elective credit  
27 keeping the total credits needed for graduation consistent  
28 with subsection (1).

29 (b) Each district school board may waive the  
30 laboratory component of the science requirement expressed in  
31 subsection (1) when such facilities are inaccessible or do not

1 exist.

2 (c) Any course listed within the Department of  
3 Education Course Code Directory in the areas of art, dance,  
4 drama, or music may be undertaken by adult secondary education  
5 students. Enrollment and satisfactory completion of such a  
6 course shall satisfy the credit in performing fine arts  
7 required for high school graduation pursuant to subsection  
8 (1).

9 (7) No student may be granted credit toward high  
10 school graduation for enrollment in the following courses or  
11 programs:

12 (a) More than a total of nine elective credits in  
13 remedial programs.

14 (b) More than one credit in exploratory career  
15 education courses as defined in s. 1003.01(4)(a).

16 (c) More than three credits in practical arts family  
17 and consumer sciences classes as defined in s. 1003.01(4)(a).

18 (d) Any Level I course unless the student's assessment  
19 indicates that a more rigorous course of study would be  
20 inappropriate, in which case a written assessment of the need  
21 must be included in the student's individual educational plan  
22 or in a student performance plan, signed by the principal, the  
23 guidance counselor, and the parent of the student, or the  
24 student if the student is 18 years of age or older.

25 (8) The State Board of Education, after a public  
26 hearing and consideration, shall make provision for  
27 appropriate modification of testing instruments and procedures  
28 for students with identified handicaps or disabilities in  
29 order to ensure that the results of the testing represent the  
30 student's achievement, rather than reflecting the student's  
31 impaired sensory, manual, speaking, or psychological process

1 skills.

2 (9) A student who meets all requirements prescribed in  
 3 subsections (1), (4), and (5) shall be awarded a standard  
 4 diploma in a form prescribed by the State Board of Education.  
 5 A district school board may attach the Florida gold seal  
 6 career and technical endorsement to a standard diploma or,  
 7 instead of the standard diploma, award differentiated diplomas  
 8 to those exceeding the prescribed minimums. A student who  
 9 completes the minimum number of credits and other requirements  
 10 prescribed by subsections (1) and (4), but who is unable to  
 11 meet the standards of paragraph (5)(a), paragraph (5)(b), or  
 12 paragraph (5)(c), shall be awarded a certificate of completion  
 13 in a form prescribed by the State Board of Education. However,  
 14 any student who is otherwise entitled to a certificate of  
 15 completion may elect to remain in the secondary school either  
 16 as a full-time student or a part-time student for up to 1  
 17 additional year and receive special instruction designed to  
 18 remedy his or her identified deficiencies.

19 (10) The public hearing and consideration required in  
 20 subsection (8) shall not be construed to amend or nullify the  
 21 requirements of security relating to the contents of  
 22 examinations or assessment instruments and related materials  
 23 or data as prescribed in s. 1008.23.

24 (11) The Commissioner of Education may award a  
 25 standard high school diploma to honorably discharged veterans  
 26 who started high school between 1937 and 1946 and were  
 27 scheduled to graduate between 1941 and 1950 but were inducted  
 28 into the United States Armed Forces between September 16,  
 29 1940, and December 31, 1946, prior to completing the necessary  
 30 high school graduation requirements. Upon the recommendation  
 31 of the commissioner, the State Board of Education may develop

1 criteria and guidelines for awarding such diplomas.

2 Section 131. Section 1003.435, Florida Statutes, is  
3 created to read:

4 1003.435 High school equivalency diploma program.--

5 (1) The State Board of Education shall adopt rules  
6 that prescribe performance standards and provide for  
7 comprehensive examinations to be administered to candidates  
8 for high school equivalency diplomas. Such rules shall  
9 include, but are not limited to, provisions for fees,  
10 frequency of examinations, and procedures for retaking an  
11 examination upon unsatisfactory performance.

12 (2) The department may award high school equivalency  
13 diplomas to candidates who meet the performance standards  
14 prescribed by the State Board of Education.

15 (3) Each district school board shall offer and  
16 administer the high school equivalency diploma examinations  
17 and the subject area examinations to all candidates pursuant  
18 to rules of the State Board of Education.

19 (4) A candidate for a high school equivalency diploma  
20 shall be at least 18 years of age on the date of the  
21 examination, except that in extraordinary circumstances, as  
22 provided for in rules of the district school board of the  
23 district in which the candidate resides or attends school, a  
24 candidate may take the examination after reaching the age of  
25 16.

26 (5) Each district school board shall develop, in  
27 cooperation with the area community college board of trustees,  
28 a plan for the provision of advanced instruction for those  
29 students who attain satisfactory performance on the high  
30 school equivalency examination or the subject area  
31 examinations or who demonstrate through other means a

1 readiness to engage in postsecondary-level academic work. The  
 2 plan shall include provisions for the equitable distribution  
 3 of generated funds to cover personnel, maintenance, and other  
 4 costs of offering the advanced instruction. Priority shall be  
 5 given to programs of advanced instruction offered in high  
 6 school facilities.

7 (6) All high school equivalency diplomas issued under  
 8 the provisions of this section shall have equal status with  
 9 other high school diplomas for all state purposes, including  
 10 admission to any state university or community college.

11 Section 132. Section 1003.436, Florida Statutes, is  
 12 created to read:

13 1003.436 Definition of "credit".--

14 (1)(a) For the purposes of requirements for high  
 15 school graduation, one full credit means a minimum of 135  
 16 hours of bona fide instruction in a designated course of study  
 17 that contains student performance standards. The State Board  
 18 of Education shall determine the number of postsecondary  
 19 credit hours earned through dual enrollment pursuant to s.  
 20 1007.271 that satisfy the requirements of a district's  
 21 interinstitutional articulation agreement according to s.  
 22 1007.235 and that equal one full credit of the equivalent high  
 23 school course identified pursuant to s. 1007.271(6).

24 (b) The hourly requirements for one-half credit are  
 25 one-half the requirements specified in paragraph (a).

26 (2) In awarding credit for high school graduation,  
 27 each district school board shall maintain a one-half credit  
 28 earned system that shall include courses provided on a  
 29 full-year basis. A student enrolled in a full-year course  
 30 shall receive one-half credit if the student successfully  
 31 completes either the first half or the second half of a

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1 full-year course but fails to successfully complete the other  
 2 half of the course and the averaging of the grades obtained in  
 3 each half would not result in a passing grade. A student  
 4 enrolled in a full-year course shall receive a full credit if  
 5 the student successfully completes either the first half or  
 6 the second half of a full-year course but fails to  
 7 successfully complete the other half of the course and the  
 8 averaging of the grades obtained in each half would result in  
 9 a passing grade, provided that such additional requirements  
 10 specified in district school board policies, such as class  
 11 attendance, homework, participation, and other indicators of  
 12 performance, shall be successfully completed by the student.

13 Section 133. Section 1003.437, Florida Statutes, is  
 14 created to read:

15 1003.437 High school grading system.--The grading  
 16 system and interpretation of letter grades used in public high  
 17 schools shall be as follows:

18 (1) Grade "A" equals 90 percent through 100 percent,  
 19 has a grade point average value of 4, and is defined as  
 20 "outstanding progress."

21 (2) Grade "B" equals 80 percent through 89 percent,  
 22 has a grade point average value of 3, and is defined as "above  
 23 average progress."

24 (3) Grade "C" equals 70 percent through 79 percent,  
 25 has a grade point average value of 2, and is defined as  
 26 "average progress."

27 (4) Grade "D" equals 60 percent through 69 percent,  
 28 has a grade point average value of 1, and is defined as  
 29 "lowest acceptable progress."

30 (5) Grade "F" equals zero percent through 59 percent,  
 31 has a grade point average value of zero, and is defined as

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1 "failure."

2 (6) Grade "I" equals zero percent, has a grade point  
3 average value of zero, and is defined as "incomplete."

4  
5 For the purposes of class ranking, district school boards may  
6 exercise a weighted grading system.

7 Section 134. Section 1003.438, Florida Statutes, is  
8 created to read:

9 1003.438 Special high school graduation requirements  
10 for certain exceptional students.--A student who has been  
11 properly classified, in accordance with rules established by  
12 the State board of Education, as "educable mentally  
13 handicapped," "trainable mentally handicapped," "hearing  
14 impaired," "specific learning disabled," "physically or  
15 language impaired," or "emotionally handicapped" shall not be  
16 required to meet all requirements of s. 1003.43 and shall,  
17 upon meeting all applicable requirements prescribed by the  
18 district school board pursuant to s. 1008.25, be awarded a  
19 special diploma in a form prescribed by the commissioner;  
20 however, such special graduation requirements prescribed by  
21 the district school board must include minimum graduation  
22 requirements as prescribed by the commissioner. Any such  
23 student who meets all special requirements of the district  
24 school board for exceptionality, but is unable to meet the  
25 appropriate special state minimum requirements, shall be  
26 awarded a special certificate of completion in a form  
27 prescribed by the commissioner. A student who has been  
28 properly classified as "profoundly handicapped" and who meets  
29 the special requirements of the district school board for a  
30 special diploma in accordance with requirements for any  
31 exceptional student identified in this section shall be



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1 awarded a special diploma; however, such a student shall  
 2 alternatively be eligible for a special certificate of  
 3 completion, in a form prescribed by the commissioner, if all  
 4 school requirements for students who are "profoundly  
 5 handicapped" have been met. However, this section does not  
 6 limit or restrict the right of an exceptional student solely  
 7 to a special diploma or special certificate of completion.  
 8 Any such student shall, upon proper request, be afforded the  
 9 opportunity to fully meet all requirements of s. 1003.43  
 10 through the standard procedures established therein and  
 11 thereby to qualify for a standard diploma upon graduation.

12 Section 135. Section 1003.44, Florida Statutes, is  
 13 created to read:

14 1003.44 Patriotic programs; rules.--

15 (1) Each district school board may adopt rules to  
 16 require, in all of the schools of the district, programs of a  
 17 patriotic nature to encourage greater respect for the  
 18 government of the United States and its national anthem and  
 19 flag, subject always to other existing pertinent laws of the  
 20 United States or of the state. When the national anthem is  
 21 played, students and all civilians shall stand at attention,  
 22 men removing the headdress, except when such headdress is worn  
 23 for religious purposes. The pledge of allegiance to the flag,  
 24 "I pledge allegiance to the flag of the United States of  
 25 America and to the republic for which it stands, one nation  
 26 under God, indivisible, with liberty and justice for all,"  
 27 shall be rendered by students standing with the right hand  
 28 over the heart. The pledge of allegiance to the flag shall be  
 29 recited at the beginning of the day in each public elementary,  
 30 middle, and high school in the state. Each student shall be  
 31 informed by posting a notice in a conspicuous place that the

1 student has the right not to participate in reciting the  
 2 pledge. Upon written request by his or her parent, the student  
 3 must be excused from reciting the pledge. When the pledge is  
 4 given, civilians must show full respect to the flag by  
 5 standing at attention, men removing the headdress, except when  
 6 such headdress is worn for religious purposes, as provided by  
 7 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.  
 8 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved  
 9 December 22, 1942.

10       (2) Each district school board may allow any teacher  
 11 or administrator to read, or to post in a public school  
 12 building or classroom or at any school-related event, any  
 13 excerpt or portion of the following historic material: the  
 14 national motto; the national anthem; the pledge of allegiance;  
 15 the Constitution of the State of Florida, including the  
 16 Preamble; the Constitution of the United States, including the  
 17 Preamble; the Bill of Rights; the Declaration of Independence;  
 18 the Mayflower Compact; the Emancipation Proclamation; the  
 19 writings, speeches, documents, and proclamations of the  
 20 presidents of the United States, the signers of the  
 21 Constitution of the United States and the Declaration of  
 22 Independence, and civil rights leaders; and decisions of the  
 23 United States Supreme Court. However, any material that is  
 24 read, posted, or taught pursuant to this provision may be  
 25 presented only from a historical perspective and in a  
 26 nonproselytizing manner. When less than an entire document is  
 27 used, the excerpt or portion must include as much material as  
 28 is reasonably necessary to reflect the sentiment of the entire  
 29 document and avoid expressing statements out of the context in  
 30 which they were originally made. If the material refers to  
 31 laws or judicial decisions that have been superseded, the

1 material must be accompanied by a statement indicating that  
 2 such law or decision is no longer the law of the land. No  
 3 material shall be selected to advance a particular religious,  
 4 political, or sectarian purpose. The department shall  
 5 distribute a copy of this section to each district school  
 6 board, whereupon each district school superintendent shall  
 7 distribute a copy to all teachers and administrators.

8           Section 136. Section 1003.45, Florida Statutes, is  
 9 created to read:

10           1003.45 Permitting study of the Bible and religion;  
 11 permitting brief meditation period.--

12           (1) The district school board may install in the  
 13 public schools in the district a secular program of education  
 14 including, but not limited to, an objective study of the Bible  
 15 and of religion.

16           (2) The district school board may provide that a brief  
 17 period, not to exceed 2 minutes, for the purpose of silent  
 18 prayer or meditation be set aside at the start of each school  
 19 day or each school week in the public schools in the district.

20           Section 137. Section 1003.46, Florida Statutes, is  
 21 created to read:

22           1003.46 Health education; instruction in acquired  
 23 immune deficiency syndrome.--

24           (1) Each district school board may provide instruction  
 25 in acquired immune deficiency syndrome education as a specific  
 26 area of health education. Such instruction may include, but  
 27 is not limited to, the known modes of transmission, signs and  
 28 symptoms, risk factors associated with acquired immune  
 29 deficiency syndrome, and means used to control the spread of  
 30 acquired immune deficiency syndrome. The instruction shall be  
 31 appropriate for the grade and age of the student and shall

1 reflect current theory, knowledge, and practice regarding  
2 acquired immune deficiency syndrome and its prevention.

3 (2) Throughout instruction in acquired immune  
4 deficiency syndrome, sexually transmitted diseases, or health  
5 education, when such instruction and course material contains  
6 instruction in human sexuality, a school shall:

7 (a) Teach abstinence from sexual activity outside of  
8 marriage as the expected standard for all school-age students  
9 while teaching the benefits of monogamous heterosexual  
10 marriage.

11 (b) Emphasize that abstinence from sexual activity is  
12 a certain way to avoid out-of-wedlock pregnancy, sexually  
13 transmitted diseases, including acquired immune deficiency  
14 syndrome, and other associated health problems.

15 (c) Teach that each student has the power to control  
16 personal behavior and encourage students to base actions on  
17 reasoning, self-esteem, and respect for others.

18 (d) Provide instruction and material that is  
19 appropriate for the grade and age of the student.

20 Section 138. Section 1003.47, Florida Statutes, is  
21 created to read:

22 1003.47 Biological experiments on living subjects.--

23 (1) It is the intent of the Legislature with respect  
24 to biological experiments involving living subjects by  
25 students in grades K through 12 that:

26 (a) No surgery or dissection shall be performed on any  
27 living mammalian vertebrate or bird. Dissection may be  
28 performed on nonliving mammals or birds secured from a  
29 recognized source of such specimens and under supervision of  
30 qualified instructors. Students may be excused upon written  
31 request of a parent.

1           (b) Lower orders of life and invertebrates may be used  
2 in such experiments.

3           (c) Nonmammalian vertebrates, excluding birds, may be  
4 used in biological experiments, provided that physiological  
5 harm does not result from such experiments. Anatomical  
6 studies shall only be conducted on models that are  
7 anatomically correct for the animal being studied or on  
8 nonliving nonmammalian vertebrates secured and from a  
9 recognized source of such specimens and under the supervision  
10 of qualified instructors. Students may be excused from such  
11 experiments upon written request of the parent.

12           (d) Observational studies of animals in the wild or in  
13 zoological parks, gardens, or aquaria, or of pets, fish,  
14 domestic animals, or livestock may be conducted.

15           (e) Studies of vertebrate animal cells, such as red  
16 blood cells or other tissue cells, plasma or serum, or  
17 anatomical specimens, such as organs, tissues, or skeletons,  
18 purchased or acquired from biological supply houses or  
19 research facilities or from wholesale or retail establishments  
20 that supply carcasses or parts of food animals may be  
21 conducted.

22           (f) Normal physiological and behavioral studies of the  
23 human animal may be conducted, provided that such projects are  
24 carefully selected so that neither physiological or  
25 psychological harm to the subject can result from such  
26 studies.

27           (g) All experiments shall be carried out under the  
28 supervision of a competent science teacher who shall be  
29 responsible for ensuring that the student has the necessary  
30 comprehension for the study to be undertaken. Whenever  
31 feasible, specifically qualified experts in the field should

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1 be consulted.

2 (h) Live animals on the premises of public and private  
3 elementary, middle, and high schools shall be housed and cared  
4 for in a humane and safe manner. Animals shall not remain on  
5 the premises of any school during periods when such school is  
6 not in session, unless adequate care is provided for such  
7 animals.

8 (2) The provisions of this section shall not be  
9 construed to prohibit or constrain conventional instruction in  
10 the normal practices of animal husbandry or exhibition of any  
11 livestock in connection with any agricultural program or  
12 instruction of advanced students participating in advanced  
13 research, scientific studies, or projects.

14 (3) If any instructional employee of a public high  
15 school or area technical center knowingly or intentionally  
16 fails or refuses to comply with any of the provisions of this  
17 section, the district school board may suspend, dismiss,  
18 return to annual contract, or otherwise discipline such  
19 employee as provided in s. 1012.22(1)(f) in accordance with  
20 procedures established in chapter 1012. If any instructional  
21 employee of any private school knowingly or intentionally  
22 fails or refuses to comply with the provisions of this  
23 section, the governing authority of the private school may  
24 suspend, dismiss, or otherwise discipline such employee in  
25 accordance with its standard personnel procedures.

26 Section 139. Section 1003.48, Florida Statutes, is  
27 created to read:

28 1003.48 Instruction in operation of motor vehicles.--

29 (1) A course of study and instruction in the safe and  
30 lawful operation of a motor vehicle shall be made available by  
31 each district school board to students in the secondary

1 schools in the state. As used in this section, the term  
 2 "motor vehicle" shall have the same meaning as in s.  
 3 320.01(1)(a) and shall include motorcycles and mopeds.  
 4 Instruction in motorcycle or moped operation may be limited to  
 5 classroom instruction. The course shall not be made a part  
 6 of, or a substitute for, any of the minimum requirements for  
 7 graduation.

8 (2) In order to make such a course available to any  
 9 secondary school student, the district school board may use  
 10 any one of the following procedures or any combination  
 11 thereof:

12 (a) Utilize instructional personnel employed by the  
 13 district school board.

14 (b) Contract with a commercial driving school licensed  
 15 under the provisions of chapter 488.

16 (c) Contract with an instructor certified under the  
 17 provisions of chapter 488.

18 (3)(a) District school boards shall earn funds on  
 19 full-time equivalent students at the appropriate basic program  
 20 cost factor, regardless of the method by which such courses  
 21 are offered.

22 (b) For the purpose of financing the Driver Education  
 23 Program in the secondary schools, there shall be levied an  
 24 additional 50 cents per year to the driver's license fee  
 25 required by s. 322.21. The additional fee shall be promptly  
 26 remitted to the Department of Highway Safety and Motor  
 27 Vehicles, which shall transmit the fee to the Treasurer to be  
 28 deposited in the General Revenue Fund.

29 (4) The district school board shall prescribe  
 30 standards for the course required by this section and for  
 31 instructional personnel directly employed by the district

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1 school board. Any certified instructor or licensed commercial  
2 driving school shall be deemed sufficiently qualified and  
3 shall not be required to meet any standards in lieu of or in  
4 addition to those prescribed under chapter 488.

5 Section 140. Section 1003.49, Florida Statutes, is  
6 created to read:

7 1003.49 Graduation and promotion requirements for  
8 publicly operated schools.--

9 (1) Each state or local public agency, including the  
10 Department of Children and Family Services, the Department of  
11 Corrections, the boards of trustees of universities and  
12 community colleges, and the Board of Trustees of the Florida  
13 School for the Deaf and the Blind, which agency is authorized  
14 to operate educational programs for students at any level of  
15 grades kindergarten through 12 shall be subject to all  
16 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.  
17 Within the content of these cited statutes each such state or  
18 local public agency or entity shall be considered a "district  
19 school board."

20 (2) The Commissioner of Education shall establish  
21 procedures to extend the state-administered assessment program  
22 to school programs operated by such state or local public  
23 agencies or entities in the same manner and to the same extent  
24 as such program is administered in each district school  
25 system.

26 Section 141. Section 1003.491, Florida Statutes, is  
27 created to read:

28 1003.491 Career and technical education.--

29 (1) School board, superintendent, and school  
30 accountability for career and technical education within  
31 elementary and secondary schools includes, but is not limited



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1 to:

2 (a) Student exposure to a variety of careers and  
3 provision of instruction to explore specific careers in  
4 greater depth.

5 (b) Student awareness of available career and  
6 technical programs and the corresponding occupations into  
7 which such programs lead.

8 (c) Student development of individual career plans.

9 (d) Integration of academic and career and technical  
10 skills in the secondary curriculum.

11 (e) Student preparation to enter the workforce and  
12 enroll in postsecondary education without being required to  
13 complete college-preparatory or career and  
14 technical-preparatory instruction.

15 (f) Student retention in school through high school  
16 graduation.

17 (g) Career and technical curriculum articulation with  
18 corresponding postsecondary programs in the local area  
19 technical center or community college, or both.

20 (2) No school board or public school shall require a  
21 student to participate in any school-to-work or job training  
22 program. A district school board or school shall not require a  
23 student to meet occupational standards for grade level  
24 promotion or graduation unless the student is voluntarily  
25 enrolled in a job training program.

26 Section 142. Part V of chapter 1003, Florida Statutes,  
27 shall be entitled "Specialized Instruction For Certain Public  
28 K-12 Students" and shall consist of ss. 1003.51-1003.58.

29 Section 143. Section 1003.51, Florida Statutes, is  
30 created to read:

31 1003.51 Other public educational services.--

1           (1) The general control of other public educational  
2 services shall be vested in the State Board of Education  
3 except as provided herein. The State Board of Education  
4 shall, at the request of the Department of Children and Family  
5 Services and the Department of Juvenile Justice, advise as to  
6 standards and requirements relating to education to be met in  
7 all state schools or institutions under their control which  
8 provide educational programs. The Department of Education  
9 shall provide supervisory services for the educational  
10 programs of all such schools or institutions. The direct  
11 control of any of these services provided as part of the  
12 district program of education shall rest with the district  
13 school board. These services shall be supported out of state,  
14 district, federal, or other lawful funds, depending on the  
15 requirements of the services being supported.

16           (2) The State Board of Education shall adopt and  
17 maintain an administrative rule articulating expectations for  
18 high-quality, effective education programs for youth in  
19 Department of Juvenile Justice programs, including, but not  
20 limited to, education programs in juvenile justice commitment  
21 and detention facilities. The rule shall articulate policies  
22 and standards for education programs for youth in Department  
23 of Juvenile Justice programs and shall include the following:

24           (a) The interagency collaborative process needed to  
25 ensure effective programs with measurable results.

26           (b) The responsibilities of the Department of  
27 Education, the Department of Juvenile Justice, district school  
28 boards, and providers of education services to youth in  
29 Department of Juvenile Justice programs.

30           (c) Academic expectations.

31           (d) Service delivery options available to district

1 school boards, including direct service and contracting.

2 (e) Assessment procedures, which:

3 1. Include appropriate academic and career and  
4 technical assessments administered at program entry and exit  
5 that are selected by the Department of Education in  
6 partnership with representatives from the Department of  
7 Juvenile Justice, district school boards, and providers.

8 2. Require district school boards to be responsible  
9 for ensuring the completion of the assessment process.

10 3. Require assessments for students in detention who  
11 will move on to commitment facilities, to be designed to  
12 create the foundation for developing the student's education  
13 program in the assigned commitment facility.

14 4. Require assessments of students sent directly to  
15 commitment facilities to be completed within the first week of  
16 the student's commitment.

17  
18 The results of these assessments, together with a portfolio  
19 depicting the student's academic and career and technical  
20 accomplishments, shall be included in the discharge package  
21 assembled for each youth.

22 (f) Recommended instructional programs, including, but  
23 not limited to, career and technical training and job  
24 preparation.

25 (g) Funding requirements, which shall include the  
26 requirement that at least 80 percent of the FEFP funds  
27 generated by students in Department of Juvenile Justice  
28 programs be spent on instructional costs for those students.

29 One hundred percent of the formula-based categorical funds  
30 generated by students in Department of Juvenile Justice  
31 programs must be spent on appropriate categoricals such as

1 instructional materials and public school technology for those  
2 students.

3 (h) Qualifications of instructional staff, procedures  
4 for the selection of instructional staff, and procedures to  
5 ensure consistent instruction and qualified staff year round.

6 (i) Transition services, including the roles and  
7 responsibilities of appropriate personnel in school districts,  
8 provider organizations, and the Department of Juvenile  
9 Justice.

10 (j) Procedures and timeframe for transfer of education  
11 records when a youth enters and leaves a facility.

12 (k) The requirement that each district school board  
13 maintain an academic transcript for each student enrolled in a  
14 juvenile justice facility that delineates each course  
15 completed by the student as provided by the State Course Code  
16 Directory.

17 (l) The requirement that each district school board  
18 make available and transmit a copy of a student's transcript  
19 in the discharge packet when the student exits a facility.

20 (m) Contract requirements.

21 (n) Performance expectations for providers and  
22 district school boards, including the provision of an academic  
23 improvement plan as required in s. 1008.25.

24 (o) The role and responsibility of the district school  
25 board in securing workforce development funds.

26 (p) A series of graduated sanctions for district  
27 school boards whose educational programs in Department of  
28 Juvenile Justice facilities are considered to be  
29 unsatisfactory and for instances in which district school  
30 boards fail to meet standards prescribed by law, rule, or  
31 State Board of Education policy. These sanctions shall include

1 the option of requiring a district school board to contract  
 2 with a provider or another district school board if the  
 3 educational program at the Department of Juvenile Justice  
 4 facility has failed a quality assurance review and, after 6  
 5 months, is still performing below minimum standards.

6 (g) Other aspects of program operations.

7 (3) The Department of Education in partnership with  
 8 the Department of Juvenile Justice, the district school  
 9 boards, and providers shall:

10 (a) Maintain model contracts for the delivery of  
 11 appropriate education services to youth in Department of  
 12 Juvenile Justice programs to be used for the development of  
 13 future contracts. The model contracts shall reflect the policy  
 14 and standards included in subsection (2). The Department of  
 15 Education shall ensure that appropriate district school board  
 16 personnel are trained and held accountable for the management  
 17 and monitoring of contracts for education programs for youth  
 18 in juvenile justice residential and nonresidential facilities.

19 (b) Maintain model procedures for transitioning youth  
 20 into and out of Department of Juvenile Justice programs. These  
 21 procedures shall reflect the policy and standards adopted  
 22 pursuant to subsection (2).

23 (c) Maintain standardized required content of  
 24 education records to be included as part of a youth's  
 25 commitment record. These requirements shall reflect the policy  
 26 and standards adopted pursuant to subsection (2) and shall  
 27 include, but not be limited to, the following:

28 1. A copy of the student's individual educational  
 29 plan.

30 2. Assessment data, including grade level proficiency  
 31 in reading, writing, and mathematics, and performance on tests

1 taken according to s. 1008.22.

2 3. A copy of the student's permanent cumulative  
3 record.

4 4. A copy of the student's academic transcript.

5 5. A portfolio reflecting the youth's academic  
6 accomplishments while in the Department of Juvenile Justice  
7 program.

8 (d) Maintain model procedures for securing the  
9 education record and the roles and responsibilities of the  
10 juvenile probation officer and others involved in the  
11 withdrawal of the student from school and assignment to a  
12 commitment or detention facility. District school boards shall  
13 respond to requests for student education records received  
14 from another district school board or a juvenile justice  
15 facility within 5 working days after receiving the request.

16 (4) The Department of Education shall ensure that  
17 district school boards notify students in juvenile justice  
18 residential or nonresidential facilities who attain the age of  
19 16 years of the provisions of law regarding compulsory school  
20 attendance and make available the option of enrolling in a  
21 program to attain a Florida high school diploma by taking the  
22 general educational development test prior to release from the  
23 facility. District school boards or community colleges, or  
24 both, shall waive GED testing fees for youth in Department of  
25 Juvenile Justice residential programs and shall, upon request,  
26 designate schools operating for the purpose of providing  
27 educational services to youth in Department of Juvenile  
28 Justice programs as GED testing centers, subject to GED  
29 testing center requirements. The administrative fees for the  
30 general education development test required by the Department  
31 of Education are the responsibility of district school boards

1 and may be required of providers by contractual agreement.

2 (5) The Department of Education shall establish and  
3 operate, either directly or indirectly through a contract, a  
4 mechanism to provide quality assurance reviews of all juvenile  
5 justice education programs and shall provide technical  
6 assistance and related research to district school boards and  
7 providers on how to establish, develop, and operate  
8 educational programs that exceed the minimum quality assurance  
9 standards.

10 Section 144. Section 1003.52, Florida Statutes, is  
11 created to read:

12 1003.52 Educational services in Department of Juvenile  
13 Justice programs.--

14 (1) The Legislature finds that education is the single  
15 most important factor in the rehabilitation of adjudicated  
16 delinquent youth in the custody of the Department of Juvenile  
17 Justice in detention or commitment facilities. It is the goal  
18 of the Legislature that youth in the juvenile justice system  
19 continue to be given the opportunity to receive a high-quality  
20 education. The Department of Education shall serve as the lead  
21 agency for juvenile justice education programs, curriculum,  
22 support services, and resources. To this end, the Department  
23 of Education and the Department of Juvenile Justice shall each  
24 designate a Coordinator for Juvenile Justice Education  
25 Programs to serve as the point of contact for resolving issues  
26 not addressed by district school boards and to provide each  
27 department's participation in the following activities:

28 (a) Training, collaborating, and coordinating with the  
29 Department of Juvenile Justice, district school boards,  
30 educational contract providers, and juvenile justice  
31 providers, whether state operated or contracted.

1           (b) Collecting information on the academic performance  
2 of students in juvenile justice commitment and detention  
3 programs and reporting on the results.

4           (c) Developing academic and career and technical  
5 protocols that provide guidance to district school boards and  
6 providers in all aspects of education programming, including  
7 records transfer and transition.

8           (d) Prescribing the roles of program personnel and  
9 interdepartmental district school board or provider  
10 collaboration strategies.

11  
12 Annually, a cooperative agreement and plan for juvenile  
13 justice education service enhancement shall be developed  
14 between the Department of Juvenile Justice and the Department  
15 of Education and submitted to the Secretary of Juvenile  
16 Justice and the Commissioner of Education by June 30.

17           (2) Students participating in a detention, commitment,  
18 or rehabilitation program pursuant to chapter 985 which is  
19 sponsored by a community-based agency or is operated or  
20 contracted for by the Department of Juvenile Justice shall  
21 receive educational programs according to rules of the State  
22 Board of Education. These students shall be eligible for  
23 services afforded to students enrolled in programs pursuant to  
24 s. 1003.53 and all corresponding State Board of Education  
25 rules.

26           (3) The district school board of the county in which  
27 the residential or nonresidential care facility or juvenile  
28 assessment facility is located shall provide appropriate  
29 educational assessments and an appropriate program of  
30 instruction and special education services. The district  
31 school board shall make provisions for each student to



1 participate in basic, career and technical education, and  
 2 exceptional student programs as appropriate. Students served  
 3 in Department of Juvenile Justice programs shall have access  
 4 to the appropriate courses and instruction to prepare them for  
 5 the GED test. Students participating in GED preparation  
 6 programs shall be funded at the basic program cost factor for  
 7 Department of Juvenile Justice programs in the Florida  
 8 Education Finance Program. Each program shall be conducted  
 9 according to applicable law providing for the operation of  
 10 public schools and rules of the State Board of Education.

11 (4) Educational services shall be provided at times of  
 12 the day most appropriate for the juvenile justice program.  
 13 School programming in juvenile justice detention, commitment,  
 14 and rehabilitation programs shall be made available by the  
 15 local school district during the juvenile justice school year,  
 16 as defined in s. 1003.01(12).

17 (5) The educational program shall consist of  
 18 appropriate basic academic, career and technical, or  
 19 exceptional curricula and related services which support the  
 20 treatment goals and reentry and which may lead to completion  
 21 of the requirements for receipt of a high school diploma or  
 22 its equivalent. If the duration of a program is less than 40  
 23 days, the educational component may be limited to tutorial  
 24 activities and career and technical employability skills.

25 (6) Participation in the program by students of  
 26 compulsory school-attendance age as provided for in s. 1003.21  
 27 shall be mandatory. All students of noncompulsory  
 28 school-attendance age who have not received a high school  
 29 diploma or its equivalent shall participate in the educational  
 30 program, unless the student files a formal declaration of his  
 31 or her intent to terminate school enrollment as described in

1 s. 1003.21 and is afforded the opportunity to take the general  
 2 educational development test and attain a Florida high school  
 3 diploma prior to release from a facility. A youth who has  
 4 received a high school diploma or its equivalent and is not  
 5 employed shall participate in workforce development or other  
 6 career or technical education or community college or  
 7 university courses while in the program, subject to available  
 8 funding.

9       (7) An academic improvement plan shall be developed  
 10 for students who score below the level specified in district  
 11 school board policy in reading, writing, and mathematics or  
 12 below the level specified by the Commissioner of Education on  
 13 statewide assessments as required by s. 1008.25. These plans  
 14 shall address academic, literacy, and life skills and shall  
 15 include provisions for intensive remedial instruction in the  
 16 areas of weakness.

17       (8) Each district school board shall maintain an  
 18 academic record for each student enrolled in a juvenile  
 19 justice facility as prescribed by s. 1003.51. Such record  
 20 shall delineate each course completed by the student according  
 21 to procedures in the State Course Code Directory. The district  
 22 school board shall include a copy of a student's academic  
 23 record in the discharge packet when the student exits the  
 24 facility.

25       (9) The Department of Education shall ensure that all  
 26 district school boards make provisions for high school level  
 27 committed youth to earn credits toward high school graduation  
 28 while in residential and nonresidential juvenile justice  
 29 facilities. Provisions must be made for the transfer of  
 30 credits and partial credits earned.

31       (10) The district school board shall recruit and train

1 teachers who are interested, qualified, or experienced in  
 2 educating students in juvenile justice programs. Students in  
 3 juvenile justice programs shall be provided a wide range of  
 4 educational programs and opportunities including textbooks,  
 5 technology, instructional support, and other resources  
 6 available to students in public schools. Teachers assigned to  
 7 educational programs in juvenile justice settings in which the  
 8 district school board operates the educational program shall  
 9 be selected by the district school board in consultation with  
 10 the director of the juvenile justice facility. Educational  
 11 programs in juvenile justice facilities shall have access to  
 12 the substitute teacher pool utilized by the district school  
 13 board. Full-time teachers working in juvenile justice schools,  
 14 whether employed by a district school board or a provider,  
 15 shall be eligible for the critical teacher shortage tuition  
 16 reimbursement program as defined by s. 1009.58.

17 (11) District school boards may contract with a  
 18 private provider for the provision of educational programs to  
 19 youths placed with the Department of Juvenile Justice and  
 20 shall generate local, state, and federal funding, including  
 21 funding through the Florida Education Finance Program for such  
 22 students. The district school board's planning and budgeting  
 23 process shall include the needs of Department of Juvenile  
 24 Justice programs in the district school board's plan for  
 25 expenditures for state categorical and federal funds.

26 (12) The district school board shall fund the  
 27 educational program in a Department of Juvenile Justice  
 28 facility at the same or higher level of funding for equivalent  
 29 students in the district school system based on the funds  
 30 generated by state funding through the Florida Education  
 31 Finance Program for such students. It is the intent of the

1 Legislature that the school district maximize its available  
2 local, state, and federal funding to a juvenile justice  
3 program.

4 (a) Juvenile justice educational programs shall be  
5 funded in the appropriate FEFP program based on the  
6 educational services needed by the student for Department of  
7 Juvenile Justice programs in accordance with s. 1011.62.

8 (b) Juvenile justice educational programs to receive  
9 the appropriate FEFP funding for Department of Juvenile  
10 Justice programs shall include those operated through a  
11 contract with the Department of Juvenile Justice and which are  
12 under purview of the Department of Juvenile Justice quality  
13 assurance standards for education.

14 (c) Consistent with the rules of the State Board of  
15 Education, district school boards are required to request an  
16 alternative FTE survey for Department of Juvenile Justice  
17 programs experiencing fluctuations in student enrollment.

18 (d) FTE count periods shall be prescribed in rules of  
19 the State Board of Education and shall be the same for  
20 programs of the Department of Juvenile Justice as for other  
21 public school programs. The summer school period for students  
22 in Department of Juvenile Justice programs shall begin on the  
23 day immediately following the end of the regular school year  
24 and end on the day immediately preceding the subsequent  
25 regular school year. Students shall be funded for no more than  
26 25 hours per week of direct instruction.

27 (13) Each district school board shall negotiate a  
28 cooperative agreement with the Department of Juvenile Justice  
29 on the delivery of educational services to youths under the  
30 jurisdiction of the Department of Juvenile Justice. Such  
31 agreement must include, but is not limited to:

- 1           (a) Roles and responsibilities of each agency,
- 2 including the roles and responsibilities of contract
- 3 providers.
- 4           (b) Administrative issues including procedures for
- 5 sharing information.
- 6           (c) Allocation of resources including maximization of
- 7 local, state, and federal funding.
- 8           (d) Procedures for educational evaluation for
- 9 educational exceptionalities and special needs.
- 10          (e) Curriculum and delivery of instruction.
- 11          (f) Classroom management procedures and attendance
- 12 policies.
- 13          (g) Procedures for provision of qualified
- 14 instructional personnel, whether supplied by the district
- 15 school board or provided under contract by the provider, and
- 16 for performance of duties while in a juvenile justice setting.
- 17          (h) Provisions for improving skills in teaching and
- 18 working with juvenile delinquents.
- 19          (i) Transition plans for students moving into and out
- 20 of juvenile facilities.
- 21          (j) Procedures and timelines for the timely
- 22 documentation of credits earned and transfer of student
- 23 records.
- 24          (k) Methods and procedures for dispute resolution.
- 25          (l) Provisions for ensuring the safety of education
- 26 personnel and support for the agreed-upon education program.
- 27          (m) Strategies for correcting any deficiencies found
- 28 through the quality assurance process.
- 29          (14) Nothing in this section or in a cooperative
- 30 agreement shall be construed to require the district school
- 31 board to provide more services than can be supported by the

1 funds generated by students in the juvenile justice programs.  
2 (15)(a) The Department of Education in consultation  
3 with the Department of Juvenile Justice, district school  
4 boards, and providers shall establish objective and measurable  
5 quality assurance standards for the educational component of  
6 residential and nonresidential juvenile justice facilities.  
7 These standards shall rate the district school board's  
8 performance both as a provider and contractor. The quality  
9 assurance rating for the educational component shall be  
10 disaggregated from the overall quality assurance score and  
11 reported separately.

12 (b) The Department of Education shall develop a  
13 comprehensive quality assurance review process and schedule  
14 for the evaluation of the educational component in juvenile  
15 justice programs. The Department of Juvenile Justice quality  
16 assurance site visit and the education quality assurance site  
17 visit shall be conducted during the same visit.

18 (c) The Department of Education, in consultation with  
19 district school boards and providers, shall establish minimum  
20 thresholds for the standards and key indicators for  
21 educational programs in juvenile justice facilities. If a  
22 district school board fails to meet the established minimum  
23 standards, it will be given 6 months to achieve compliance  
24 with the standards. If after 6 months, the district school  
25 board's performance is still below minimum standards, the  
26 Department of Education shall exercise sanctions as prescribed  
27 by rules adopted by the State Board of Education. If a  
28 provider, under contract with the district school board, fails  
29 to meet minimum standards, such failure shall cause the  
30 district school board to cancel the provider's contract unless  
31 the provider achieves compliance within 6 months or unless

1 there are documented extenuating circumstances.

2 (16) The district school board shall not be charged  
3 any rent, maintenance, utilities, or overhead on such  
4 facilities. Maintenance, repairs, and remodeling of existing  
5 facilities shall be provided by the Department of Juvenile  
6 Justice.

7 (17) When additional facilities are required, the  
8 district school board and the Department of Juvenile Justice  
9 shall agree on the appropriate site based on the instructional  
10 needs of the students. When the most appropriate site for  
11 instruction is on district school board property, a special  
12 capital outlay request shall be made by the commissioner in  
13 accordance with s. 1013.60. When the most appropriate site is  
14 on state property, state capital outlay funds shall be  
15 requested by the Department of Juvenile Justice provided by s.  
16 216.043 and shall be submitted as specified by s. 216.023.  
17 Any instructional facility to be built on state property shall  
18 have educational specifications jointly developed by the  
19 district school board and the Department of Juvenile Justice  
20 and approved by the Department of Education. The size of  
21 space and occupant design capacity criteria as provided by  
22 State Board of Education rules shall be used for remodeling or  
23 new construction whether facilities are provided on state  
24 property or district school board property.

25 (18) The parent of an exceptional student shall have  
26 the due process rights provided for in chapter 1003.

27 (19) Department of Juvenile Justice detention and  
28 commitment programs may be designated as second chance schools  
29 pursuant to s. 1003.53(1)(d). Admission to such programs shall  
30 be governed by chapter 985.

31 (20) The Department of Education and the Department of

1 Juvenile Justice, after consultation with and assistance from  
 2 local providers and district school boards, shall report  
 3 annually to the Legislature by February 1 on the progress  
 4 towards developing effective educational programs for juvenile  
 5 delinquents, including the amount of funding provided by  
 6 district school boards to juvenile justice programs, the  
 7 amount retained for administration including documenting the  
 8 purposes for such expenses, the status of the development of  
 9 cooperative agreements, the results of the quality assurance  
 10 reviews including recommendations for system improvement, and  
 11 information on the identification of, and services provided  
 12 to, exceptional students in juvenile justice commitment  
 13 facilities to determine whether these students are properly  
 14 reported for funding and are appropriately served.

15       (21) The educational programs at the Arthur Dozier  
 16 School for Boys in Jackson County and the Florida School for  
 17 Boys in Okeechobee shall be operated by the Department of  
 18 Education, either directly or through grants or contractual  
 19 agreements with other public or duly accredited education  
 20 agencies approved by the Department of Education.

21       (22) The State Board of Education may adopt any rules  
 22 necessary to implement the provisions of this section,  
 23 including uniform curriculum, funding, and second chance  
 24 schools. Such rules shall require the minimum amount of  
 25 paperwork and reporting.

26       (23) The Department of Juvenile Justice and the  
 27 Department of Education shall, in consultation with the  
 28 statewide Workforce Development Youth Council, district school  
 29 boards, providers, and others, jointly develop a multiagency  
 30 plan for career and technical education which describes the  
 31 curriculum, goals, and outcome measures for career and



1 technical education programming in juvenile commitment  
2 facilities, pursuant to s. 985.3155.

3 Section 145. Section 1003.53, Florida Statutes, is  
4 created to read:

5 1003.53 Dropout prevention and academic  
6 intervention.--

7 (1)(a) Dropout prevention and academic intervention  
8 programs may differ from traditional educational programs and  
9 schools in scheduling, administrative structure, philosophy,  
10 curriculum, or setting and shall employ alternative teaching  
11 methodologies, curricula, learning activities, and diagnostic  
12 and assessment procedures in order to meet the needs,  
13 interests, abilities, and talents of eligible students. The  
14 educational program shall provide curricula, character  
15 development and law education, and related services that  
16 support the program goals and lead to improved performance in  
17 the areas of academic achievement, attendance, and discipline.  
18 Student participation in such programs shall be voluntary.  
19 District school boards may, however, assign students to a  
20 program for disruptive students. Notwithstanding any other  
21 provision of law to the contrary, no student shall be  
22 identified as being eligible to receive services funded  
23 through the dropout prevention and academic intervention  
24 program based solely on the student being from a single-parent  
25 family.

26 (b) Students in grades 1-12 shall be eligible for  
27 dropout prevention and academic intervention programs.  
28 Eligible students shall be reported in the appropriate basic  
29 cost factor in the Florida Education Finance Program. The  
30 strategies and supports provided to eligible students shall be  
31 funded through the General Appropriations Act and may include,

1 but are not limited to, those services identified on the  
2 student's academic intervention plan.

3 (c) A student shall be identified as being eligible to  
4 receive services funded through the dropout prevention and  
5 academic intervention program based upon one of the following  
6 criteria:

7 1. The student is academically unsuccessful as  
8 evidenced by low test scores, retention, failing grades, low  
9 grade point average, falling behind in earning credits, or not  
10 meeting the state or district proficiency levels in reading,  
11 mathematics, or writing.

12 2. The student has a pattern of excessive absenteeism  
13 or has been identified as a habitual truant.

14 3. The student has a history of disruptive behavior in  
15 school or has committed an offense that warrants out-of-school  
16 suspension or expulsion from school according to the district  
17 school board's code of student conduct. For the purposes of  
18 this program, "disruptive behavior" is behavior that:

19 a. Interferes with the student's own learning or the  
20 educational process of others and requires attention and  
21 assistance beyond that which the traditional program can  
22 provide or results in frequent conflicts of a disruptive  
23 nature while the student is under the jurisdiction of the  
24 school either in or out of the classroom; or

25 b. Severely threatens the general welfare of students  
26 or others with whom the student comes into contact.

27 (d)1. "Second chance schools" means district school  
28 board programs provided through cooperative agreements between  
29 the Department of Juvenile Justice, private providers, state  
30 or local law enforcement agencies, or other state agencies for  
31 students who have been disruptive or violent or who have

1 committed serious offenses. As partnership programs, second  
 2 chance schools are eligible for waivers by State Board of  
 3 Education rules from statutory requirements that prevent the  
 4 provision of appropriate educational services to violent,  
 5 severely disruptive, or delinquent students in small  
 6 nontraditional settings or in court-adjudicated settings.

7 2. District school boards seeking to enter into a  
 8 partnership with a private entity or public entity to operate  
 9 a second chance school for disruptive students may apply to  
 10 the Department of Education for startup grants. These grants  
 11 must be available for 1 year and must be used to offset the  
 12 startup costs for implementing such programs off public school  
 13 campuses. General operating funds must be generated through  
 14 the appropriate programs of the Florida Education Finance  
 15 Program. Grants approved under this program shall be for the  
 16 full operation of the school by a private nonprofit or  
 17 for-profit provider or the public entity. This program must  
 18 operate under rules adopted by the State Board of Education  
 19 and be implemented to the extent funded by the Legislature.

20 3. A student enrolled in a sixth, seventh, eighth,  
 21 ninth, or tenth grade class may be assigned to a second chance  
 22 school if the student meets the following criteria:

23 a. The student is a habitual truant as defined in s.  
 24 1003.01.

25 b. The student's excessive absences have detrimentally  
 26 affected the student's academic progress and the student may  
 27 have unique needs that a traditional school setting may not  
 28 meet.

29 c. The student's high incidences of truancy have been  
 30 directly linked to a lack of motivation.

31 d. The student has been identified as at risk of

1 dropping out of school.

2 4. A student who is habitually truant may be assigned  
3 to a second chance school only if the case staffing committee,  
4 established pursuant to s. 984.12, determines that such  
5 placement could be beneficial to the student and the criteria  
6 included in subparagraph 3. are met.

7 5. A student may be assigned to a second chance school  
8 if the district school board in which the student resides has  
9 a second chance school and if the student meets one of the  
10 following criteria:

11 a. The student habitually exhibits disruptive behavior  
12 in violation of the code of student conduct adopted by the  
13 district school board.

14 b. The student interferes with the student's own  
15 learning or the educational process of others and requires  
16 attention and assistance beyond that which the traditional  
17 program can provide, or, while the student is under the  
18 jurisdiction of the school either in or out of the classroom,  
19 frequent conflicts of a disruptive nature occur.

20 c. The student has committed a serious offense which  
21 warrants suspension or expulsion from school according to the  
22 district school board's code of student conduct. For the  
23 purposes of this program, "serious offense" is behavior which:

24 (I) Threatens the general welfare of students or  
25 others with whom the student comes into contact;

26 (II) Includes violence;

27 (III) Includes possession of weapons or drugs; or

28 (IV) Is harassment or verbal abuse of school personnel  
29 or other students.

30 6. Prior to assignment of students to second chance  
31 schools, district school boards are encouraged to use

1 alternative programs, such as in-school suspension, which  
2 provide instruction and counseling leading to improved student  
3 behavior, a reduction in the incidence of truancy, and the  
4 development of more effective interpersonal skills.

5 7. Students assigned to second chance schools must be  
6 evaluated by the district school board's child study team  
7 before placement in a second chance school. The study team  
8 shall ensure that students are not eligible for placement in a  
9 program for emotionally disturbed children.

10 8. Students who exhibit academic and social progress  
11 and who wish to return to a traditional school shall complete  
12 a character development and law education program and  
13 demonstrate preparedness to reenter the regular school setting  
14 prior to reentering a traditional school.

15 (2)(a) Each district school board may establish  
16 dropout prevention and academic intervention programs at the  
17 elementary, middle, junior high school, or high school level.  
18 Programs designed to eliminate patterns of excessive  
19 absenteeism or habitual truancy shall emphasize academic  
20 performance and may provide specific instruction in the areas  
21 of career education, preemployment training, and behavioral  
22 management. Such programs shall utilize instructional teaching  
23 methods appropriate to the specific needs of the student.

24 (b) Each school that establishes a dropout prevention  
25 and academic intervention program at that school site shall  
26 reflect that program in the school improvement plan as  
27 required under s. 1001.42(16).

28 (3) Each district school board receiving state funding  
29 for dropout prevention and academic intervention programs  
30 through the General Appropriations Act shall submit  
31 information through an annual report to the Department of

1 Education's database documenting the extent to which each of  
2 the district's dropout prevention and academic intervention  
3 programs has been successful in the areas of graduation rate,  
4 dropout rate, attendance rate, and retention/promotion rate.  
5 The department shall compile this information into an annual  
6 report which shall be submitted to the presiding officers of  
7 the Legislature by February 15.

8       (4) Each district school board shall establish  
9 procedures for ensuring that teachers assigned to dropout  
10 prevention and academic intervention programs possess the  
11 affective, pedagogical, and content-related skills necessary  
12 to meet the needs of these students.

13       (5) Each district school board providing a dropout  
14 prevention and academic intervention program pursuant to this  
15 section shall maintain for each participating student records  
16 documenting the student's eligibility, the length of  
17 participation, the type of program to which the student was  
18 assigned or the type of academic intervention services  
19 provided, and an evaluation of the student's academic and  
20 behavioral performance while in the program. The school  
21 principal or his or her designee shall, prior to placement in  
22 a dropout prevention and academic intervention program or the  
23 provision of an academic service, provide written notice of  
24 placement or services by certified mail, return receipt  
25 requested, to the student's parent. The parent of the student  
26 shall sign an acknowledgment of the notice of placement or  
27 service and return the signed acknowledgment to the principal  
28 within 3 days after receipt of the notice. The parents of a  
29 student assigned to such a dropout prevention and academic  
30 intervention program shall be notified in writing and entitled  
31 to an administrative review of any action by school personnel

1 relating to such placement pursuant to the provisions of  
2 chapter 120.

3 (6) District school board dropout prevention and  
4 academic intervention programs shall be coordinated with  
5 social service, law enforcement, prosecutorial, and juvenile  
6 justice agencies and juvenile assessment centers in the school  
7 district. Notwithstanding the provisions of s. 1002.22, these  
8 agencies are authorized to exchange information contained in  
9 student records and juvenile justice records. Such information  
10 is confidential and exempt from the provisions of s.  
11 119.07(1). District school boards and other agencies receiving  
12 such information shall use the information only for official  
13 purposes connected with the certification of students for  
14 admission to and for the administration of the dropout  
15 prevention and academic intervention program, and shall  
16 maintain the confidentiality of such information unless  
17 otherwise provided by law or rule.

18 (7) The State Board of Education shall have the  
19 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules  
20 necessary to implement the provisions of this section; such  
21 rules shall require the minimum amount of necessary paperwork  
22 and reporting.

23 Section 146. Section 1003.54, Florida Statutes, is  
24 created to read:

25 1003.54 Teenage parent programs.--

26 (1) Each district school board shall maintain a  
27 teenage parent program.

28 (2) "Teenage parent programs" means educational  
29 programs designed to provide a specialized curriculum to meet  
30 the needs of students who are pregnant or students who are  
31 mothers or fathers and the children of the students.

1           (3)(a) The program shall provide pregnant students or  
 2 students who are parents and the children of these students  
 3 with a comprehensive teenage parent program. The program shall  
 4 provide pregnant students or students who are parents with the  
 5 option of participating in regular classroom activities or  
 6 enrolling in a special program designed to meet their needs  
 7 pursuant to s. 1003.21. Students participating in teenage  
 8 parent programs shall be exempt from minimum attendance  
 9 requirements for absences related to pregnancy or parenting,  
 10 but shall be required to make up work missed due to absence.

11           (b) The curriculum shall include instruction in such  
 12 topics as prenatal and postnatal health care, parenting  
 13 skills, benefits of sexual abstinence, and consequences of  
 14 subsequent pregnancies. Parenting skills should include  
 15 instruction in the stages of child growth and development,  
 16 methods for aiding in the intellectual, language, physical,  
 17 and social development of children, and guidance on  
 18 constructive play activities.

19           (c) Provision for necessary child care, health care,  
 20 social services, parent education, and transportation shall be  
 21 ancillary service components of teenage parent programs.  
 22 Ancillary services may be provided through the coordination of  
 23 existing programs and services and through joint agreements  
 24 between district school boards and local school readiness  
 25 coalitions or other appropriate public and private providers.

26           (d) The district school board shall make adequate  
 27 provisions for pregnant and parenting teenagers to complete  
 28 the coursework necessary to earn a high school diploma.

29           (e) Children enrolled in child care provided by the  
 30 district shall be funded at the special program cost factor  
 31 pursuant to s. 1011.62 if the parent or parents are enrolled



1 full time in a public school in the district.

2 (4) Districts may modify courses listed in the State  
3 Course Code Directory for the purpose of providing teenage  
4 parent programs pursuant to the provisions of this section.  
5 Such modifications must be approved by the commissioner and  
6 may include lengthening or shortening of the school time  
7 allotted for in-class study, alternate methods of assessment  
8 of student performance, and the integration of curriculum  
9 frameworks or student performance standards to produce  
10 interdisciplinary units of instruction.

11 (5) The State Board of Education shall adopt rules  
12 necessary to implement the provisions of this section.

13 Section 147. Section 1003.55, Florida Statutes, is  
14 created to read:

15 1003.55 Instructional programs for blind or visually  
16 impaired students and deaf or hard-of-hearing students.--

17 (1) The Department of Education may establish a  
18 coordinating unit and instructional materials center for  
19 visually impaired students and deaf or hard-of-hearing  
20 students to provide staff and resources for the coordination,  
21 cataloging, standardizing, producing, procuring, storing, and  
22 distributing of braille, large print, tangible apparatus,  
23 captioned films and video tapes, and other specialized  
24 educational materials needed by these students and other  
25 exceptional students. The coordinating unit shall have as its  
26 major purpose the improvement of instructional programs for  
27 visually impaired students and deaf or hard-of-hearing  
28 students and may, as a second priority, extend appropriate  
29 services to other exceptional students, consistent with  
30 provisions and criteria established, to the extent that  
31 resources are available.

1           (2) The unit shall be operated under rules adopted by  
2 the State Board of Education.

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

4           (a) "Blind student" means a student who is eligible  
5 for special education services and who:

6           1. Has a visual acuity of 20/200 or less in the better  
7 eye with correcting lenses or has a limited field of vision  
8 such that the widest diameter subtends an angular distance of  
9 no greater than 20 degrees; or

10           2. Has a medically indicated expectation of visual  
11 deterioration.

12           (b) "Braille" means the system of reading and writing  
13 through touch commonly known as standard English braille.

14           (c) "Individualized education program" means a written  
15 statement developed for a student eligible for special  
16 education services pursuant to s. 602(a)(20), Part A of the  
17 Individuals with Disabilities Education Act, 20 U.S.C. s.  
18 1401(a).

19           (4) In developing an individualized written education  
20 program for each blind student, the presumption shall be that  
21 blind students can communicate effectively and efficiently  
22 with the same level of proficiency expected of the students'  
23 peers of comparable ability and grade level. Accordingly,  
24 proficiency in reading and writing braille shall be considered  
25 during the individualized planning and assessment processes in  
26 this context.

27           (5) Any publisher of a textbook adopted pursuant to  
28 the state instructional materials adoption process shall  
29 furnish the Department of Education with a computer file in an  
30 electronic format specified by the department at least 2 years  
31 in advance that is readily translatable to braille and can be

1 used for large print or speech access. Any textbook  
 2 reproduced pursuant to the provisions of this subsection shall  
 3 be purchased at a price equal to the price paid for the  
 4 textbook as adopted. The Department of Education shall not  
 5 reproduce textbooks obtained pursuant to this subsection in  
 6 any manner that would generate revenues for the department  
 7 from the use of such computer files or that would preclude the  
 8 rightful payment of fees to the publisher for use of all or  
 9 some portion of the textbook.

10 Section 148. Section 1003.56, Florida Statutes, is  
 11 created to read:

12 1003.56 English language instruction for limited  
 13 English proficient students.--

14 (1) Instruction in the English language shall be  
 15 provided to limited English proficient students. Such  
 16 instruction shall be designed to develop the student's mastery  
 17 of the four language skills, including listening, speaking,  
 18 reading, and writing, as rapidly as possible.

19 (2)(a) "Limited English proficient" or "limited  
 20 English proficiency," when used with reference to an  
 21 individual, means:

22 1.a. An individual who was not born in the United  
 23 States and whose native language is a language other than  
 24 English;

25 b. An individual who comes from a home environment  
 26 where a language other than English is spoken in the home; or

27 c. An individual who is an American Indian or Alaskan  
 28 native and who comes from an environment where a language  
 29 other than English has had a significant impact on his or her  
 30 level of English language proficiency; and

31 2. Who, by reason thereof, has sufficient difficulty

1 speaking, reading, writing, or listening to the English  
2 language to deny such individual the opportunity to learn  
3 successfully in classrooms where the language of instruction  
4 is English.

5 (b) "Home language" or "native language," when used  
6 with reference to an individual of limited English  
7 proficiency, means the language normally used by such  
8 individual or, in the case of a student, the language normally  
9 used by the parents of the student.

10 (c) "ESOL" means English for Speakers of Other  
11 Languages and:

12 1. When modifying instruction, the strategy used to  
13 teach limited English proficient students; or

14 2. When modifying program, the program funded in the  
15 Florida Education Finance Program, listed under English for  
16 Speakers of Other Languages in s. 1011.62.

17 (3) Each district school board shall implement the  
18 following procedures:

19 (a) Develop and submit a plan for providing English  
20 language instruction for limited English proficient students  
21 to the Department of Education for review and approval.

22 (b) Identify limited English proficient students  
23 through assessment.

24 (c) Provide for student exit from and reclassification  
25 into the program.

26 (d) Provide limited English proficient students ESOL  
27 instruction in English and ESOL instruction or home language  
28 instruction in the basic subject areas of reading,  
29 mathematics, science, social studies, and computer literacy.

30 (e) Maintain a student plan.

31 (f) Provide qualified teachers.

1           (g) Provide equal access to other programs for  
2 eligible limited English proficient students based on need.

3           (h) Provide for parental involvement in the program.

4           (4) Each district school board's program for limited  
5 English proficient students shall be evaluated and monitored  
6 periodically.

7           (5) The State Board of Education shall adopt rules for  
8 the purpose of implementing this section.

9           Section 149. Section 1003.57, Florida Statutes, is  
10 created to read:

11           1003.57 Exceptional students instruction.--Each  
12 district school board shall provide for an appropriate program  
13 of special instruction, facilities, and services for  
14 exceptional students as prescribed by the State Board of  
15 Education as acceptable, including provisions that:

16           (1) The district school board provide the necessary  
17 professional services for diagnosis and evaluation of  
18 exceptional students.

19           (2) The district school board provide the special  
20 instruction, classes, and services, either within the district  
21 school system, in cooperation with other district school  
22 systems, or through contractual arrangements with approved  
23 private schools or community facilities that meet standards  
24 established by the commissioner.

25           (3) The district school board annually provide  
26 information describing the Florida School for the Deaf and the  
27 Blind and all other programs and methods of instruction  
28 available to the parent of a sensory-impaired student.

29           (4) The district school board, once every 3 years,  
30 submit to the department its proposed procedures for the  
31 provision of special instruction and services for exceptional

1 students.  
2 (5) No student be given special instruction or  
3 services as an exceptional student until after he or she has  
4 been properly evaluated, classified, and placed in the manner  
5 prescribed by rules of the State Board of Education. The  
6 parent of an exceptional student evaluated and placed or  
7 denied placement in a program of special education shall be  
8 notified of each such evaluation and placement or denial. Such  
9 notice shall contain a statement informing the parent that he  
10 or she is entitled to a due process hearing on the  
11 identification, evaluation, and placement, or lack thereof.  
12 Such hearings shall be exempt from the provisions of ss.  
13 120.569, 120.57, and 286.011, except to the extent that the  
14 State Board of Education adopts rules establishing other  
15 procedures and any records created as a result of such  
16 hearings shall be confidential and exempt from the provisions  
17 of s. 119.07(1). The hearing must be conducted by an  
18 administrative law judge from the Division of Administrative  
19 Hearings of the Department of Management Services. The  
20 decision of the administrative law judge shall be final,  
21 except that any party aggrieved by the finding and decision  
22 rendered by the administrative law judge shall have the right  
23 to bring a civil action in the circuit court. In such an  
24 action, the court shall receive the records of the  
25 administrative hearing and shall hear additional evidence at  
26 the request of either party. In the alternative, any party  
27 aggrieved by the finding and decision rendered by the  
28 administrative law judge shall have the right to request an  
29 impartial review of the administrative law judge's order by  
30 the district court of appeal as provided by s. 120.68.  
31 Notwithstanding any law to the contrary, during the pendency

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1 of any proceeding conducted pursuant to this section, unless  
 2 the district school board and the parents otherwise agree, the  
 3 student shall remain in his or her then-current educational  
 4 assignment or, if applying for initial admission to a public  
 5 school, shall be assigned, with the consent of the parents, in  
 6 the public school program until all such proceedings have been  
 7 completed.

8 (6) In providing for the education of exceptional  
 9 students, the district school superintendent, principals, and  
 10 teachers shall utilize the regular school facilities and adapt  
 11 them to the needs of exceptional students to the maximum  
 12 extent appropriate. Segregation of exceptional students shall  
 13 occur only if the nature or severity of the exceptionality is  
 14 such that education in regular classes with the use of  
 15 supplementary aids and services cannot be achieved  
 16 satisfactorily.

17 Section 150. Section 1003.58, Florida Statutes, is  
 18 created to read:

19 1003.58 Students in residential care facilities.--Each  
 20 district school board shall provide educational programs  
 21 according to rules of the State Board of Education to students  
 22 who reside in residential care facilities operated by the  
 23 Department of Children and Family Services.

24 (1) The district school board shall not be charged any  
 25 rent, maintenance, utilities, or overhead on such facilities.  
 26 Maintenance, repairs, and remodeling of existing facilities  
 27 shall be provided by the Department of Children and Family  
 28 Services.

29 (2) If additional facilities are required, the  
 30 district school board and the Department of Children and  
 31 Family Services shall agree on the appropriate site based on

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1 the instructional needs of the students. When the most  
 2 appropriate site for instruction is on district school board  
 3 property, a special capital outlay request shall be made by  
 4 the commissioner in accordance with s. 1013.60. When the most  
 5 appropriate site is on state property, state capital outlay  
 6 funds shall be requested by the Department of Children and  
 7 Family Services as provided by s. 216.043 and shall be  
 8 submitted as specified by s. 216.023. Any instructional  
 9 facility to be built on state property shall have educational  
 10 specifications jointly developed by the school district and  
 11 the Department of Children and Family Services and approved by  
 12 the Department of Education. The size of space and occupant  
 13 design capacity criteria as provided by state board rules  
 14 shall be used for remodeling or new construction whether  
 15 facilities are provided on state property or district school  
 16 board property. The planning of such additional facilities  
 17 shall incorporate current Department of Children and Family  
 18 Services deinstitutionalization plans.

19       (3) The district school board shall have full and  
 20 complete authority in the matter of the assignment and  
 21 placement of such students in educational programs. The parent  
 22 of an exceptional student shall have the same due process  
 23 rights as are provided under s. 1003.57(5).

24       (4) The district school board shall have a written  
 25 agreement with the Department of Children and Family Services  
 26 outlining the respective duties and responsibilities of each  
 27 party.

28  
 29 Notwithstanding the provisions herein, the educational program  
 30 at the Marianna Sunland Center in Jackson County shall be  
 31 operated by the Department of Education, either directly or



1 through grants or contractual agreements with other public or  
2 duly accredited educational agencies approved by the  
3 Department of Education.

4 Section 151. Part VI of chapter 1003, Florida  
5 Statutes, shall be entitled "Pilot Public K-12 Education  
6 Programs" and shall consist of ss. 1003.61-1003.63.

7 Section 152. Section 1003.61, Florida Statutes, is  
8 created to read:

9 1003.61 Pilot attendance project.--It is the purpose  
10 of this section to require the Manatee County District School  
11 Board to implement a pilot project that raises the compulsory  
12 age of attendance for children from the age of 16 years to the  
13 age of 18 years. The pilot project applies to each child who  
14 has not attained the age of 16 years by September 30 of the  
15 school year in which a school board policy is adopted.

16 (1) Beginning July 1, 1999, the Manatee County  
17 District School Board shall implement a pilot project  
18 consistent with policy adopted by the school board to raise  
19 the compulsory age of attendance for children from the age of  
20 16 years to the age of 18 years.

21 (2) The district school board must, before the  
22 beginning of the school year, adopt a policy for raising the  
23 compulsory age of attendance for children from the age of 16  
24 years to 18 years.

25 (a) Before the adoption of the policy, the district  
26 school board must provide a notice of intent to adopt a policy  
27 to raise the compulsory age of attendance for children from  
28 the age of 16 years to the age of 18 years. The notice must be  
29 provided to the parent of each child who is 15 years of age  
30 and who is enrolled in a school in the district.

31 (b) Within 2 weeks after adoption of the school board

1 policy, the district school board must provide notice of the  
 2 policy to the parent of each child who is 15 years of age and  
 3 who is enrolled in a school in the district. The notice must  
 4 also provide information related to the penalties for refusing  
 5 or failing to comply with the compulsory attendance  
 6 requirements and information on alternative education programs  
 7 offered within the school district.

8       (3) All state laws and State Board of Education rules  
 9 related to students subject to compulsory school attendance  
 10 apply to the district school board. Notwithstanding the  
 11 provisions of s. 1003.21, the formal declaration of intent to  
 12 terminate school enrollment does not apply to the district  
 13 school board.

14       (4) The district school board must evaluate the effect  
 15 of its adopted policy raising the compulsory age of attendance  
 16 on school attendance and on the school district's dropout  
 17 rate, as well as on the costs associated with the pilot  
 18 project. The school district shall report its findings to the  
 19 President of the Senate, the Speaker of the House of  
 20 Representatives, the minority leader of each house of the  
 21 Legislature, the Governor, and the Commissioner of Education  
 22 not later than August 1 following each year that the pilot  
 23 project is in operation.

24       Section 153. Section 1003.62, Florida Statutes, is  
 25 created to read:

26       1003.62 Charter school districts pilot program.--The  
 27 State Board of Education is authorized to enter into a  
 28 performance contract with up to six district school boards for  
 29 the purpose of establishing them as charter school districts.  
 30 The State Board of Education shall give priority to  
 31 Hillsborough and Volusia Counties upon the submission of a

1 completed precharter agreement or charter proposal for a  
 2 charter school district. The purpose of this pilot program is  
 3 to examine a new relationship between the State Board of  
 4 Education and district school boards that may produce  
 5 significant improvements in student achievement and school  
 6 management, while complying with constitutional requirements  
 7 assigned to each entity.

8 (1) CHARTER DISTRICT.--A charter school district is a  
 9 school district in Florida in which the district school board  
 10 has submitted and the State Board of Education has approved a  
 11 charter proposal that exchanges statutory and rule exemption  
 12 for agreement to meet performance goals in the proposal. The  
 13 charter school district shall be chartered for 3 years, at the  
 14 end of which the performance shall be evaluated.

15 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school  
 16 districts shall be exempt from state statutes and specified  
 17 State Board of Education rules. The district school board of a  
 18 charter school district shall not be exempt from any statute  
 19 governing election of district school board members, public  
 20 meetings and public records requirements, financial  
 21 disclosure, conflicts of interest, operation in the sunshine,  
 22 or any provisions outside the Florida K-20 Education Code.

23 (3) GOVERNING BOARD.--The governing board of the  
 24 charter school district shall be the duly elected district  
 25 school board. The district school board shall be responsible  
 26 for supervising the schools in the charter district and is  
 27 authorized to charter each of its existing public schools  
 28 pursuant to s. 1002.33, apply for deregulation of its public  
 29 schools pursuant to s. 1003.63, or otherwise establish  
 30 performance-based contractual relationships with its public  
 31 schools for the purpose of giving them greater autonomy with

1 accountability for performance.

2 (4) PRECHARTER AGREEMENT.--The State Board of  
3 Education is authorized to approve a precharter agreement with  
4 a potential charter district. The agreement may grant limited  
5 flexibility and direction for developing the full charter  
6 proposal.

7 (5) TIME PERIOD FOR PILOT.--The pilot program shall be  
8 authorized for a period of 3 full school years commencing with  
9 award of a charter. The charter may be renewed upon action of  
10 the State Board of Education.

11 (6) REPORTS.--The State Board of Education shall  
12 annually report on the implementation of the charter school  
13 district pilot program. Upon the completion of the first  
14 3-year term, the State Board of Education, through the  
15 Commissioner of Education, shall submit to the Legislature a  
16 full evaluation of the effectiveness of the program.

17 (7) RULEMAKING.--The State Board of Education shall  
18 have the authority to enact rules to implement this section in  
19 accordance with ss. 120.536 and 120.54.

20 Section 154. Section 1003.63, Florida Statutes, is  
21 created to read:

22 1003.63 Deregulated public schools pilot program.--

23 (1) PILOT PROGRAM.--To provide public schools the same  
24 flexibility and accountability afforded charter schools, pilot  
25 programs for deregulated public schools shall be conducted.

26 The following districts are authorized to conduct pilot  
27 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,  
28 Walton, and Citrus Counties. The schools and district school  
29 boards which are participating in the pilot program as of  
30 January 1, 1999, are authorized to continue the pilot program  
31 through the 2003-2004 school year. Lee County is authorized to

1 conduct the pilot program beginning in the 1999-2000 school  
2 year through the 2003-2004 school year.

3 (2) PURPOSE.--The purpose of the pilot program for  
4 deregulated public schools shall be to:

5 (a) Improve student learning.

6 (b) Increase learning opportunities for all students,  
7 with special emphasis on expanded learning experiences for  
8 students who are identified as academically low achieving.

9 (c) Encourage the use of different and innovative  
10 learning methods.

11 (d) Increase choice of learning opportunities for  
12 students.

13 (e) Establish a new form of accountability for  
14 schools.

15 (f) Require the measurement of learning outcomes and  
16 create innovative measurement tools.

17 (g) Make the school the unit for improvement.

18 (h) Relieve schools of paperwork and procedures that  
19 are required by the state and the district school board for  
20 purposes other than health, safety, equal opportunity, fiscal  
21 accountability and documentation of student achievement.

22 (3) PROPOSAL.--

23 (a) A proposal to be a deregulated school must be  
24 developed by the school principal and the school advisory  
25 council. A majority of the members of the school advisory  
26 council must approve the proposal, and the principal and the  
27 school advisory council chair must sign the proposal. At least  
28 50 percent of the teachers employed at the school must approve  
29 the proposal. The school must conduct a survey to show  
30 parental support for the proposal.

31 (b) A district school board shall receive and review

1 all proposals for a deregulated public school. A district  
2 school board must by a majority vote approve or deny a  
3 proposal no later than 30 days after the proposal is received.

4 If a proposal is denied, the district school board must,  
5 within 10 calendar days, articulate in writing the specific  
6 reasons based upon good cause supporting its denial of the  
7 proposal.

8 (c) The Department of Education may provide technical  
9 assistance to an applicant upon written request.

10 (d) The terms and conditions for the operation of a  
11 deregulated public school shall be set forth in the proposal.  
12 The district school board shall not impose unreasonable rules  
13 or regulations that violate the intent of giving schools  
14 greater flexibility to meet educational goals.

15 (4) ELIGIBLE STUDENTS.--

16 (a) A deregulated school shall be open to all students  
17 residing in the school's attendance boundaries as determined  
18 by the district school board.

19 (b) The deregulated public school shall have maximum  
20 flexibility to enroll students under the district school board  
21 open enrollment plan.

22 (5) REQUIREMENTS.--Like other public schools, a  
23 deregulated public school shall:

24 (a) Be nonsectarian in its programs, admission  
25 policies, employment practices, and operations.

26 (b) Not charge tuition or fees, except those fees  
27 normally charged by other public schools.

28 (c) Meet all applicable state and local health,  
29 safety, and civil rights requirements.

30 (d) Not violate the antidiscrimination provisions of  
31 s. 1000.05.

1           (e) Be subject to an annual financial audit in a  
2 manner similar to that of other public schools in the  
3 district.

4           (6) ELEMENTS OF THE PROPOSAL.--The major issues  
5 involving the operation of a deregulated public school shall  
6 be considered in advance and written into the proposal.

7           (a) The proposal shall address, and criteria for  
8 approval of the proposal shall be based on:

9           1. The school's mission and the students to be served.

10           2. The focus of the curriculum, the instructional  
11 methods to be used, and any distinctive instructional  
12 techniques to be employed.

13           3. The current baseline standard of achievement and  
14 the outcomes to be achieved and the method of measurement that  
15 will be used.

16           4. The methods used to identify the educational  
17 strengths and needs of students and how well educational goals  
18 and performance standards are met by students attending the  
19 school. Students in deregulated public schools shall, at a  
20 minimum, participate in the statewide assessment program.

21           5. In secondary schools, a method for determining that  
22 a student has satisfied the requirements for graduation in s.  
23 1003.43.

24           6. A method for resolving conflicts between the school  
25 and the district.

26           7. The admissions procedures and dismissal procedures,  
27 including the school's code of student conduct.

28           8. The ways by which the school's racial/ethnic  
29 balance reflects the community it serves or reflects the  
30 racial/ethnic range of other public schools in the same school  
31 district.

1           9. The financial and administrative management of the  
2 school including a statement of the areas in which the school  
3 will have administrative and fiscal autonomy and the areas in  
4 which the school will follow district school board fiscal and  
5 administrative policies.

6           10. The manner in which the school will be insured,  
7 including whether or not the school will be required to have  
8 liability insurance, and, if so, the terms and conditions  
9 thereof and the amounts of coverage.

10           11. The qualifications to be required of the teachers.

11           (b) The school shall make annual progress reports to  
12 the district, which upon verification shall be forwarded to  
13 the Commissioner of Education at the same time as other annual  
14 school accountability reports. The report shall contain at  
15 least the following information:

16           1. The school's progress towards achieving the goals  
17 outlined in its proposal.

18           2. The information required in the annual school  
19 report pursuant to s. 1008.345.

20           3. Financial records of the school, including revenues  
21 and expenditures.

22           4. Salary and benefit levels of school employees.

23           (c) A district school board shall ensure that the  
24 proposal is innovative and consistent with the state education  
25 goals established by s. 1000.03(5).

26           (d) Upon receipt of the annual report required by  
27 paragraph (b), the Department of Education shall provide the  
28 State Board of Education, the Commissioner of Education, the  
29 President of the Senate, and the Speaker of the House of  
30 Representatives with a copy of each report and an analysis and  
31 comparison of the overall performance of students, to include



1 all students in deregulated public schools whose scores are  
 2 counted as part of the statewide assessment tests, versus  
 3 comparable public school students in the district as  
 4 determined by FCAT and district assessment tests and, as  
 5 appropriate, the Florida Writes Assessment Test, and other  
 6 assessments administered pursuant to s. 1008.22(3).

7 (7) EXEMPTION FROM STATUTES.--

8 (a) A deregulated public school shall operate in  
 9 accordance with its proposal and shall be exempt from all  
 10 statutes of the Florida K-20 Education Code, except those  
 11 pertaining to civil rights and student health, safety, and  
 12 welfare, or as otherwise required by this section. A  
 13 deregulated public school shall not be exempt from the  
 14 following statutes: chapter 119, relating to public records,  
 15 and s. 286.011, relating to public meetings and records,  
 16 public inspection, and penalties. The school district, upon  
 17 request of a deregulated public school, may apply to the State  
 18 Board of Education for a waiver of provisions of law  
 19 applicable to deregulated public schools under this section,  
 20 except that the provisions of chapter 1010 or chapter 1011  
 21 shall not be eligible for waiver if the waiver would affect  
 22 funding allocations or create inequity in public school  
 23 funding. The State Board of Education may grant the waiver if  
 24 necessary to implement the school program.

25 (b) A deregulated public school may employ or contract  
 26 with skilled selected noncertified personnel to provide  
 27 instructional services or to assist instructional staff  
 28 members as education paraprofessionals in the same manner as  
 29 defined in chapter 1012. A deregulated public school may not  
 30 employ an individual to provide instructional services or to  
 31 serve as an education paraprofessional if the individual's

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1 certification or licensure as an educator is suspended or  
2 revoked by this or any other state. The qualifications of  
3 teachers shall be disclosed to parents.

4 (c) A deregulated public school shall employ or  
5 contract with employees who have been fingerprinted as  
6 provided in s. 1012.32.

7 (8) REVENUE.--Students enrolled in a deregulated  
8 public school shall be funded in a basic program or a special  
9 program in the same manner as students enrolled in other  
10 public schools in the school district.

11 (9) LENGTH OF SCHOOL YEAR.--A deregulated public  
12 school shall provide instruction for at least the number of  
13 days required by law for other public schools, and may provide  
14 instruction for additional days.

15 (10) FACILITIES.--A deregulated public school shall  
16 utilize facilities which comply with the State Uniform  
17 Building Code for Public Educational Facilities Construction  
18 adopted pursuant to s. 1013.37, or with applicable state  
19 minimum building codes pursuant to chapter 553 and state  
20 minimum fire protection codes pursuant to s. 633.025, as  
21 adopted by the authority in whose jurisdiction the facility is  
22 located.

23 Section 155. Chapter 1004, Florida Statutes, shall be  
24 entitled "Public Postsecondary Education" and shall consist of  
25 ss. 1004.01-1004.98.

26 Section 156. Part I of chapter 1004, Florida Statutes,  
27 shall be entitled "General Provisions" and shall consist of  
28 ss. 1004.01-1004.06.

29 Section 157. Section 1004.01, Florida Statutes, is  
30 created to read:

31 1004.01 Statement of purpose and mission.--

1           (1) The Legislature finds it in the public interest to  
 2 provide a system of postsecondary education which is of the  
 3 highest possible quality; which enables all students to  
 4 participate in the search for knowledge and individual  
 5 development; which stresses undergraduate teaching as its main  
 6 priority; which offers selected professional, graduate, and  
 7 research programs with emphasis on state and national needs;  
 8 which fosters diversity of educational opportunity; which  
 9 promotes service to the public; which makes effective and  
 10 efficient use of human and physical resources; which functions  
 11 cooperatively with other educational institutions and systems;  
 12 and which promotes internal coordination and the wisest  
 13 possible use of resources.

14           (2) The mission of the state system of postsecondary  
 15 education is to develop human resources, to discover and  
 16 disseminate knowledge, to extend knowledge and its application  
 17 beyond the boundaries of its campuses, and to develop in  
 18 students heightened intellectual, cultural, and humane  
 19 sensitivities; scientific, professional, and technological  
 20 expertise; and a sense of purpose. Inherent in this broad  
 21 mission are methods of instruction, research, extended  
 22 training, and public service designed to educate people and  
 23 improve the human condition.

24           Section 158. Section 1004.02, Florida Statutes, is  
 25 created to read:

26           1004.02 Definitions.--As used in this chapter:

27           (1) "Adult basic education" means courses of  
 28 instruction designed to improve the employability of the  
 29 state's workforce through instruction in mathematics, reading,  
 30 language, and workforce readiness skills at grade level  
 31 equivalency 0-8.9.

1           (2) "Adult ESOL" or "adult ESL" means noncredit  
 2 English literacy courses designed to improve the employability  
 3 of the state's workforce through acquisition of communication  
 4 skills and cultural competencies that enhance ability to read,  
 5 write, speak, and listen in English. ESOL means English for  
 6 Speakers of Other Languages. ESL means English as a Second  
 7 Language. The two terms are interchangeable.

8           (3) "Adult general education" means comprehensive  
 9 instructional programs designed to improve the employability  
 10 of the state's workforce through adult basic education, adult  
 11 secondary education, English for Speakers of Other Languages,  
 12 vocational-preparatory instruction, and instruction for adults  
 13 with disabilities.

14           (4) "Adult high school credit program" means the award  
 15 of credits upon completion of courses and passing of state  
 16 mandated assessments necessary to qualify for a high school  
 17 diploma. Except as provided elsewhere in law, the graduation  
 18 standards for adults shall be the same as those for secondary  
 19 students.

20           (5) "Adult secondary education" means courses through  
 21 which a person receives high school credit that leads to the  
 22 award of a high school diploma or courses of instruction  
 23 through which a student prepares to take the General  
 24 Educational Development test.

25           (6) "Adult student" is a student who is beyond the  
 26 compulsory school age and who has legally left elementary or  
 27 secondary school, or a high school student who is taking an  
 28 adult course required for high school graduation.

29           (7) "Adult with disability" means an individual who  
 30 has a physical or mental impairment that substantially limits  
 31 one or more major life activities, has a record of such

1 impairment, or is regarded as having such an impairment, and  
2 who requires modifications to the educational program,  
3 adaptive equipment, or specialized instructional methods and  
4 services in order to participate in workforce development  
5 programs that lead to competitive employment.

6 (8) "Applied technology diploma program" means a  
7 course of study that is part of a technical degree program, is  
8 less than 60 credit hours, and leads to employment in a  
9 specific occupation. An applied technology diploma program may  
10 consist of either technical credit or college credit. A public  
11 school district may offer an applied technology diploma  
12 program only as technical credit, with college credit awarded  
13 to a student upon articulation to a community college.  
14 Statewide articulation among public schools and community  
15 colleges is guaranteed by s. 1007.23, and is subject to  
16 guidelines and standards adopted by the State Board of  
17 Education pursuant to ss. 1007.24 and 1007.25.

18 (9) "Basic literacy," means the demonstration of  
19 academic competence from 2.0 through 5.9 educational grade  
20 levels as measured by means approved for this purpose by the  
21 State Board of Education.

22 (10) "Beginning literacy" means the demonstration of  
23 academic competence from 0 through 1.9 educational grade  
24 levels as measured by means approved for this purpose by the  
25 State Board of Education.

26 (11) "College-preparatory instruction" means courses  
27 through which a high school graduate who applies for any  
28 college credit program may attain the communication and  
29 computation skills necessary to enroll in college credit  
30 instruction.

31 (12) "Community education" means the use of a school

1 or other public facility as a community center operated in  
 2 conjunction with other public, private, and governmental  
 3 organizations for the purpose of providing educational,  
 4 recreational, social, cultural, health, and community services  
 5 for persons in the community in accordance with the needs,  
 6 interests, and concerns of that community, including lifelong  
 7 learning.

8       (13) "Continuing workforce education" means  
 9 instruction that does not result in a technical certificate,  
 10 diploma, associate in applied science degree, or associate in  
 11 science degree. Continuing workforce education is for:

12       (a) Individuals who are required to have training for  
 13 licensure renewal or certification renewal by a regulatory  
 14 agency or credentialing body;

15       (b) New or expanding businesses as described in  
 16 chapter 288;

17       (c) Business, industry, and government agencies whose  
 18 products or services are changing so that retraining of  
 19 employees is necessary or whose employees need training in  
 20 specific skills to increase efficiency and productivity; or

21       (d) Individuals who are enhancing occupational skills  
 22 necessary to maintain current employment, to cross train, or  
 23 to upgrade employment.

24       (14) "Technical degree education program" means a  
 25 course of study that leads to an associate in applied science  
 26 degree or an associate in science degree. A technical degree  
 27 program may contain within it one or more program progression  
 28 points and may lead to certificates or diplomas within the  
 29 course of study. The term is interchangeable with the term  
 30 "degree career education program." For licensure purposes, the  
 31 term "associate in science degree" is interchangeable with

1 "associate in applied science degree."

2       (15) "Family literacy" means a program for adults with  
3 a literacy component for parents and children or other  
4 intergenerational literacy components.

5       (16) "Functional literacy," which is also referred to  
6 as "intermediate adult basic education," means the  
7 demonstration of academic competence from 6.0 through 8.9  
8 educational grade levels as measured by means approved for  
9 this purpose by the State Board of Education.

10       (17) "General Educational Development (GED) test  
11 preparation" means courses of instruction designed to prepare  
12 adults for success on GED subject area tests leading to  
13 qualification for a State of Florida high school diploma.

14       (18) "Lifelong learning" means a noncredit course or  
15 activity offered by a school district or community college  
16 that seeks to address community social and economic issues  
17 related to health and human relations, government, parenting,  
18 consumer economics, and senior citizens.

19       (19) "Local educational agency" means a community  
20 college or school district.

21       (20) "Local sponsor" means a district school board,  
22 community college board of trustees, public library, other  
23 public entity, or private nonprofit entity, or any combination  
24 of these entities, that provides adult literacy instruction.

25       (21) "Technical certificate program" means a course of  
26 study that leads to at least one occupational completion  
27 point. The program may also confer credit that may articulate  
28 with a diploma or technical degree education program, if  
29 authorized by rules of the State Board of Education. Any  
30 credit instruction designed to articulate to a degree program  
31 is subject to guidelines and standards adopted by the

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1 Department of Education pursuant to chapter 1007. The term is  
2 interchangeable with the term "certificate career and  
3 technical education program."

4 (22) "Occupational completion point" means the  
5 occupational competencies that qualify a person to enter an  
6 occupation that is linked to a career and technical program.

7 (23) "Career and technical education planning region"  
8 means the geographic area in which career and technical or  
9 adult education is provided. Each career and technical region  
10 is contiguous with one of the 28 community college service  
11 areas.

12 (24) "Vocational-preparatory instruction" means adult  
13 general education through which persons attain academic and  
14 workforce readiness skills at the level of functional literacy  
15 (grade levels 6.0-8.9) or higher so that such persons may  
16 pursue technical certificate education or higher-level  
17 technical education.

18 (25) "Career and technical program" means a group of  
19 identified competencies leading to occupations identified by a  
20 Classification of Instructional Programs number.

21 (26) "Workforce development education" means adult  
22 general education or career and technical education and may  
23 consist of a continuing workforce education course or a  
24 program of study leading to an occupational completion point,  
25 a technical certificate, an applied technology diploma, or a  
26 technical degree.

27 (27) "Workforce literacy" means the basic skills  
28 necessary to perform in entry-level occupations or the skills  
29 necessary to adapt to technological advances in the workplace.

30 Section 159. Section 1004.03, Florida Statutes, is  
31 created to read:



1           1004.03 Program approval.--

2           (1) The State Board of Education shall establish  
3 criteria for the approval of new programs at state  
4 universities, which criteria include, but are not limited to,  
5 the following:

6           (a) New programs may not be approved unless the same  
7 objectives cannot be met through use of educational  
8 technology.

9           (b) Unnecessary duplication of programs offered by  
10 public and independent institutions shall be avoided.

11           (c) Cooperative programs, particularly within regions,  
12 should be encouraged.

13           (d) New programs shall be approved only if they are  
14 consistent with the state master plans adopted by the State  
15 Board of Education.

16           (e) A new graduate-level program may be approved if:

17           1. The university has taken into account the offerings  
18 of its counterparts, including institutions in other sectors,  
19 particularly at the regional level.

20           2. The addition of the program will not alter the  
21 emphasis on undergraduate education.

22           3. The regional need and demand for the graduate  
23 program was addressed and the community needs are obvious.

24           (2) The State Board of Education shall establish  
25 criteria for the approval of new programs at community  
26 colleges, which criteria include, but are not limited to, the  
27 following:

28           (a) New programs may not be approved unless the same  
29 objectives cannot be met through use of educational  
30 technology.

31           (b) Unnecessary duplication of programs offered by

1 independent institutions shall be avoided.

2 (c) Cooperative programs, particularly within regions,  
3 should be encouraged.

4 (d) New programs may be approved only if they are  
5 consistent with the state master plan adopted by the State  
6 Board of Education.

7 Section 160. Section 1004.04, Florida Statutes, is  
8 created to read:

9 1004.04 Public accountability and state approval for  
10 teacher preparation programs.--

11 (1) INTENT.--The Legislature recognizes that skilled  
12 teachers make an important contribution to a system that  
13 allows students to obtain a high-quality education. The intent  
14 of the Legislature is to establish a system for development  
15 and approval of teacher preparation programs that will free  
16 postsecondary teacher preparation institutions to employ  
17 varied and innovative teacher preparation techniques while  
18 being held accountable for producing graduates with the  
19 competencies and skills necessary to achieve the state  
20 education goals; help the state's diverse student population,  
21 including students with limited English proficiency, meet high  
22 standards for academic achievement; maintain safe, secure  
23 classroom learning environments; and sustain the state system  
24 of school improvement and education accountability established  
25 pursuant to ss. 1000.03(5) and 1008.345. The State Board of  
26 Education shall adopt rules pursuant to ss. 120.536(1) and  
27 120.54 that establish uniform standards and competencies for  
28 each state-approved teacher preparation program.

29 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A  
30 system developed by the Department of Education in  
31 collaboration with postsecondary educational institutions

1 shall assist departments and colleges of education in the  
 2 restructuring of their programs to meet the need for producing  
 3 quality teachers now and in the future. The system must be  
 4 designed to assist teacher educators in conceptualizing,  
 5 developing, implementing, and evaluating programs that meet  
 6 state-adopted standards. These standards shall emphasize  
 7 quality indicators drawn from research, professional  
 8 literature, recognized guidelines, Florida essential teaching  
 9 competencies and educator-accomplished practices, effective  
 10 classroom practices, and the outcomes of the state system of  
 11 school improvement and education accountability, as well as  
 12 performance measures. Departments and colleges of education  
 13 shall emphasize the state system of school improvement and  
 14 education accountability concepts and standards, including  
 15 Sunshine State Standards. State-approved teacher preparation  
 16 programs must incorporate appropriate English for Speakers of  
 17 Other Languages instruction so that program graduates will  
 18 have completed the requirements for teaching limited English  
 19 proficient students in Florida public schools.

20 (3) INITIAL STATE PROGRAM APPROVAL.--

21 (a) A program approval process based on standards  
 22 adopted pursuant to subsection (2) must be established for  
 23 postsecondary teacher preparation programs, phased in  
 24 according to timelines determined by the Department of  
 25 Education, and fully implemented for all teacher preparation  
 26 programs in the state. Each program shall be approved by the  
 27 department, consistent with the intent set forth in subsection  
 28 (1) and based primarily upon significant, objective, and  
 29 quantifiable graduate performance measures.

30 (b) Each teacher preparation program approved by the  
 31 Department of Education, as provided for by this section,

1 shall require students to meet the following as prerequisites  
2 for admission into the program:

3 1. Have a grade point average of at least 2.5 on a 4.0  
4 scale for the general education component of undergraduate  
5 studies or have completed the requirements for a baccalaureate  
6 degree with a minimum grade point average of 2.5 on a 4.0  
7 scale from any college or university accredited by a regional  
8 accrediting association as defined by State Board of Education  
9 rule.

10 2. Demonstrate mastery of general knowledge, including  
11 the ability to read, write, and compute, by passing the  
12 College Level Academic Skills Test, a corresponding component  
13 of the National Teachers Examination series, or a similar test  
14 pursuant to rules of the State Board of Education.

15 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding  
16 subsection (3), failure by a public or nonpublic teacher  
17 preparation program to meet the criteria for continued program  
18 approval shall result in loss of program approval. The  
19 Department of Education, in collaboration with the departments  
20 and colleges of education, shall develop procedures for  
21 continued program approval that document the continuous  
22 improvement of program processes and graduates' performance.

23 (a) Continued approval of specific teacher preparation  
24 programs at each public and nonpublic postsecondary  
25 educational institution within the state is contingent upon  
26 the passing of the written examination required by s. 1012.56  
27 by at least 90 percent of the graduates of the program who  
28 take the examination. On request of an institution, the  
29 Department of Education shall provide an analysis of the  
30 performance of the graduates of such institution with respect  
31 to the competencies assessed by the examination required by s.

1 1012.56.

2 (b) Additional criteria for continued program approval  
3 for public institutions may be approved by the State Board of  
4 Education. Such criteria must emphasize instruction in  
5 classroom management and must provide for the evaluation of  
6 the teacher candidates' performance in this area. The criteria  
7 shall also require instruction in working with underachieving  
8 students. Program evaluation procedures must include, but are  
9 not limited to, program graduates' satisfaction with  
10 instruction and the program's responsiveness to local school  
11 districts. Additional criteria for continued program approval  
12 for nonpublic institutions shall be developed in the same  
13 manner as for public institutions; however, such criteria must  
14 be based upon significant, objective, and quantifiable  
15 graduate performance measures. Responsibility for collecting  
16 data on outcome measures through survey instruments and other  
17 appropriate means shall be shared by the postsecondary  
18 educational institutions and the Department of Education. By  
19 January 1 of each year, the Department of Education shall  
20 report this information for each postsecondary educational  
21 institution that has state-approved programs of teacher  
22 education to the Governor, the State Board of Education, the  
23 Commissioner of Education, the President of the Senate, the  
24 Speaker of the House of Representatives, all Florida  
25 postsecondary teacher preparation programs, and interested  
26 members of the public. This report must analyze the data and  
27 make recommendations for improving teacher preparation  
28 programs in the state.

29 (c) Continued approval for a teacher preparation  
30 program is contingent upon the results of annual reviews of  
31 the program conducted by the postsecondary educational

1 institution, using procedures and criteria outlined in an  
 2 institutional program evaluation plan approved by the  
 3 Department of Education. This plan must incorporate the  
 4 criteria established in paragraphs (a) and (b) and include  
 5 provisions for involving primary stakeholders, such as program  
 6 graduates, district school personnel, classroom teachers,  
 7 principals, community agencies, and business representatives  
 8 in the evaluation process. Upon request by an institution, the  
 9 department shall provide assistance in developing, enhancing,  
 10 or reviewing the institutional program evaluation plan and  
 11 training evaluation team members.

12 (d) Continued approval for a teacher preparation  
 13 program is contingent upon standards being in place that are  
 14 designed to adequately prepare elementary, middle, and high  
 15 school teachers to instruct their students in higher-level  
 16 mathematics concepts and in the use of technology at the  
 17 appropriate grade level.

18 (e) Continued approval of teacher preparation programs  
 19 is contingent upon compliance with the student admission  
 20 requirements of subsection (3) and upon the receipt of at  
 21 least a satisfactory rating from public schools and private  
 22 schools that employ graduates of the program. Employer  
 23 satisfaction shall be determined by an annually administered  
 24 survey instrument approved by the Department of Education  
 25 that, at a minimum, must include employer satisfaction of the  
 26 graduates' ability to do the following:

27 1. Write and speak in a logical and understandable  
 28 style with appropriate grammar.

29 2. Recognize signs of students' difficulty with the  
 30 reading and computational process and apply appropriate  
 31 measures to improve students' reading and computational

1 performance.

2 3. Use and integrate appropriate technology in  
3 teaching and learning processes.

4 4. Demonstrate knowledge and understanding of Sunshine  
5 State Standards.

6 (f)1. Each Florida public and private institution that  
7 offers a state-approved teacher preparation program must  
8 annually report information regarding these programs to the  
9 state and the general public. This information shall be  
10 reported in a uniform and comprehensible manner that is  
11 consistent with definitions and methods approved by the  
12 Commissioner of the National Center for Educational Statistics  
13 and that is approved by the State Board of Education. This  
14 information must include, at a minimum:

15 a. The percent of graduates obtaining full-time  
16 teaching employment within the first year of graduation.

17 b. The average length of stay of graduates in their  
18 full-time teaching positions.

19 c. Satisfaction ratings required in paragraph (e).

20 2. Each public and private institution offering  
21 training for school readiness related professions, including  
22 training in the fields of child care and early childhood  
23 education, whether offering technical credit, associate in  
24 applied science degree programs, associate in science degree  
25 programs, or associate in arts degree programs, shall annually  
26 report information regarding these programs to the state and  
27 the general public in a uniform and comprehensible manner that  
28 conforms with definitions and methods approved by the State  
29 Board of Education. This information must include, at a  
30 minimum:

31 a. Average length of stay of graduates in their

1 positions.

2 b. Satisfaction ratings of graduates' employers.

3  
4 This information shall be reported through publications,  
5 including college and university catalogs and promotional  
6 materials sent to potential applicants, secondary school  
7 guidance counselors, and prospective employers of the  
8 institution's program graduates.

9 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
10 instructors, school district personnel and instructional  
11 personnel, and school sites preparing instructional personnel  
12 through preservice field experience courses and internships  
13 shall meet special requirements.

14 (a) All instructors in postsecondary teacher  
15 preparation programs who instruct or supervise preservice  
16 field experience courses or internships shall have at least  
17 one of the following: specialized training in clinical  
18 supervision; a valid professional teaching certificate  
19 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of  
20 successful teaching experience in prekindergarten through  
21 grade 12.

22 (b) All school district personnel and instructional  
23 personnel who supervise or direct teacher preparation students  
24 during field experience courses or internships must have  
25 evidence of "clinical educator" training and must successfully  
26 demonstrate effective classroom management strategies that  
27 consistently result in improved student performance. The State  
28 Board of Education shall approve the training requirements.

29 (c) Preservice field experience programs must provide  
30 specific guidance and demonstration of effective classroom  
31 management strategies, strategies for incorporating technology



1 into classroom instruction, and ways to link instructional  
2 plans to the Sunshine State Standards, as appropriate. The  
3 length of structured field experiences may be extended to  
4 ensure that candidates achieve the competencies needed to meet  
5 certification requirements.

6 (d) Postsecondary teacher preparation programs in  
7 cooperation with district school boards and approved private  
8 school associations shall select the school sites for  
9 preservice field experience activities. These sites must  
10 represent the full spectrum of school communities, including,  
11 but not limited to, schools located in urban settings. In  
12 order to be selected, school sites must demonstrate commitment  
13 to the education of public school students and to the  
14 preparation of future teachers.

15 (6) STANDARDS OF EXCELLENCE.--The State Board of  
16 Education shall approve standards of excellence for teacher  
17 preparation. These standards must exceed the requirements for  
18 program approval pursuant to subsection (3) and must  
19 incorporate state and national recommendations for exemplary  
20 teacher preparation programs.

21 (7) NATIONAL BOARD STANDARDS.--The State Board of  
22 Education shall review standards and recommendations developed  
23 by the National Board for Professional Teaching Standards and  
24 may incorporate those parts deemed appropriate into criteria  
25 for continued state program approval, standards of excellence,  
26 and requirements for inservice education.

27 (8) COMMUNITY COLLEGES.--To the extent practical,  
28 postsecondary educational institutions offering teacher  
29 preparation programs shall establish articulation agreements  
30 on a core of liberal arts courses and introductory  
31 professional courses with field experience components which

1 shall be offered at community colleges.

2 (9) PRETEACHER AND TEACHER EDUCATION PILOT

3 PROGRAMS.--State universities and community colleges may  
4 establish preteacher education and teacher education pilot  
5 programs to encourage promising minority students to prepare  
6 for a career in education. These pilot programs shall be  
7 designed to recruit and provide additional academic, clinical,  
8 and counseling support for students whom the institution  
9 judges to be potentially successful teacher education  
10 candidates, but who may not meet teacher education program  
11 admission standards. Priority consideration shall be given to  
12 those pilot programs that are jointly submitted by community  
13 colleges and state universities.

14 (a) These pilot programs shall be approved by the  
15 State Board of Education and shall be designed to provide help  
16 and support for program participants during the preteacher  
17 education period of general academic preparation at a  
18 community college or state university and during professional  
19 preparation in a state-approved teacher education program.  
20 Emphasis shall be placed on development of the basic skills  
21 needed by successful teachers.

22 (b) State universities and community colleges may  
23 admit into the pilot program those incoming students who  
24 demonstrate an interest in teaching as a career, but who may  
25 not meet the requirements for entrance into an approved  
26 teacher education program.

27 1. Flexibility may be given to colleges of education  
28 to develop and market innovative teacher training programs  
29 directed at specific target groups such as graduates from the  
30 colleges of arts and sciences, employed education  
31 paraprofessionals, substitute teachers, early federal

1 retirees, and nontraditional college students. Programs must  
2 be submitted to the State Board of Education for approval.

3 2. Academically successful graduates in the fields of  
4 liberal arts and science may be encouraged to embark upon a  
5 career in education.

6 3. Models may be developed to provide a positive  
7 initial experience in teaching in order to encourage  
8 retention. Priority should be given to models that encourage  
9 minority graduates.

10 (c) In order to be certified, a graduate from a pilot  
11 program shall meet all requirements for teacher certification  
12 specified by s. 1012.56. Should a graduate of a pilot program  
13 not meet the requirements of s. 1012.56, that person shall not  
14 be included in the calculations required by paragraph (4)(a)  
15 and State Board of Education rules for continued program  
16 approval, or in the statutes used by the State Board of  
17 Education in deciding which teacher education programs to  
18 approve.

19 (d) Institutions participating in the pilot program  
20 shall submit an annual report evaluating the success of the  
21 program to the Commissioner of Education by March 1 of each  
22 year. The report shall contain, but shall not be limited to:  
23 the number of pilot program participants, including the number  
24 participating in general education and the number admitted to  
25 approved teacher education programs, the number of pilot  
26 program graduates, and the number of pilot program graduates  
27 who met the requirements of s. 1012.56. The commissioner shall  
28 consider the number of participants recruited, the number of  
29 graduates, and the number of graduates successfully meeting  
30 the requirements of s. 1012.56 reported by each institution,  
31 and shall make an annual recommendation to the State Board of

1 Education regarding the institution's continued participation  
2 in the pilot program.

3 (10) TEACHER EDUCATION PILOT PROGRAMS FOR  
4 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs  
5 shall be established at the University of Central Florida, the  
6 University of North Florida, and the University of South  
7 Florida. These programs shall include a year-long paid  
8 teaching assignment and competency-based learning experiences  
9 and shall be designed to encourage high-achieving students, as  
10 identified by the institution, to pursue a career in  
11 education. Students chosen to participate in the pilot  
12 programs shall agree to teach for at least 1 year after they  
13 receive their degrees. Criteria for identifying  
14 high-achieving students shall be developed by the institution  
15 and shall include, at a minimum, requirements that the student  
16 have a 3.3 grade point average or above and that the student  
17 has demonstrated mastery of general knowledge pursuant to s.  
18 1012.56. The year-long paid teaching assignment shall begin  
19 after completion of the equivalent of 3 years of the state  
20 university teacher preparation program.

21 (a) Each pilot program shall be designed to include:  
22 1. A year-long paid teaching assignment at a specified  
23 school site during the fourth year of the state university  
24 teacher preparation program, which includes intense  
25 supervision by a support team trained in clinical education.  
26 The support team shall include a state university supervisor  
27 and experienced school-based mentors. A mentor teacher shall  
28 be assigned to each fourth year employed teacher to implement  
29 an individualized learning plan. This mentor teacher will be  
30 considered an adjunct professor for purposes of this program  
31 and may receive credit for time spent as a mentor teacher in

1 the program. The mentor teacher must have a master's degree  
 2 or above, a minimum of 3 years of teaching experience, and  
 3 clinical education training or certification by the National  
 4 Board of Professional Teaching Standards. Experiences and  
 5 instruction may be delivered by other mentors, assigned  
 6 teachers, professors, individualized learning, and  
 7 demonstrations. Students in this paid teaching assignment  
 8 shall assume full responsibility of all teaching duties.

9       2. Professional education curriculum requirements that  
 10 address the educator-accomplished practices and other  
 11 competencies specified in state board rule.

12       3. A modified instructional delivery system that  
 13 provides onsite training during the paid teaching assignment  
 14 in the professional education areas and competencies specified  
 15 in this subsection. The institutions participating in this  
 16 pilot program shall be given a waiver to provide a modified  
 17 instructional delivery system meeting criteria that allows  
 18 earned credit through nontraditional approaches. The modified  
 19 system may provide for an initial evaluation of the  
 20 candidate's competencies to determine an appropriate  
 21 individualized professional development plan and may provide  
 22 for earned credit by:

23           a. Internet learning and competency acquisition.

24           b. Learning acquired by observing demonstrations and  
 25 being observed in application.

26           c. Independent study or instruction by mentor teachers  
 27 or adjunct teachers.

28       4. Satisfactory demonstration of the  
 29 educator-accomplished practices and content area competencies  
 30 for program completion.

31       5. For program completion, required achievement of

1 passing scores on all tests required for certification by  
2 State Board of Education rules.

3 (b) Beginning in July 2003, each institution  
4 participating in the pilot program shall submit to the  
5 Commissioner of Education an annual report evaluating the  
6 effectiveness of the program. The report shall include, but  
7 shall not be limited to, the number of students selected for  
8 the pilot program, the number of students successfully  
9 completing the pilot program, the number of program  
10 participants who passed all required examinations, the number  
11 of program participants who successfully demonstrated all  
12 required competencies, and a followup study to determine the  
13 number of pilot program completers who were employed in a  
14 teaching position and employers' satisfaction with the  
15 performance of pilot program completers.

16 (c) This subsection shall be implemented to the extent  
17 specifically funded in the General Appropriations Act.

18 (11) RULES.--The State Board of Education shall adopt  
19 necessary rules pursuant to ss. 120.536(1) and 120.54 to  
20 implement this section.

21 Section 161. Section 1004.05, Florida Statutes, is  
22 created to read:

23 1004.05 Substance abuse training programs.--

24 (1) Each state university and community college may  
25 develop courses designed for public school teachers,  
26 counselors, physicians, law enforcement personnel, and other  
27 professionals to assist them in recognizing symptoms of  
28 substance abuse impairment and identifying appropriate service  
29 providers for referral and treatment.

30 (2) Such courses may be made available to students who  
31 are currently enrolled and for continuing education units.

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1           Section 162. Section 1004.06, Florida Statutes, is  
2 created to read:

3           1004.06 Prohibited expenditures.--No community  
4 college, state university, community college direct-support  
5 organization, or state university direct-support organization  
6 shall expend any funds, regardless of source, to purchase  
7 membership in, or goods and services from, any organization  
8 that discriminates on the basis of race, national origin,  
9 gender, or religion.

10           Section 163. Part II of chapter 1004, Florida  
11 Statutes, shall be entitled "State Universities" and shall  
12 consist of ss. 1004.21-1004.62.

13           Section 164. Part II.a. of chapter 1004, Florida  
14 Statutes, shall be entitled "General Provisions" and shall  
15 consist of ss. 1004.21-1004.32.

16           Section 165. Section 1004.21, Florida Statutes, is  
17 created to read:

18           1004.21 State universities; legislative intent.--It is  
19 the legislative intent that state universities be constituted  
20 as public corporations of the state and be operated by a board  
21 of trustees as provided in s. 1001.74.

22           Section 166. Section 1004.22, Florida Statutes, is  
23 created to read:

24           1004.22 Divisions of sponsored research at state  
25 universities.--

26           (1) Each university is authorized to create, as it  
27 deems advisable, divisions of sponsored research which will  
28 serve the function of administration and promotion of the  
29 programs of research, including sponsored training programs,  
30 of the university at which they are located. A division of  
31 sponsored research created under the provisions of this

1 section shall be under the supervision of the president of  
2 that university.

3 (2) The university shall set such policies to regulate  
4 the activities of the divisions of sponsored research as it  
5 may consider necessary to effectuate the purposes of this act  
6 and to administer the research programs in a manner which  
7 assures efficiency and effectiveness, producing the maximum  
8 benefit for the educational programs and maximum service to  
9 the state. To this end, materials that relate to methods of  
10 manufacture or production, potential trade secrets,  
11 potentially patentable material, actual trade secrets,  
12 business transactions, or proprietary information received,  
13 generated, ascertained, or discovered during the course of  
14 research conducted within the state universities shall be  
15 confidential and exempt from the provisions of s. 119.07(1),  
16 except that a division of sponsored research shall make  
17 available upon request the title and description of a research  
18 project, the name of the researcher, and the amount and source  
19 of funding provided for such project.

20 (3) The president of the university where a division  
21 of sponsored research is created, or his or her designee, is  
22 authorized to negotiate, enter into, and execute research  
23 contracts; to solicit and accept research grants and  
24 donations; and to fix and collect fees, other payments, and  
25 donations that may accrue by reason thereof. The president or  
26 his or her designee may negotiate, enter into, and execute  
27 contracts on a cost-reimbursement basis and may provide  
28 temporary financing of such costs prior to reimbursement from  
29 moneys on deposit in a sponsored research development fund,  
30 except as may be prohibited elsewhere by law.

31 (4) A division of sponsored research shall be financed



1 from the moneys of a university which are on deposit or  
2 received for use in the research or related programs of that  
3 particular university. Such moneys shall be deposited by the  
4 university in a permanent sponsored research development fund.

5 (5) Moneys deposited in the permanent sponsored  
6 research development fund of a university shall be disbursed  
7 in accordance with the terms of the contract, grant, or  
8 donation under which they are received. Moneys received for  
9 overhead or indirect costs and other moneys not required for  
10 the payment of direct costs shall be applied to the cost of  
11 operating the division of sponsored research. Any surplus  
12 moneys shall be used to support other research or sponsored  
13 training programs in any area of the university.  
14 Transportation and per diem expense allowances shall be the  
15 same as those provided by law in s. 112.061, except that  
16 personnel performing travel under a sponsored research  
17 subcontract may be reimbursed for travel expenses in  
18 accordance with the provisions of the applicable prime  
19 contract or grant and the travel allowances established by the  
20 subcontractor, subject to the requirements of subsection (7),  
21 or except as provided in subsection (11).

22 (6)(a) Each university shall submit to the State Board  
23 of Education a report of the activities of each division of  
24 sponsored research together with an estimated budget for the  
25 next fiscal year.

26 (b) Not less than 90 days prior to the convening of  
27 each regular session of the Legislature in which an  
28 appropriation shall be made, the State Board of Education  
29 shall submit to the chair of the appropriations committee of  
30 each house of the Legislature a compiled report, together with  
31 a compiled estimated budget for the next fiscal year. A copy

1 of such report and estimated budget shall be furnished to the  
2 Governor, as the chief budget officer of the state.

3 (7) All purchases of a division of sponsored research  
4 shall be made in accordance with the policies and procedures  
5 of the university; however, upon certification addressed to  
6 the university president that it is necessary for the  
7 efficient or expeditious prosecution of a research project,  
8 the president may exempt the purchase of material, supplies,  
9 equipment, or services for research purposes shall be exempt  
10 from the general purchasing requirement of the Florida  
11 Statutes.

12 (8) The university may authorize the construction,  
13 alteration, or remodeling of buildings when the funds used are  
14 derived entirely from the sponsored research development fund  
15 of a university or from that fund in combination with other  
16 nonstate sources, provided that such construction, alteration,  
17 or remodeling is for use exclusively in the area of research;  
18 it also may authorize the acquisition of real property when  
19 the cost is entirely from said funds. Title to all real  
20 property purchased prior to January 7, 2003, or with funds  
21 appropriated by the Legislature shall vest in the Board of  
22 Trustees of the Internal Improvement Trust Fund and shall only  
23 be transferred or conveyed by it.

24 (9) The sponsored research programs of the Institute  
25 of Food and Agricultural Sciences, the University of Florida  
26 Health Science Center, and the engineering and industrial  
27 experiment station shall continue to be centered at the  
28 University of Florida as heretofore provided by law. Indirect  
29 cost reimbursements of all grants deposited in the Division of  
30 Sponsored Research shall be distributed directly to the above  
31 units in direct proportion to the amounts earned by each unit.

1           (10) The operation of the divisions of sponsored  
 2 research and the conduct of the sponsored research program are  
 3 expressly exempted from the provisions of any other laws or  
 4 portions of laws in conflict herewith and are, subject to the  
 5 requirements of subsection (7), exempted from the provisions  
 6 of chapters 215, 216, and 283.

7           (11) The divisions of sponsored research may pay, by  
 8 advancement or reimbursement, or a combination thereof, the  
 9 costs of per diem of university employees and of other  
 10 authorized persons, as defined in s. 112.061(2)(e), for  
 11 foreign travel up to the current rates as stated in the grant  
 12 and contract terms and may also pay incidental expenses as  
 13 authorized by s. 112.061(8). This subsection applies to any  
 14 university employee traveling in foreign countries for  
 15 sponsored programs of the university, if such travel expenses  
 16 are approved in the terms of the contract or grant. The  
 17 provisions of s. 112.061, other than those relating to per  
 18 diem, apply to the travel described in this subsection. As  
 19 used in this subsection, "foreign travel" means any travel  
 20 outside the United States and its territories and possessions  
 21 and Canada. Persons traveling in foreign countries pursuant  
 22 to this section shall not be entitled to reimbursements or  
 23 advancements pursuant to s. 112.061(6)(a)2. for such travel.

24           (12) Each division of sponsored research is authorized  
 25 to advance funds to any principal investigator who, under the  
 26 contract or grant terms, will be performing a portion of his  
 27 or her research at a site that is remote from the university.  
 28 Funds shall be advanced only to employees who have executed a  
 29 proper power of attorney with the university to ensure the  
 30 proper collection of such advanced funds if it becomes  
 31 necessary. As used in this subsection, the term "remote"

1 means so far removed from the university as to render normal  
2 purchasing and payroll functions ineffective.

3 (13) Each university board of trustees is authorized  
4 to adopt rules, as necessary, to administer this section.

5 Section 167. Section 1004.23, Florida Statutes, is  
6 created to read:

7 1004.23 Universities; powers; patents, copyrights, and  
8 trademarks.--Any other law to the contrary notwithstanding,  
9 each state university is authorized, in its own name, to:

10 (1) Perform all things necessary to secure letters of  
11 patent, copyrights, and trademarks on any work products and to  
12 enforce its rights therein. The university shall consider  
13 contributions by university personnel in the development of  
14 trademarks, copyrights, and patents and shall enter into  
15 written contracts with such personnel establishing the  
16 interests of the university and such personnel in each  
17 trademark, copyright, or patent.

18 (2) License, lease, assign, or otherwise give written  
19 consent to any person, firm, or corporation for the  
20 manufacture or use thereof, on a royalty basis or for such  
21 other consideration as the university shall deem proper.

22 (3) Take any action necessary, including legal action,  
23 to protect the same against improper or unlawful use or  
24 infringement.

25 (4) Enforce the collection of any sums due the  
26 university for the manufacture or use thereof by any other  
27 party.

28 (5) Sell any of the same and execute all instruments  
29 necessary to consummate any such sale.

30 (6) Do all other acts necessary and proper for the  
31 execution of powers and duties herein conferred upon the

1 university, including adopting rules, as necessary, in order  
 2 to administer this section. Any proceeds therefrom shall be  
 3 deposited and expended in accordance with s. 1004.22. Any  
 4 action taken by the university in securing or exploiting such  
 5 trademarks, copyrights, or patents shall, within 30 days, be  
 6 reported in writing by the president to the Department of  
 7 State.

8 Section 168. Section 1004.24, Florida Statutes, is  
 9 created to read:

10 1004.24 Authorization to secure liability insurance.--

11 (1) The State Board of Education is authorized to  
 12 secure, or otherwise provide as a self-insurer, or by a  
 13 combination thereof, comprehensive general liability  
 14 insurance, including professional liability for health care  
 15 and veterinary sciences, for:

16 (a) A university board of trustees.

17 (b) The students and faculty of any state university.

18 (c) The officers, employees, or agents of a university  
 19 board of trustees.

20 (d) The professional practitioners practicing a  
 21 profession within, or by virtue of employment by, any state  
 22 university.

23 (e) Any of the state universities or subdivisions  
 24 thereof.

25 (f) Any not-for-profit corporation, organized pursuant  
 26 to chapter 617, and the directors, officers, employees, and  
 27 agents thereof, that is affiliated with a state university, if  
 28 the corporation is operated for the benefit of a state  
 29 university in a manner consistent with the best interests of  
 30 the state, and if such participation is approved by the  
 31 appropriate insurance trust fund council, university

1 president, and the State Board of Education.

2

3 The State Board of Education is authorized to delegate to the  
4 university boards of trustees, as appropriate, the authority  
5 to secure any liability insurance for the above.

6 (2) In the event the State Board of Education adopts a  
7 self-insurance program, the necessary trust funds in the State  
8 Treasury may be established pursuant to law. If the annual  
9 actuarial report to the self-insurance trust fund council is  
10 provided each year to the Auditor General within 60 days after  
11 acceptance by the council, the assets of a self-insurance  
12 program may be deposited outside the State Treasury, at the  
13 option of the State Board of Education, in accounts  
14 established pursuant to law for that purpose. Self-insurance  
15 program trust funds shall be administered in accordance with  
16 rules established by the State Board of Education.

17 (3) There shall be no funds appropriated directly to  
18 any insurance trust fund. The State Board of Education is  
19 authorized to accept any payments, receipts, gifts, or  
20 donations made for the purposes of this section and deposit  
21 such funds in the appropriate insurance trust fund.

22 (4) No self-insurance program adopted by the State  
23 Board of Education may sue or be sued. The State Board of  
24 Education shall pay, out of the assets of a trust fund  
25 established pursuant to this section, any claim or judgment  
26 for which the self-insurance trust funds were created and  
27 which is rendered against the board. The claims files of any  
28 such program are privileged and confidential, exempt from the  
29 provisions of s. 119.07(1), and are only for the use of the  
30 program in fulfilling its duties. Any self-insurance trust  
31 fund and revenues generated by that fund shall only be used to

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1 pay claims and administration expenses.

2 (5) The State Board of Education is authorized and  
3 empowered to make such rules as may be necessary to carry out  
4 the provisions of this section, including the delegation of  
5 authority, other than rulemaking authority, to appropriate  
6 levels of administration within the state universities.

7 Section 169. Section 1004.25, Florida Statutes, is  
8 created to read:

9 1004.25 State universities; payment of costs of civil  
10 action.--A university may defray all costs of defending any  
11 civil action brought against any officer or employee of the  
12 university for any act or omission arising out of and in the  
13 course of the performance of his or her duties and  
14 responsibilities, which costs may include reasonable  
15 attorney's fees and expenses together with costs of appeal,  
16 and may save harmless and protect such person from any  
17 financial loss resulting from the lawful performance of his or  
18 her duties and responsibilities. Claims based on such actions  
19 or omissions may be settled prior to or after the filing of  
20 suit thereon. The university may arrange for and pay the  
21 premium for appropriate insurance to cover all such losses and  
22 expenses. The university may use funds available, not subject  
23 to the obligation of contract, covenant, or trust, to carry  
24 out the purposes of this section in the amount necessary.  
25 Failure by the university to perform any act authorized by  
26 this section shall not constitute a cause of action against  
27 the university or its members, officers, or employees.

28 Section 170. Section 1004.28, Florida Statutes, is  
29 created to read:

30 1004.28 Direct-support organizations; use of property;  
31 board of directors; activities; audit; facilities.--

1           (1) DEFINITIONS.--For the purposes of this section:

2           (a) "University direct-support organization" means an  
3 organization which is:

4           1. A Florida corporation not for profit incorporated  
5 under the provisions of chapter 617 and approved by the  
6 Department of State.

7           2. Organized and operated exclusively to receive,  
8 hold, invest, and administer property and to make expenditures  
9 to or for the benefit of a state university in Florida or for  
10 the benefit of a research and development park or research and  
11 development authority affiliated with a state university and  
12 organized under part V of chapter 159.

13           3. An organization that a state university board of  
14 trustees, after review, has certified to be operating in a  
15 manner consistent with the goals of the university and in the  
16 best interest of the state. Any organization that is denied  
17 certification by the board of trustees shall not use the name  
18 of the university that it serves.

19           (b) "Personal services" includes full-time or  
20 part-time personnel as well as payroll processing.

21           (2) USE OF PROPERTY.--

22           (a) Each state university board of trustees is  
23 authorized to permit the use of property, facilities, and  
24 personal services at any state university by any university  
25 direct-support organization, and, subject to the provisions of  
26 this section, direct-support organizations may establish  
27 accounts with the State Board of Administration for investment  
28 of funds pursuant to part IV of chapter 218.

29           (b) The board of trustees shall prescribe by rule  
30 conditions with which a university direct-support organization  
31 must comply in order to use property, facilities, or personal



1 services at any state university. Such rules shall provide  
2 for budget and audit review and oversight by the board of  
3 trustees.

4 (c) The board of trustees shall not permit the use of  
5 property, facilities, or personal services at any state  
6 university by any university direct-support organization that  
7 does not provide equal employment opportunities to all persons  
8 regardless of race, color, religion, gender, age, or national  
9 origin.

10 (3) BOARD OF DIRECTORS.--The chair of the university  
11 board of trustees may appoint a representative to the board of  
12 directors and the executive committee of any direct-support  
13 organization established under this section. The president of  
14 the university for which the direct-support organization is  
15 established, or his or her designee, shall also serve on the  
16 board of directors and the executive committee of any  
17 direct-support organization established to benefit that  
18 university.

19 (4) ACTIVITIES; RESTRICTION.--A university  
20 direct-support organization is prohibited from giving, either  
21 directly or indirectly, any gift to a political committee or  
22 committee of continuous existence as defined in s. 106.011 for  
23 any purpose other than those certified by a majority roll call  
24 vote of the governing board of the direct-support organization  
25 at a regularly scheduled meeting as being directly related to  
26 the educational mission of the university.

27 (5) ANNUAL AUDIT.--Each direct-support organization  
28 shall provide for an annual financial audit of its accounts  
29 and records to be conducted by an independent certified public  
30 accountant in accordance with rules adopted by the Auditor  
31 General pursuant to s. 11.45(8) and by the university board of

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1 trustees. The annual audit report shall be submitted, within  
 2 9 months after the end of the fiscal year, to the Auditor  
 3 General and the State Board of Education for review. The State  
 4 Board of Education, the university board of trustees, the  
 5 Auditor General, and the Office of Program Policy Analysis and  
 6 Government Accountability shall have the authority to require  
 7 and receive from the organization or from its independent  
 8 auditor any records relative to the operation of the  
 9 organization. The identity of donors who desire to remain  
 10 anonymous shall be protected, and that anonymity shall be  
 11 maintained in the auditor's report. All records of the  
 12 organization other than the auditor's report, management  
 13 letter, and any supplemental data requested by the State Board  
 14 of Education, the university board of trustees, the Auditor  
 15 General, and the Office of Program Policy Analysis and  
 16 Government Accountability shall be confidential and exempt  
 17 from the provisions of s. 119.07(1).

18 (6) FACILITIES.--In addition to issuance of  
 19 indebtedness pursuant to s. 1010.60(2), each direct-support  
 20 organization is authorized to enter into agreements to  
 21 finance, design and construct, lease, lease-purchase,  
 22 purchase, or operate facilities necessary and desirable to  
 23 serve the needs and purposes of the university, as determined  
 24 by the systemwide strategic plan adopted by the State Board of  
 25 Education. Such agreements are subject to the provisions of  
 26 s. 1013.171.

27 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
 28 organization shall submit to the university president and the  
 29 State Board of Education its federal Internal Revenue Service  
 30 Application for Recognition of Exemption form (Form 1023) and  
 31 its federal Internal Revenue Service Return of Organization

1 Exempt from Income Tax form (Form 990).

2 Section 171. Section 1004.29, Florida Statutes, is  
3 created to read:

4 1004.29 University health services support  
5 organizations.--

6 (1) Each state university is authorized to establish  
7 university health services support organizations which shall  
8 have the ability to enter into, for the benefit of the  
9 university academic health sciences center, arrangements with  
10 other entities as providers in other integrated health care  
11 systems or similar entities. To the extent required by law or  
12 rule, university health services support organizations shall  
13 become licensed as insurance companies, pursuant to chapter  
14 624, or be certified as health maintenance organizations,  
15 pursuant to chapter 641. University health services support  
16 organizations shall have sole responsibility for the acts,  
17 debts, liabilities, and obligations of the organization. In  
18 no case shall the state or university have any responsibility  
19 for such acts, debts, liabilities, and obligations incurred or  
20 assumed by university health services support organizations.

21 (2) Each university health services support  
22 organization shall be a Florida corporation not for profit,  
23 incorporated under the provisions of chapter 617 and approved  
24 by the Department of State.

25 (3) A state university board of trustees may  
26 prescribe, by rule, conditions with which a university health  
27 services support organization must comply in order to be  
28 certified and to use property, facilities, or personal  
29 services at any state university. The rules must provide for  
30 budget, audit review, and oversight by the board of trustees.  
31 Such rules shall provide that the university health services

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1 support organization may provide salary supplements and other  
2 compensation or benefits for university faculty and staff  
3 employees only as set forth in the organization's budget,  
4 which shall be subject to approval by the university  
5 president.

6 (4) The chair of the university board of trustees may  
7 appoint a representative to the board of directors and the  
8 executive committee of any university health services support  
9 organization established under this section. The president of  
10 the university for which the university health services  
11 support organization is established, or the president's  
12 designee, shall also serve on the board of directors and the  
13 executive committee of any university health services support  
14 organization established to benefit that university.

15 (5) Each university health services support  
16 organization shall provide for an annual financial audit in  
17 accordance with s. 1004.28(5). The auditor's report,  
18 management letter, and any supplemental data requested by the  
19 State Board of Education, the university board of trustees,  
20 and the Auditor General shall be considered public records,  
21 pursuant to s. 119.07.

22 Section 172. Section 1004.30, Florida Statutes, is  
23 created to read:

24 1004.30 University health services support  
25 organization; confidentiality of information.--

26 (1) All meetings of a governing board of a university  
27 health services support organization and all university health  
28 services support organization records shall be open and  
29 available to the public in accordance with s. 286.011 and s.  
30 24(b), Art. I of the State Constitution and chapter 119 and s.  
31 24(a), Art. I of the State Constitution, respectively, unless

1 made confidential or exempt by law. Records required by the  
2 Department of Insurance to discharge its duties shall be made  
3 available to the department upon request.

4 (2) The following university health services support  
5 organization's records and information are confidential and  
6 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
7 I of the State Constitution:

8 (a) Contracts for managed care arrangements under  
9 which the university health services support organization  
10 provides health care services, preferred provider organization  
11 contracts, health maintenance organization contracts, alliance  
12 network arrangements, and exclusive provider organization  
13 contracts, and any documents directly relating to the  
14 negotiation, performance, and implementation of any such  
15 contracts for managed care arrangements or alliance network  
16 arrangements. As used in this paragraph, the term "managed  
17 care" means systems or techniques generally used by  
18 third-party payors or their agents to affect access to and  
19 control payment for health care services. Managed-care  
20 techniques most often include one or more of the following:  
21 prior, concurrent, and retrospective review of the medical  
22 necessity and appropriateness of services or site of services;  
23 contracts with selected health care providers; financial  
24 incentives or disincentives related to the use of specific  
25 providers, services, or service sites; controlled access to  
26 and coordination of services by a case manager; and payor  
27 efforts to identify treatment alternatives and modify benefit  
28 restrictions for high-cost patient care.

29 (b) Each university health services support  
30 organization's marketing plan the disclosure of which may  
31 reasonably be expected by the organization's governing board

1 to be used by a competitor or an affiliated provider of the  
 2 organization to frustrate, circumvent, or exploit the purposes  
 3 of the plan before it is implemented and which is not  
 4 otherwise known or cannot be legally obtained by a competitor  
 5 or an affiliated provider. However, documents that are  
 6 submitted to the organization's governing board as part of the  
 7 board's approval of the organization's budget, and the budget  
 8 itself, are not confidential and exempt.

9 (c) Trade secrets, as defined in s. 688.002, including  
 10 reimbursement methodologies and rates.

11 (d) The records of the peer review panels, committees,  
 12 governing board, and agents of the university health services  
 13 support organization which relate solely to the evaluation of  
 14 health care services and professional credentials of health  
 15 care providers and physicians employed by or providing  
 16 services under contract to the university health services  
 17 support organization. The exemptions created by this  
 18 paragraph shall not be construed to impair any otherwise  
 19 established rights of an individual health care provider to  
 20 inspect documents concerning the determination of such  
 21 provider's professional credentials.

22 (3) Any portion of a governing board or peer review  
 23 panel or committee meeting during which a confidential and  
 24 exempt contract, document, record, marketing plan, or trade  
 25 secret, as provided for in subsection (2), is discussed is  
 26 exempt from the provisions of s. 286.011 and s. 24(b), Art. I  
 27 of the State Constitution.

28 (4) Those portions of any public record, such as a  
 29 tape recording, minutes, and notes, generated during that  
 30 portion of a governing board or peer review panel or committee  
 31 meeting which is closed to the public pursuant to this

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1 section, which contain information relating to contracts,  
 2 documents, records, marketing plans, or trade secrets which  
 3 are made confidential and exempt by this section, are  
 4 confidential and exempt from the provisions of s. 119.07(1)  
 5 and s. 24(a), Art. I of the State Constitution.

6 (5) The exemptions from s. 119.07(1) and s. 24(a),  
 7 Art. I of the State Constitution and s. 286.011 and s. 24(b),  
 8 Art. I of the State Constitution provided in this section do  
 9 not apply if the governing board of a university health  
 10 services support organization votes to lease, sell, or  
 11 transfer all or any substantial part of the facilities or  
 12 property of the university health services support  
 13 organization to a nonpublic entity.

14 (6) Any person may petition a court of competent  
 15 jurisdiction for an order for the public release of those  
 16 portions of any public record, such as a tape recording,  
 17 minutes, or notes, generated during that portion of a  
 18 governing board meeting which is closed to the public pursuant  
 19 to subsection (3), which record is made confidential and  
 20 exempt by subsection (4). Any action pursuant to this  
 21 subsection must be brought in the county where the principal  
 22 office of the university health services support organization  
 23 is located, as reflected in the records of the Secretary of  
 24 State. In any order for the public release of a record  
 25 pursuant to this subsection, the court shall make a finding  
 26 that a compelling public interest is served by the release of  
 27 the record or portions thereof which exceeds the public  
 28 necessity for maintaining the confidentiality of such record  
 29 as described in s. 2, chapter 96-171, Laws of Florida, and  
 30 that the release of the record will not cause damage to or  
 31 adversely affect the interests of private persons, business

1 entities, the university health services support organization,  
2 or the affiliated university.

3 (7) Those portions of any public record, such as a  
4 tape recording, minutes, or notes, generated during that  
5 portion of a governing board meeting at which negotiations for  
6 contracts for managed-care arrangements occur, are reported  
7 on, or are acted on by the governing board, which record is  
8 made confidential and exempt by subsection (4), shall become  
9 public records 2 years after the termination or completion of  
10 the term of the contract to which such negotiations relate or,  
11 if no contract was executed, 2 years after the termination of  
12 the negotiations. Notwithstanding paragraph (2)(a) and  
13 subsection (4), a university health services support  
14 organization must make available, upon request, the title and  
15 general description of a contract for managed-care  
16 arrangements, the names of the contracting parties, and the  
17 duration of the contract term. All contracts for managed-care  
18 arrangements which are made confidential and exempt by  
19 paragraph (2)(a), except those portions of any contract  
20 containing trade secrets which are made confidential and  
21 exempt by paragraph (2)(c), shall become public 2 years after  
22 the termination or completion of the term of the contract.

23 (8) A university health services support organization  
24 may petition a court of competent jurisdiction to continue the  
25 confidentiality of any public record made nonconfidential by  
26 this section, upon a showing of good cause. In determining  
27 good cause, the court shall balance the property, privacy, and  
28 economic interests of any affected person or business entity  
29 with those of the university health services support  
30 organization and with the public interest and must make a  
31 finding that a substantial public interest is served by the



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1 continued confidentiality of the public record for an  
2 additional time period. The length of time for this continued  
3 exemption may be no longer than is necessary to protect that  
4 substantial public interest.

5 (9) This act does not preclude discovery of records  
6 and information that are otherwise discoverable under the  
7 Florida Rules of Civil Procedure or any statutory provision  
8 allowing discovery or presuit disclosure of such records and  
9 information for the purpose of civil actions.

10 Section 173. Section 1004.31, Florida Statutes, is  
11 created to read:

12 1004.31 Assent to Hatch Act and Morrill Land-Grant  
13 Act.--The assent of the Legislature is given to the provisions  
14 and requirements of the Acts of Congress commonly known as the  
15 "Hatch Act of 1887," the "First Morrill Act of 1862," the  
16 "Second Morrill Act of 1890," and all acts supplemental  
17 thereto. The University of Florida Board of Trustees may  
18 receive grants of money appropriated for the benefit of the  
19 University of Florida Institute of Food and Agricultural  
20 Sciences in the case of the First Morrill Act, the Hatch Act,  
21 and all acts supplemental thereto. The Florida Agricultural  
22 and Mechanical University Board of Trustees may receive grants  
23 of money appropriated for the benefit of Florida Agricultural  
24 and Mechanical University in the case of the Second Morrill  
25 Act and all acts supplemental thereto. The provisions of  
26 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,  
27 1870, Laws of Florida, are made applicable to said  
28 universities insofar as the same are or can be made effective;  
29 and all estate, right, property claim, and emoluments, and the  
30 rents and issues thereof, or any substitutions thereof, and  
31 all claims and demands arising or that may or can arise

1 thereunder, or any Act of Congress in that regard, are hereby  
2 preserved, maintained, and transferred to the University of  
3 Florida Board of Trustees and the Florida Agricultural and  
4 Mechanical University Board of Trustees for the use and  
5 benefit of said universities under the terms of said acts.

6 Section 174. Section 1004.32, Florida Statutes, is  
7 created to read:

8 1004.32 New College of Florida.--

9 (1) MISSION AND GOALS.--New College of Florida serves  
10 a distinctive mission as a residential liberal arts honors  
11 college. To maintain this mission, New College of Florida has  
12 the following goals:

13 (a) To provide a quality education to students of high  
14 ability who, because of their ability, deserve a program of  
15 study that is both demanding and stimulating.

16 (b) To engage in undergraduate educational reform by  
17 combining educational innovation with educational excellence.

18 (c) To provide programs of study that allow students  
19 to design their educational experience as much as possible in  
20 accordance with their individual interests, values, and  
21 abilities.

22 (d) To challenge undergraduates not only to master  
23 existing bodies of knowledge but also to extend the frontiers  
24 of knowledge through original research.

25 (2) ACCREDITATION.--As soon as possible, New College  
26 of Florida shall apply to the Commission on Colleges of the  
27 Southern Association of Colleges and Schools for separate  
28 accreditation.

29 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12  
30 members to the Board of Trustees, to serve 4-year staggered  
31 terms, as follows:

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- 1           (a) Three residents of Sarasota County.
- 2           (b) Two residents of Manatee County.
- 3           (c) Until the expiration date of the terms of office
- 4 of the members who are on the board June 30, 2001, seven
- 5 members selected from the Board of Trustees of the New College
- 6 Foundation.

7

8 In addition, the student body president shall serve ex officio

9 as a voting member of the board of trustees.

10           Section 175. Part II.b. of chapter 1004, Florida

11 Statutes, shall be entitled "Branch Campuses, Centers,

12 Institutes, and Special Programs" and shall consist of ss.

13 1004.33-1004.62.

14           Section 176. Section 1004.33, Florida Statutes, is

15 created to read:

16           1004.33 The University of South Florida St.

17 Petersburg.--

18           (1) The St. Petersburg campus of the University of

19 South Florida is established and shall be known as the

20 "University of South Florida St. Petersburg."

21           (a) The Legislature intends that the University of

22 South Florida St. Petersburg be operated and maintained as a

23 separate organizational and budget entity of the University of

24 South Florida, and that all legislative appropriations for the

25 University of South Florida St. Petersburg be set forth as

26 separate line items in the annual General Appropriations Act.

27           (b) The University of South Florida St. Petersburg

28 shall have a Campus Board and a Campus Executive Officer.

29           (c) As soon as possible, but no later than the

30 effective date of this act, the President of the University of

31 South Florida shall begin the process of application to the

1 Commission on Colleges of the Southern Association of Colleges  
 2 and Schools for separate accreditation of the University of  
 3 South Florida St. Petersburg. If the application is not  
 4 approved or is provisionally approved, the University of South  
 5 Florida shall correct any identified deficiencies and shall  
 6 continue to work for accreditation.

7       (2) The Board of Trustees of the University of South  
 8 Florida shall appoint to the Campus Board, from  
 9 recommendations of the President of the University of South  
 10 Florida, five residents of Pinellas County. If a resident of  
 11 Pinellas County is appointed to the Board of Trustees of the  
 12 University of South Florida, the board shall appoint that  
 13 member to serve jointly as a member of the Campus Board. If  
 14 more than one Pinellas County resident is appointed to the  
 15 Board of Trustees, the board shall select one joint member.  
 16 The Board of Trustees may reappoint a member to the Campus  
 17 Board for one additional term. The Campus Board has the powers  
 18 and duties provided by law, which include the authority to:

19       (a) Review and approve an annual legislative budget  
 20 request to be submitted to the Commissioner of Education. The  
 21 Campus Executive Officer shall prepare the legislative budget  
 22 request in accordance with guidelines established by the State  
 23 Board of Education. This request must include items for campus  
 24 operations and fixed capital outlay.

25       (b) Approve and submit an annual operating plan and  
 26 budget for review and consultation by the Board of Trustees of  
 27 the University of South Florida. The campus operating budget  
 28 must reflect the actual funding available to that campus from  
 29 separate line-item appropriations contained in each annual  
 30 General Appropriations Act, which line-item appropriations  
 31 must initially reflect the funds reported to the Legislature

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1 for the University of South Florida St. Petersburg campus for  
2 fiscal year 2000-2001 and any additional funds provided in the  
3 fiscal year 2001-2002 legislative appropriation.

4 (c) Enter into central support services contracts with  
5 the Board of Trustees of the University of South Florida for  
6 any services that the St. Petersburg campus cannot provide  
7 more economically, including payroll processing, accounting,  
8 technology, construction administration, and other desired  
9 services. However, all legal services for the campus must be  
10 provided by a central services contract with the university.  
11 The Board of Trustees of the University of South Florida and  
12 the Campus Board shall determine in a letter of agreement any  
13 allocation or sharing of student fee revenue between the  
14 University of South Florida's main campus and the St.  
15 Petersburg campus.

16  
17 The Board of Trustees of the University of South Florida may  
18 lawfully delegate other powers and duties to the Campus Board  
19 for the efficient operation and improvement of the campus and  
20 for the purpose of vesting in the campus the attributes  
21 necessary to meet the requirements for separate accreditation  
22 by the Southern Association of Colleges and Schools.

23 (3) The University of South Florida St. Petersburg  
24 shall be administered by a Campus Executive Officer who shall  
25 be appointed by, report directly to, and serve at the pleasure  
26 of the President of the University of South Florida. The  
27 President shall consult with the Campus Board before hiring or  
28 terminating the Campus Executive Officer. The Campus Executive  
29 Officer has authority and responsibility as provided in law,  
30 including the authority to:

31 (a) Administer campus operations within the annual

1 operating budget as approved by the Campus Board.

2 (b) Recommend to the Campus Board an annual  
3 legislative budget request that includes funding for campus  
4 operations and fixed capital outlay.

5 (c) Recommend to the Campus Board an annual campus  
6 operating budget.

7 (d) Recommend to the Campus Board appropriate services  
8 and terms and conditions to be included in annual central  
9 support services contracts.

10 (e) Carry out any additional responsibilities assigned  
11 or delegated by the President of the University of South  
12 Florida for the efficient operation and improvement of the  
13 campus, especially any authority necessary for the purpose of  
14 vesting in the campus attributes necessary to meet the  
15 requirements for separate accreditation.

16 (4) Students enrolled at the University of South  
17 Florida, including those enrolled at a branch campus, have the  
18 same rights and obligations as provided by law, policy, or  
19 rule adopted by the University of South Florida, the Florida  
20 Department of Education, or other lawful entity. The  
21 University of South Florida shall provide a comprehensive and  
22 coordinated system of student registration so that a student  
23 enrolled at any campus of the University of South Florida has  
24 the ability to register for courses at any other campus of the  
25 University of South Florida.

26 (5) The following entities are not affected by this  
27 section and remain under the administrative control of the  
28 University of South Florida:

29 (a) The University of South Florida College of Marine  
30 Science, which is a component college of the main campus.

31 (b) The Florida Institute of Oceanography, which is a

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1 Type One Institute.

2 (c) The University of South Florida Pediatric Research  
3 Center.

4 (d) The University of South Florida/USGS joint  
5 facility.

6 Section 177. Section 1004.34, Florida Statutes, is  
7 created to read:

8 1004.34 The University of South Florida  
9 Sarasota/Manatee.--

10 (1) The Sarasota/Manatee campus of the University of  
11 South Florida is established and shall be known as the  
12 "University of South Florida Sarasota/Manatee."

13 (a) The Legislature intends that the University of  
14 South Florida Sarasota/Manatee be operated and maintained as a  
15 separate organizational and budget entity of the University of  
16 South Florida and that all legislative appropriations for the  
17 University of South Florida Sarasota/Manatee be set forth as  
18 separate line items in the annual General Appropriations Act.

19 (b) The University of South Florida Sarasota/Manatee  
20 shall have a Campus Board and a Campus Executive Officer.

21 (c) As soon as possible, but no later than July 1,  
22 2002, the President of the University of South Florida shall  
23 begin the process of application to the Commission on Colleges  
24 of the Southern Association of Colleges and Schools for  
25 separate accreditation of the University of South Florida  
26 Sarasota/Manatee. If the application is not approved or is  
27 provisionally approved, the University of South Florida shall  
28 correct any identified deficiencies and shall continue to work  
29 for accreditation.

30 (2) The Board of Trustees of the University of South  
31 Florida shall appoint to the Campus Board, from

1 recommendations of the President of the University of South  
 2 Florida, three residents of Manatee County and two residents  
 3 of Sarasota County, to serve 4-year staggered terms. If one or  
 4 more residents of Sarasota County or Manatee County are  
 5 appointed to the Board of Trustees of the University of South  
 6 Florida, the board shall, at the next vacancy of the Campus  
 7 Board, appoint one of those members to serve jointly as a  
 8 member of the Campus Board. The Board of Trustees may  
 9 reappoint a member to the Campus Board for one additional  
 10 term. The Campus Board has the powers and duties provided by  
 11 law, which include the authority to:

12       (a) Review and approve an annual legislative budget  
 13 request to be submitted to the Commissioner of Education. The  
 14 Campus Executive Officer shall prepare the legislative budget  
 15 request in accordance with guidelines established by the State  
 16 Board of Education. This request must include items for campus  
 17 operations and fixed capital outlay.

18       (b) Approve and submit an annual operating plan and  
 19 budget for review and consultation by the Board of Trustees of  
 20 the University of South Florida. The campus operating budget  
 21 must reflect the actual funding available to that campus from  
 22 separate line-item appropriations contained in each annual  
 23 General Appropriations Act, which line-item appropriations  
 24 must initially reflect the funds reported to the Legislature  
 25 for the University of South Florida Sarasota/Manatee campus  
 26 for fiscal year 2000-2001 and any additional funds provided in  
 27 the fiscal year 2001-2002 legislative appropriation.

28       (c) Enter into central support services contracts with  
 29 the Board of Trustees of the University of South Florida for  
 30 any services that the campus at Sarasota/Manatee cannot  
 31 provide more economically, including payroll processing,



1 accounting, technology, construction administration, and other  
 2 desired services. However, all legal services for the campus  
 3 must be provided by a central services contract with the  
 4 university. The Board of Trustees of the University of South  
 5 Florida and the Campus Board shall determine in a letter of  
 6 agreement any allocation or sharing of student fee revenue  
 7 between the University of South Florida's main campus and the  
 8 Sarasota/Manatee campus.

9  
 10 The Board of Trustees of the University of South Florida may  
 11 lawfully delegate other powers and duties to the Campus Board  
 12 for the efficient operation and improvement of the campus and  
 13 for the purpose of vesting in the campus the attributes  
 14 necessary to meet the requirements for separate accreditation  
 15 by the Southern Association of Colleges and Schools.

16 (3) The University of South Florida Sarasota/Manatee  
 17 shall be administered by a Campus Executive Officer who shall  
 18 be appointed by, report directly to, and serve at the pleasure  
 19 of the President of the University of South Florida. The  
 20 President shall consult with the Campus Board before hiring or  
 21 terminating the Campus Executive Officer. The Campus Executive  
 22 Officer has authority and responsibility as provided in law,  
 23 including the authority to:

24 (a) Administer campus operations within the annual  
 25 operating budget as approved by the Campus Board.

26 (b) Recommend to the Campus Board an annual  
 27 legislative budget request that includes funding for campus  
 28 operations and fixed capital outlay.

29 (c) Recommend to the Campus Board an annual campus  
 30 operating budget.

31 (d) Recommend to the Campus Board appropriate services

1 and terms and conditions to be included in annual central  
2 support services contracts.

3 (e) Carry out any additional responsibilities assigned  
4 or delegated by the President of the University of South  
5 Florida for the efficient operation and improvement of the  
6 campus, especially any authority necessary for the purpose of  
7 vesting in the campus attributes necessary to meet the  
8 requirements for separate accreditation.

9 (4) Students enrolled at the University of South  
10 Florida, including those enrolled at a branch campus, have the  
11 same rights and obligations as provided by law, policy, or  
12 rule adopted by the University of South Florida, the Florida  
13 Department of Education, or other lawful entity. The  
14 University of South Florida shall provide a comprehensive and  
15 coordinated system of student registration so that a student  
16 enrolled at any campus of the University of South Florida has  
17 the ability to register for courses at any other campus of the  
18 University of South Florida.

19 (5) Promote technology transfer between the research  
20 operations of the University of South Florida and local  
21 economic development agencies.

22 Section 178. Section 1004.35, Florida Statutes, is  
23 created to read:

24 1004.35 Broward County campuses of Florida Atlantic  
25 University; coordination with other institutions.--The State  
26 Board of Education and Florida Atlantic University shall  
27 consult with Broward Community College and Florida  
28 International University in coordinating course offerings at  
29 the postsecondary level in Broward County. Florida Atlantic  
30 University may contract with the Board of Trustees of Broward  
31 Community College and with Florida International University to

1 provide instruction in courses offered at the Southeast  
2 Campus. Florida Atlantic University shall increase course  
3 offerings at the Southeast Campus as facilities become  
4 available.

5 Section 179. Section 1004.36, Florida Statutes, is  
6 created to read:

7 1004.36 Florida Atlantic University campuses.--

8 (1) The Broward County campuses of Florida Atlantic  
9 University are hereby established as a partner of the Florida  
10 Atlantic University campus in Boca Raton. The Broward County  
11 campuses of Florida Atlantic University shall be known as  
12 "Florida Atlantic University Broward." The Boca Raton campuses  
13 of Florida Atlantic University shall be known as "Florida  
14 Atlantic University Boca Raton." The office of the president  
15 shall be at the campus in Boca Raton.

16 (2) Florida Atlantic University shall develop and  
17 administer a separate budget for Florida Atlantic University  
18 Broward. The budget shall include, at a minimum, an allocation  
19 of those operating and capital outlay funds appropriated  
20 annually by the Legislature in the General Appropriations Act  
21 for the Broward campuses; a proportional share, based on  
22 student credit hours produced at the Broward campuses, of any  
23 allocations received by the university from student tuition  
24 and fees, except for athletic fees, specifically authorized by  
25 law; all overhead charges from sponsored research conducted on  
26 the Broward campuses; and all revenues derived from vending  
27 funds, auxiliary enterprises and contracts, and grants and  
28 donations, as authorized by s. 1011.91, which result from  
29 activities on Broward campuses. Florida Atlantic University  
30 Broward and Florida Atlantic University Boca Raton may pay  
31 reasonable charges to appropriate levels of administration of

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1 Florida Atlantic University for services delivered  
2 universitywide.

3 (3) The Florida Atlantic University Board of Trustees  
4 shall take all actions necessary to ensure that Florida  
5 Atlantic University Broward and Florida Atlantic University  
6 Boca Raton are partners in the overall policymaking and  
7 academic governance structures of the university. Annual  
8 legislative budget requests for operations and facilities  
9 shall separately identify those funds requested for Florida  
10 Atlantic University Broward and Florida Atlantic University  
11 Boca Raton. Florida Atlantic University Broward and Florida  
12 Atlantic University Boca Raton shall have local management  
13 authority over their campus faculty, staff, and programs, but  
14 there shall be universitywide standards and processes for  
15 evaluating requests for promotion and tenure; there shall be  
16 complete transferability of credits and uniform programs  
17 across campuses; and colleges operating on multiple campuses  
18 shall have only one dean for each college. Florida Atlantic  
19 University Broward shall establish a faculty senate and may  
20 establish a direct-support organization. Any such  
21 direct-support organization shall be subject to s. 1004.28(5).

22 (4) The State Board of Education, as a function of its  
23 comprehensive master planning process, shall continue to  
24 evaluate the need for undergraduate programs in Broward County  
25 and shall assess the extent to which existing postsecondary  
26 programs are addressing those needs.

27 Section 180. Section 1004.37, Florida Statutes, is  
28 created to read:

29 1004.37 County or area extension programs; cooperation  
30 between counties and University of Florida and Florida  
31 Agricultural and Mechanical University.--

1           (1) The Florida Cooperative Extension Service is  
 2 administered through the University of Florida and is  
 3 supported programmatically by the University of Florida and  
 4 Florida Agricultural and Mechanical University in  
 5 collaboration with individual county governments. County or  
 6 area extension programs will be developed, based on local  
 7 situations, needs, and problems, supported by scientific and  
 8 technical information developed by the University of Florida,  
 9 Florida Agricultural and Mechanical University, the United  
 10 States Department of Agriculture, and other sources of  
 11 research information. This information will be made available  
 12 through the local program, with the aid of research scientists  
 13 and extension specialists of the University of Florida  
 14 Institute of Food and Agricultural Sciences and Florida  
 15 Agricultural and Mechanical University.

16           (2) In each county or other geographic subdivision the  
 17 board of county commissioners or other legally constituted  
 18 governing body will annually determine the extent of its  
 19 financial participation in cooperative extension work. The  
 20 extent of such financial participation by the counties will  
 21 influence the number of county extension agents and clerical  
 22 staff employed and the scope of the local extension program.

23           (3) Boards of county commissioners or other legally  
 24 constituted governing bodies will approve or disapprove of  
 25 persons recommended for extension positions in the county. If  
 26 the governing body of the county notifies the extension  
 27 service by resolution that it wants a list of three qualified  
 28 candidates, then the extension service shall, for each  
 29 position, make its recommendation by submitting a list of not  
 30 fewer than three qualified persons, or all qualified persons  
 31 if three or fewer. From this list, the board of county

1 commissioners, or other legally constituted governing body,  
 2 shall make its selection. If none of the persons recommended  
 3 are approved, the extension service shall continue to submit  
 4 lists of not fewer than three additional qualified persons  
 5 until one person is selected. If the governing body of the  
 6 county does not forward such a resolution to the extension  
 7 service, the extension service shall recommend one qualified  
 8 candidate to the governing body. If a person recommended is  
 9 not approved, the extension service shall recommend another  
 10 qualified candidate and shall repeat this procedure as  
 11 necessary until one person is selected. Extension agents so  
 12 appointed will be staff members of the University of Florida  
 13 or Florida Agricultural and Mechanical University, depending  
 14 on the source of funds. It is the responsibility of the  
 15 cooperative extension service to determine qualifications for  
 16 positions.

17       (4) Although county extension agents are jointly  
 18 employed by the state universities and federal and county  
 19 governments for the purposes of administration of the  
 20 cooperative extension service, the personnel policies and  
 21 procedures of the University of Florida or Florida  
 22 Agricultural and Mechanical University, depending on  
 23 appointment, will apply except in those instances when federal  
 24 legislation or the basic memorandum of understanding is  
 25 applicable.

26       (5) The University of Florida will provide county  
 27 extension personnel in the county with supervision and  
 28 resources for planning and programming and is responsible for  
 29 the programming process. The Florida Cooperative Extension  
 30 Service will make available needed program materials to the  
 31 extension agents through the subject matter specialists or

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1 through other resource persons available from within the  
2 university. It will be responsible for maintaining a high  
3 level of technical competence in the county extension staff  
4 through a continuous program of inservice training.

5 (6) The county extension director will report  
6 periodically to the board of county commissioners or other  
7 legally constituted governing body on programs underway and  
8 results in the county. Each board of county commissioners or  
9 other legally constituted governing body will develop a plan  
10 which will enable it to be kept informed on the progress and  
11 results of the local extension program so that its own  
12 knowledge of program needs and problems may become a part of  
13 the educational work carried on by the agents. Such plan shall  
14 provide for a means of communicating the board's satisfaction  
15 with the extension program to the county extension director  
16 and the cooperative extension service.

17 Section 181. Section 1004.38, Florida Statutes, is  
18 created to read:

19 1004.38 Master of science program in speech-language  
20 pathology; Florida International University.--A master of  
21 science degree program in speech-language pathology is hereby  
22 authorized at Florida International University.

23 Section 182. Section 1004.39, Florida Statutes, is  
24 created to read:

25 1004.39 College of law at Florida International  
26 University.--

27 (1) A college of law is authorized at Florida  
28 International University.

29 (2) The college of law at Florida International  
30 University must be operated in compliance with the standards  
31 approved by nationally recognized associations for accredited

1 colleges of law.

2       (3) The college of law at Florida International  
3 University, to the extent consistent with the standards  
4 required by the American Bar Association or any other  
5 nationally recognized association for the accreditation of  
6 colleges of law, shall develop a law library collection  
7 utilizing electronic formats and mediums.

8       (4) The college of law at Florida International  
9 University shall develop and institute a program that is  
10 consistent with sound legal education principles as determined  
11 by the American Bar Association or any other nationally  
12 recognized association for the accreditation of colleges of  
13 law and that, to the extent consistent with such sound legal  
14 education principles, is structured to serve the legal needs  
15 of traditionally underserved portions of the population by  
16 providing an opportunity for participation in a legal clinic  
17 program or pro bono legal service.

18       (5) The Florida International University Board of  
19 Trustees shall commence the planning of a college of law at  
20 Florida International University. In planning the college of  
21 law, the Florida International University Board of Trustees  
22 and the State Board of Education may accept grants, donations,  
23 gifts, and moneys available for this purpose, including moneys  
24 for planning and constructing the college. The Florida  
25 International University Board of Trustees may procure and  
26 accept any federal funds that are available for the planning,  
27 creation, and establishment of the college of law. Classes  
28 must commence by the fall semester 2003. If the American Bar  
29 Association or any other nationally recognized association for  
30 the accreditation of colleges of law issues a third  
31 disapproval of an application for provisional approval or for



1 full approval or fails to grant, within 5 years following the  
 2 graduation of the first class, a provisional approval, to the  
 3 college of law at Florida International University, the State  
 4 Board of Education shall make recommendations to the Governor  
 5 and the Legislature as to whether the college of law will  
 6 cease operations at the end of the full academic year  
 7 subsequent to the receipt by the college of law of any such  
 8 third disapproval, or whether the college of law will continue  
 9 operations and any conditions for continued operations. If the  
 10 college of law ceases operations pursuant to this section, the  
 11 following conditions apply:

12       (a) The authority for the college of law at Florida  
 13 International University and the authority of the Florida  
 14 International University Board of Trustees and the State Board  
 15 of Education provided in this section shall terminate upon the  
 16 cessation of operations of the college of law at Florida  
 17 International University. The college of law at Florida  
 18 International University shall receive no moneys allocated for  
 19 the planning, construction, or operation of the college of law  
 20 after its cessation of operations other than moneys to be  
 21 expended for the cessation of operations of the college of  
 22 law. Any moneys allocated to the college of law at Florida  
 23 International University not expended prior to or scheduled to  
 24 be expended after the date of the cessation of the college of  
 25 law shall be appropriated for other use by the Legislature of  
 26 the State of Florida.

27       (b) Any buildings of the college of law at Florida  
 28 International University constructed from the expenditure of  
 29 capital outlay funds appropriated by the Legislature shall be  
 30 owned by the Board of Trustees of the Internal Improvement  
 31 Trust Fund and managed by the Florida International University

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1 Board of Trustees upon the cessation of the college of law.  
 2  
 3 Nothing in this section shall undermine commitments to current  
 4 students receiving support as of the date of the enactment of  
 5 this section from the law school scholarship program of the  
 6 Florida Education Fund as provided in s. 1009.70(8). Students  
 7 attending the college of law at Florida International  
 8 University shall be eligible for financial, academic, or other  
 9 support from the Florida Education Fund as provided in s.  
 10 1009.70(8) without the college's obtaining accreditation by  
 11 the American Bar Association.

12 (6) The college of law at Florida International  
 13 University shall be dedicated to providing opportunities for  
 14 minorities to attain representation within the legal  
 15 profession proportionate to their representation in the  
 16 general population; however, the college of law shall not  
 17 include preferences in the admissions process for applicants  
 18 on the basis of race, national origin, or gender.

19 Section 183. Section 1004.40, Florida Statutes, is  
 20 created to read:

21 1004.40 College of law at Florida Agricultural and  
 22 Mechanical University.--

23 (1) A college of law is authorized at Florida  
 24 Agricultural and Mechanical University.

25 (2) The college of law at Florida Agricultural and  
 26 Mechanical University must be operated in compliance with the  
 27 standards approved by nationally recognized associations for  
 28 accredited colleges of law.

29 (3) The college of law at Florida Agricultural and  
 30 Mechanical University, to the extent consistent with the  
 31 standards required by the American Bar Association or any

1 other nationally recognized association for the accreditation  
2 of colleges of law, shall develop a law library collection  
3 utilizing electronic formats and mediums.

4 (4) The college of law at Florida Agricultural and  
5 Mechanical University shall develop and institute a program  
6 that is consistent with sound legal education principles as  
7 determined by the American Bar Association or any other  
8 nationally recognized association for the accreditation of  
9 colleges of law and that, to the extent consistent with such  
10 sound legal education principles, is structured to serve the  
11 legal needs of traditionally underserved portions of the  
12 population by providing an opportunity for participation in a  
13 legal clinic program or pro bono legal service.

14 (5) The Florida Agricultural and Mechanical University  
15 Board of Trustees shall commence the planning of a college of  
16 law under the auspices of Florida Agricultural and Mechanical  
17 University to be located in the I-4 corridor area. In planning  
18 the college of law, the Florida Agricultural and Mechanical  
19 University Board of Trustees and the State Board of Education  
20 may accept grants, donations, gifts, and moneys available for  
21 this purpose, including moneys for planning and constructing  
22 the college. The Florida Agricultural and Mechanical  
23 University Board of Trustees may procure and accept any  
24 federal funds that are available for the planning, creation,  
25 and establishment of the college of law. Classes must commence  
26 by the fall semester 2003. If the American Bar Association or  
27 any other nationally recognized association for the  
28 accreditation of colleges of law issues a third disapproval of  
29 an application for provisional approval or for full approval  
30 or fails to grant, within 5 years following the graduation of  
31 the first class, a provisional approval, to the college of law

1 at Florida Agricultural and Mechanical University, the State  
 2 Board of Education shall make recommendations to the Governor  
 3 and Legislature as to whether the college of law will cease  
 4 operations at the end of the full academic year subsequent to  
 5 the receipt by the college of law of any such third  
 6 disapproval, or whether the college of law will continue  
 7 operations and any conditions for continued operations. If the  
 8 college of law ceases operations of the college of law  
 9 pursuant to this section, the following conditions apply:

10       (a) The authority for the college of law at Florida  
 11 Agricultural and Mechanical University and the authority of  
 12 the Florida Agricultural and Mechanical University Board of  
 13 Trustees and the State Board of Education provided in this  
 14 section shall terminate upon the cessation of operations of  
 15 the college of law at Florida Agricultural and Mechanical  
 16 University. The college of law at Florida Agricultural and  
 17 Mechanical University shall receive no moneys allocated for  
 18 the planning, construction, or operation of the college of law  
 19 after its cessation of operations other than moneys to be  
 20 expended for the cessation of operations of the college of  
 21 law. Any moneys allocated to the college of law at Florida  
 22 Agricultural and Mechanical University not expended prior to  
 23 or scheduled to be expended after the date of the cessation of  
 24 the college of law shall be appropriated for other use by the  
 25 Legislature of the State of Florida.

26       (b) Any buildings of the college of law at Florida  
 27 Agricultural and Mechanical University constructed from the  
 28 expenditure of capital outlay funds appropriated by the  
 29 Legislature shall be owned by the Board of Trustees of the  
 30 Internal Improvement Trust Fund and managed by the Florida  
 31 Agricultural and Mechanical University Board of Trustees upon

1 the cessation of the college of law.

2

3 Nothing in this section shall undermine commitments to current  
4 students receiving support as of the date of the enactment of  
5 this section from the law school scholarship program of the  
6 Florida Education Fund as provided in s. 1009.70(8). Students  
7 attending the college of law at Florida Agricultural and  
8 Mechanical University shall be eligible for financial,  
9 academic, or other support from the Florida Education Fund as  
10 provided in s. 1009.70(8) without the college's obtaining  
11 accreditation by the American Bar Association.

12 (6) The college of law at Florida Agricultural and  
13 Mechanical University shall be dedicated to providing  
14 opportunities for minorities to attain representation within  
15 the legal profession proportionate to their representation in  
16 the general population; however, the college of law shall not  
17 include preferences in the admissions process for applicants  
18 on the basis of race, national origin, or gender.

19 Section 184. Section 1004.41, Florida Statutes, is  
20 created to read:

21 1004.41 University of Florida; J. Hillis Miller Health  
22 Center.--

23 (1) There is established the J. Hillis Miller Health  
24 Center at the University of Florida, including campuses at  
25 Gainesville and Jacksonville and affiliated teaching  
26 hospitals, which shall include the following colleges:

27 (a) College of Dentistry.

28 (b) College of Health Professions.

29 (c) College of Medicine.

30 (d) College of Nursing.

31 (e) College of Pharmacy.

1           (f) College of Veterinary Medicine and related  
2 teaching hospitals.

3           (2) Each college of the health center shall be so  
4 maintained and operated as to comply with the standards  
5 approved by a nationally recognized association for  
6 accreditation.

7           (3)(a) The University of Florida Health Center  
8 Operations and Maintenance Trust Fund shall be administered by  
9 the University of Florida Board of Trustees. Funds shall be  
10 credited to the trust fund from the sale of goods and services  
11 performed by the University of Florida Veterinary Medicine  
12 Teaching Hospital. The purpose of the trust fund is to support  
13 the instruction, research, and service missions of the  
14 University of Florida College of Veterinary Medicine.

15           (b) Notwithstanding the provisions of s. 216.301, and  
16 pursuant to s. 216.351, any balance in the trust fund at the  
17 end of any fiscal year shall remain in the trust fund and  
18 shall be available for carrying out the purposes of the trust  
19 fund.

20           (4)(a) The University of Florida Board of Trustees  
21 shall lease the hospital facilities of the health center,  
22 known as the Shands Teaching Hospital and Clinics on the  
23 campus of the University of Florida and all furnishings,  
24 equipment, and other chattels or choses in action used in the  
25 operation of the hospital, to a private not-for-profit  
26 corporation organized solely for the purpose of operating the  
27 hospital and ancillary health care facilities of the health  
28 center and other health care facilities and programs  
29 determined to be necessary by the board of the nonprofit  
30 corporation. The rental for the hospital facilities shall be  
31 an amount equal to the debt service on bonds or revenue

1 certificates issued solely for capital improvements to the  
2 hospital facilities or as otherwise provided by law.

3 (b) The University of Florida Board of Trustees shall  
4 provide in the lease or by separate contract or agreement with  
5 the not-for-profit corporation for the following:

6 1. Approval of the articles of incorporation of the  
7 not-for-profit corporation by the University of Florida Board  
8 of Trustees and the governance of the not-for-profit  
9 corporation by a board of directors appointed and chaired by  
10 the President of the University of Florida and vice-chaired by  
11 the Vice President for Health Affairs of the University of  
12 Florida.

13 2. The use of hospital facilities and personnel in  
14 support of the research programs and of the teaching role of  
15 the health center.

16 3. The continued recognition of the collective  
17 bargaining units and collective bargaining agreements as  
18 currently composed and recognition of the certified labor  
19 organizations representing those units and agreements.

20 4. The use of hospital facilities and personnel in  
21 connection with research programs conducted by the health  
22 center.

23 5. Reimbursement to the hospital for indigent  
24 patients, state-mandated programs, underfunded state programs,  
25 and costs to the hospital for support of the teaching and  
26 research programs of the health center. Such reimbursement  
27 shall be appropriated to either the health center or the  
28 hospital each year by the Legislature after review and  
29 approval of the request for funds.

30 (c) The University of Florida Board of Trustees may,  
31 with the approval of the Legislature, increase the hospital

1 facilities or remodel or renovate them, provided that the  
 2 rental paid by the hospital for such new, remodeled, or  
 3 renovated facilities is sufficient to amortize the costs  
 4 thereof over a reasonable period of time or fund the debt  
 5 service for any bonds or revenue certificates issued to  
 6 finance such improvements.

7 (d) The University of Florida Board of Trustees is  
 8 authorized to provide to the not-for-profit corporation  
 9 leasing the hospital facilities and its not-for-profit  
 10 subsidiaries comprehensive general liability insurance  
 11 including professional liability from a self-insurance trust  
 12 program established pursuant to s. 1004.24.

13 (e) In the event that the lease of the hospital  
 14 facilities to the not-for-profit corporation is terminated for  
 15 any reason, the University of Florida Board of Trustees shall  
 16 resume management and operation of the hospital facilities.  
 17 In such event, the Administration Commission is authorized to  
 18 appropriate revenues generated from the operation of the  
 19 hospital facilities to the University of Florida Board of  
 20 Trustees to pay the costs and expenses of operating the  
 21 hospital facility for the remainder of the fiscal year in  
 22 which such termination occurs.

23 (f) The University of Florida Board of Trustees is  
 24 authorized to provide to Shands Jacksonville Healthcare, Inc.,  
 25 and its not-for-profit subsidiaries and affiliates and any  
 26 successor corporation that acts in support of the board of  
 27 trustees, comprehensive general liability coverage, including  
 28 professional liability, from the self-insurance programs  
 29 established pursuant to s. 1004.24.

30 Section 185. Section 1004.42, Florida Statutes, is  
 31 created to read:



1           1004.42 Florida State University College of  
2 Medicine.--

3           (1) CREATION.--There is hereby established a 4-year  
4 allopathic medical school within the Florida State University,  
5 to be known as the Florida State University College of  
6 Medicine, with a principal focus on recruiting and training  
7 medical professionals to meet the primary health care needs of  
8 the state, especially the needs of the state's elderly, rural,  
9 minority, and other underserved citizens.

10           (2) LEGISLATIVE INTENT.--It is the intent of the  
11 Legislature that the Florida State University College of  
12 Medicine represent a new model for the training of allopathic  
13 physician healers for the citizens of the state. In accordance  
14 with this intent, the governing philosophy of the College of  
15 Medicine should include the training of students, in a humane  
16 environment, in the scientific, clinical, and behavioral  
17 practices required to deliver patient-centered health care.  
18 Key components of the College of Medicine, which would build  
19 on the foundation of the 30-year-old Florida State University  
20 Program in Medical Sciences (PIMS), would include: admission  
21 of diverse types of students who possess good communication  
22 skills and are compassionate individuals, representative of  
23 the population of the state; basic and behavioral sciences  
24 training utilizing medical problem-based teaching; and  
25 clinical training at several dispersed sites throughout the  
26 state in existing community hospitals, clinics, and doctors'  
27 offices. The Legislature further intends that study of the  
28 aging human be a continuing focus throughout the 4-year  
29 curriculum and that use of information technology be a key  
30 component of all parts of the educational program.

31           (3) PURPOSE.--The College of Medicine shall be

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1 dedicated to: preparing physicians to practice primary care,  
 2 geriatric, and rural medicine, to make appropriate use of  
 3 emerging technologies, and to function successfully in a  
 4 rapidly changing health care environment; advancing knowledge  
 5 in the applied biomedical and behavioral sciences, geriatric  
 6 research, autism, cancer, and chronic diseases; training  
 7 future scientists to assume leadership in health care delivery  
 8 and academic medicine; and providing access to medical  
 9 education for groups which are underrepresented in the medical  
 10 profession.

11       (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS  
 12 PROCESS.--The General Appropriations Act for fiscal year  
 13 1999-2000 included initial funding for facilities and  
 14 operations to provide a transition from the Program in Medical  
 15 Sciences (PIMS) to a College of Medicine at the Florida State  
 16 University. For transitional purposes, the Program in Medical  
 17 Sciences (PIMS) in the College of Arts and Sciences at the  
 18 Florida State University shall be reorganized and  
 19 restructured, as soon as practicable, as the Institute of  
 20 Human Medical Sciences. At such time as the 4-year educational  
 21 program development is underway and a sufficient number of  
 22 basic and behavioral sciences and clinical faculty are  
 23 recruited, the Institute of Human Medical Sciences shall  
 24 evolve into the Florida State University College of Medicine,  
 25 with appropriate departments. The current admissions procedure  
 26 utilized by the Program in Medical Sciences (PIMS) shall  
 27 provide the basis for the design of an admissions process for  
 28 the College of Medicine, with selection criteria that focus on  
 29 identifying future primary care physicians who have  
 30 demonstrated interest in serving underserved areas. Enrollment  
 31 levels at the College of Medicine are planned to not exceed

1 120 students per class, and shall be phased in from 30  
 2 students in the Program in Medical Sciences (PIMS), to 40  
 3 students admitted to the College of Medicine as the charter  
 4 class in Fall 2001, and 20 additional students admitted to the  
 5 College of Medicine in each class thereafter until the maximum  
 6 class size is reached.

7 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;  
 8 GRADUATE PROGRAMS.--To provide broad-based clinical  
 9 instruction in both rural and urban settings for students in  
 10 the community-based medical education program, the College of  
 11 Medicine, through creation of nonprofit corporations, shall  
 12 seek affiliation agreements with health care systems and  
 13 organizations, local hospitals, medical schools, and military  
 14 health care facilities in the following targeted communities:  
 15 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and  
 16 the rural areas of the state. Selected hospitals in the target  
 17 communities include, but are not limited to, the following:

- 18 (a) Baptist Health Care in Pensacola.
- 19 (b) Sacred Heart Health System in Pensacola.
- 20 (c) West Florida Regional Medical Center in Pensacola.
- 21 (d) Tallahassee Memorial Healthcare in Tallahassee.
- 22 (e) Florida Hospital Health System in Orlando.
- 23 (f) Sarasota Memorial Health Care System in Sarasota.
- 24 (g) Mayo Clinic in Jacksonville.
- 25 (h) Lee Memorial Health System, Inc., in Fort Myers.
- 26 (i) Rural hospitals in the state.

27  
 28 The College of Medicine shall also explore all alternatives  
 29 for cooperation with established graduate medical education  
 30 programs in the state to develop a plan to retain its  
 31 graduates in residency programs in Florida.

1           (6) ACCREDITATION.--The College of Medicine shall  
2 develop a program which conforms to the accreditation  
3 standards of the Liaison Committee on Medical Education  
4 (LCME).

5           (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

6           (a) The preclinical curriculum shall draw on the  
7 Florida State University's Program in Medical Sciences (PIMS)  
8 experience and national trends in basic and behavioral  
9 sciences instruction, including use of technology for  
10 distributed and distance learning. First-year instruction  
11 shall include a lecture mode and problem-based learning. In  
12 the second year, a small-group, problem-based learning  
13 approach shall provide more advanced treatment of each  
14 academic subject in a patient-centered context. Various  
15 short-term clinical exposures shall be programmed throughout  
16 the preclinical years, including rural, geriatric, and  
17 minority health, and contemporary practice patterns in these  
18 areas.

19           (b) During the third and fourth years, the curriculum  
20 shall follow a distributed, community-based model with a  
21 special focus on rural health. Subgroups of students shall be  
22 assigned to clinical rotation training sites in local  
23 communities in roughly equal numbers, as follows:

- 24           1. Group 1 - Tallahassee.
- 25           2. Group 2 - Pensacola.
- 26           3. Group 3 - Orlando.
- 27           4. Group 4 - Sarasota.
- 28           5. Group 5 - Jacksonville.
- 29           6. Group 6 - To be determined prior to 2005, based on  
30 emerging state needs.
- 31           7. Group 7 - Rural Physician Associate Program (RPAP).

1           (8) MEDICAL NEEDS OF THE ELDERLY.--The College of  
 2 Medicine shall develop a comprehensive program to ensure  
 3 training in the medical needs of the elderly and incorporate  
 4 principles embodied in the curriculum guidelines of the  
 5 American Geriatric Society. The College of Medicine shall  
 6 have as one of its primary missions the improvement of medical  
 7 education for physicians who will treat elder citizens. To  
 8 accomplish this mission, the College of Medicine shall  
 9 establish an academic leadership position in geriatrics,  
 10 create an external elder care advisory committee, and  
 11 implement an extensive faculty development plan. For student  
 12 recruitment purposes, the current Program in Medical Sciences  
 13 (PIMS) selection criteria shall be expanded to include  
 14 consideration of students who have expressed an interest in  
 15 elder care and who have demonstrated, through life choices, a  
 16 commitment to serve older persons.

17           (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address  
 18 the medical needs of the state's rural and underserved  
 19 populations, the College of Medicine shall develop a  
 20 Department of Family Medicine with a significant rural  
 21 training track that provides students with early and frequent  
 22 clinical experiences in community-based settings to train and  
 23 produce highly skilled primary care physicians. The College  
 24 of Medicine shall consider developing new, rural-based family  
 25 practice clinical training programs and shall establish a  
 26 partnership with the West Florida Area Health Education Center  
 27 to assist in developing partnerships and programs to provide  
 28 incentives and support for physicians to practice in primary  
 29 care, geriatric, and rural medicine in underserved areas of  
 30 the state.

31           (10) INCREASING PARTICIPATION OF UNDERREPRESENTED

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1 GROUPS.--To increase the participation of underrepresented  
2 groups and socially and economically disadvantaged youth in  
3 science and medical programs, the College of Medicine shall  
4 continue the outreach efforts of the Program in Medical  
5 Sciences (PIMS) to middle and high school minority students,  
6 including the Science Students Together Reaching Instructional  
7 Diversity and Excellence (SSTRIDE), and shall build an  
8 endowment income to support recruitment programs and  
9 scholarship and financial aid packages for these students. To  
10 develop a base of qualified potential medical school  
11 candidates from underrepresented groups, the College of  
12 Medicine shall coordinate with the undergraduate premedical  
13 and science programs currently offered at the Florida State  
14 University, develop relationships with potential feeder  
15 institutions, including 4-year institutions and community  
16 colleges, and pursue grant funds to support programs, as well  
17 as support scholarship and financial aid packages. The College  
18 of Medicine shall develop plans for a postbaccalaureate,  
19 1-year academic program that provides a second chance to a  
20 limited number of students per year who have been declined  
21 medical school admission, who are state residents, and who  
22 meet established criteria as socially and economically  
23 disadvantaged. The College of Medicine shall make every  
24 effort, through recruitment and retention, to employ a faculty  
25 and support staff that reflect the heterogeneous nature of the  
26 state's general population.

27 (11) TECHNOLOGY.--To create technology-rich learning  
28 environments, the College of Medicine shall build on the  
29 considerable infrastructure that already supports the many  
30 technology resources of the Florida State University and shall  
31 expand the infrastructure to conduct an effective medical

1 education program, including connectivity between the main  
 2 campus, community-based training locations, and rural clinic  
 3 locations. Additional technology programs shall include  
 4 extensive professional development opportunities for faculty;  
 5 an on-line library of academic and medical resources for  
 6 students, faculty, and community preceptors; and  
 7 technology-sharing agreements with other medical schools to  
 8 allow for the exchange of technology applications among  
 9 medical school faculty for the purpose of enhancing medical  
 10 education. The College of Medicine shall explore the  
 11 opportunities afforded by Mayo Clinic in Jacksonville through  
 12 clerkships, visiting professors or lectures through the  
 13 existing telecommunications systems, and collaboration in  
 14 research activities at the Mayo Clinic's Jacksonville campus.

15 (12) ADMINISTRATION; FACULTY.--Each of the major  
 16 community-based clinical rotation training sites described in  
 17 subsection (7) shall have a community dean and a student  
 18 affairs/administrative officer. Teaching faculty for the  
 19 community-based clinical training component shall be community  
 20 physicians serving part-time appointments. Sixty faculty  
 21 members shall be recruited to serve in the basic and  
 22 behavioral sciences department. The College of Medicine shall  
 23 have a small core staff of on-campus, full-time faculty and  
 24 administrators at the Florida State University, including a  
 25 dean, a senior associate dean for educational programs, an  
 26 associate dean for clinical education, a chief  
 27 financial/administrative officer, an admissions/student  
 28 affairs officer, an instructional resources coordinator, a  
 29 coordinator for graduate and continuing medical education, and  
 30 several mission focus coordinators.

31 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To

1 provide students with the skills, knowledge, and values needed  
 2 to practice medicine in the evolving national system of health  
 3 care delivery, the College of Medicine shall fully integrate  
 4 modern health care delivery concepts into its curriculum. For  
 5 this purpose, the College of Medicine shall develop a  
 6 partnership with one or more health care organizations in the  
 7 state and shall recruit faculty with strong health care  
 8 delivery competencies. Faculty from other disciplines at the  
 9 Florida State University shall be utilized to develop  
 10 team-based approaches to core competencies in the delivery of  
 11 health care.

12 (14) INDEMNIFICATION FROM LIABILITY.--This section  
 13 shall be construed to authorize the Florida State University  
 14 Board of Trustees to negotiate and purchase policies of  
 15 insurance to indemnify from any liability those individuals or  
 16 entities providing sponsorship or training to the students of  
 17 the medical school, professionals employed by the medical  
 18 school, and students of the medical school.

19 Section 186. Section 1004.43, Florida Statutes, is  
 20 created to read:

21 1004.43 H. Lee Moffitt Cancer Center and Research  
 22 Institute.--There is established the H. Lee Moffitt Cancer  
 23 Center and Research Institute at the University of South  
 24 Florida.

25 (1) The State Board of Education shall enter into an  
 26 agreement for the utilization of the facilities on the campus  
 27 of the University of South Florida to be known as the H. Lee  
 28 Moffitt Cancer Center and Research Institute, including all  
 29 furnishings, equipment, and other chattels used in the  
 30 operation of said facilities, with a Florida not-for-profit  
 31 corporation organized solely for the purpose of governing and



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1 operating the H. Lee Moffitt Cancer Center and Research  
2 Institute. This not-for-profit corporation, acting as an  
3 instrumentality of the State of Florida, shall govern and  
4 operate the H. Lee Moffitt Cancer Center and Research  
5 Institute in accordance with the terms of the agreement  
6 between the State Board of Education and the not-for-profit  
7 corporation. The not-for-profit corporation may, with the  
8 prior approval of the State Board of Education, create  
9 not-for-profit corporate subsidiaries to fulfill its mission.  
10 The not-for-profit corporation and its subsidiaries are  
11 authorized to receive, hold, invest, and administer property  
12 and any moneys received from private, local, state, and  
13 federal sources, as well as technical and professional income  
14 generated or derived from practice activities of the  
15 institute, for the benefit of the institute and the  
16 fulfillment of its mission. The affairs of the corporation  
17 shall be managed by a board of directors who shall serve  
18 without compensation. The President of the University of  
19 South Florida and the chair of the State Board of Education,  
20 or his or her designee, shall be directors of the  
21 not-for-profit corporation, together with 5 representatives of  
22 the state universities and no more than 14 nor fewer than 10  
23 directors who are not medical doctors or state employees.  
24 Each director shall have only one vote, shall serve a term of  
25 3 years, and may be reelected to the board. Other than the  
26 President of the University of South Florida and the chair of  
27 the State Board of Education, directors shall be elected by a  
28 majority vote of the board. The chair of the board of  
29 directors shall be selected by majority vote of the directors.

30 (2) The State Board of Education shall provide in the  
31 agreement with the not-for-profit corporation for the

1 following:

2 (a) Approval of the articles of incorporation of the  
3 not-for-profit corporation by the State Board of Education.

4 (b) Approval of the articles of incorporation of any  
5 not-for-profit corporate subsidiary created by the  
6 not-for-profit corporation.

7 (c) Utilization of hospital facilities and personnel  
8 by the not-for-profit corporation and its subsidiaries for  
9 mutually approved teaching and research programs conducted by  
10 the University of South Florida or other accredited medical  
11 schools or research institutes.

12 (d) Preparation of an annual postaudit of the  
13 not-for-profit corporation's financial accounts and the  
14 financial accounts of any subsidiaries to be conducted by an  
15 independent certified public accountant. The annual audit  
16 report shall include management letters and shall be submitted  
17 to the Auditor General and the State Board of Education for  
18 review. The State Board of Education, the Auditor General,  
19 and the Office of Program Policy Analysis and Government  
20 Accountability shall have the authority to require and receive  
21 from the not-for-profit corporation and any subsidiaries or  
22 from their independent auditor any detail or supplemental data  
23 relative to the operation of the not-for-profit corporation or  
24 subsidiary.

25 (e) Provision by the not-for-profit corporation and  
26 its subsidiaries of equal employment opportunities to all  
27 persons regardless of race, color, religion, sex, age, or  
28 national origin.

29 (3) The State Board of Education is authorized to  
30 secure comprehensive general liability protection, including  
31 professional liability protection, for the not-for-profit

1 corporation and its subsidiaries pursuant to s. 1004.24.

2 (4) In the event that the agreement between the  
3 not-for-profit corporation and the State Board of Education is  
4 terminated for any reason, the State Board of Education shall  
5 resume governance and operation of said facilities.

6 (5) The institute shall be administered by a chief  
7 executive officer who shall serve at the pleasure of the board  
8 of directors of the not-for-profit corporation and who shall  
9 have the following powers and duties subject to the approval  
10 of the board of directors:

11 (a) The chief executive officer shall establish  
12 programs which fulfill the mission of the institute in  
13 research, education, treatment, prevention, and the early  
14 detection of cancer; however, the chief executive officer  
15 shall not establish academic programs for which academic  
16 credit is awarded and which terminate in the conference of a  
17 degree without prior approval of the State Board of Education.

18 (b) The chief executive officer shall have control  
19 over the budget and the dollars appropriated or donated to the  
20 institute from private, local, state, and federal sources, as  
21 well as technical and professional income generated or derived  
22 from practice activities of the institute. However,  
23 professional income generated by university faculty from  
24 practice activities at the institute shall be shared between  
25 the institute and the university as determined by the chief  
26 executive officer and the appropriate university dean or vice  
27 president.

28 (c) The chief executive officer shall appoint members  
29 to carry out the research, patient care, and educational  
30 activities of the institute and determine compensation,  
31 benefits, and terms of service. Members of the institute

1 shall be eligible to hold concurrent appointments at  
2 affiliated academic institutions. University faculty shall be  
3 eligible to hold concurrent appointments at the institute.

4 (d) The chief executive officer shall have control  
5 over the use and assignment of space and equipment within the  
6 facilities.

7 (e) The chief executive officer shall have the power  
8 to create the administrative structure necessary to carry out  
9 the mission of the institute.

10 (f) The chief executive officer shall have a reporting  
11 relationship to the Commissioner of Education.

12 (g) The chief executive officer shall provide a copy  
13 of the institute's annual report to the Governor and Cabinet,  
14 the President of the Senate, the Speaker of the House of  
15 Representatives, and the chair of the State Board of  
16 Education.

17 (6) The board of directors of the not-for-profit  
18 corporation shall create a council of scientific advisers to  
19 the chief executive officer comprised of leading researchers,  
20 physicians, and scientists. This council shall review programs  
21 and recommend research priorities and initiatives so as to  
22 maximize the state's investment in the institute. The council  
23 shall be appointed by the board of directors of the  
24 not-for-profit corporation and shall include five appointees  
25 of the State Board of Education. Each member of the council  
26 shall be appointed to serve a 2-year term and may be  
27 reappointed to the council.

28 (7) In carrying out the provisions of this section,  
29 the not-for-profit corporation and its subsidiaries are not  
30 "agencies" within the meaning of s. 20.03(11).

31 (8)(a) Records of the not-for-profit corporation and

1 of its subsidiaries are public records unless made  
2 confidential or exempt by law.

3 (b) Proprietary confidential business information is  
4 confidential and exempt from the provisions of s. 119.07(1)  
5 and s. 24(a), Art. I of the State Constitution. However, the  
6 Auditor General, the Office of Program Policy Analysis and  
7 Government Accountability, and the State Board of Education,  
8 pursuant to their oversight and auditing functions, must be  
9 given access to all proprietary confidential business  
10 information upon request and without subpoena and must  
11 maintain the confidentiality of information so received. As  
12 used in this paragraph, the term "proprietary confidential  
13 business information" means information, regardless of its  
14 form or characteristics, which is owned or controlled by the  
15 not-for-profit corporation or its subsidiaries; is intended to  
16 be and is treated by the not-for-profit corporation or its  
17 subsidiaries as private and the disclosure of which would harm  
18 the business operations of the not-for-profit corporation or  
19 its subsidiaries; has not been intentionally disclosed by the  
20 corporation or its subsidiaries unless pursuant to law, an  
21 order of a court or administrative body, a legislative  
22 proceeding pursuant to s. 5, Art. III of the State  
23 Constitution, or a private agreement that provides that the  
24 information may be released to the public; and which is  
25 information concerning:

26 1. Internal auditing controls and reports of internal  
27 auditors;

28 2. Matters reasonably encompassed in privileged  
29 attorney-client communications;

30 3. Contracts for managed-care arrangements, including  
31 preferred provider organization contracts, health maintenance

1 organization contracts, and exclusive provider organization  
2 contracts, and any documents directly relating to the  
3 negotiation, performance, and implementation of any such  
4 contracts for managed-care arrangements;

5 4. Bids or other contractual data, banking records,  
6 and credit agreements the disclosure of which would impair the  
7 efforts of the not-for-profit corporation or its subsidiaries  
8 to contract for goods or services on favorable terms;

9 5. Information relating to private contractual data,  
10 the disclosure of which would impair the competitive interest  
11 of the provider of the information;

12 6. Corporate officer and employee personnel  
13 information;

14 7. Information relating to the proceedings and records  
15 of credentialing panels and committees and of the governing  
16 board of the not-for-profit corporation or its subsidiaries  
17 relating to credentialing;

18 8. Minutes of meetings of the governing board of the  
19 not-for-profit corporation and its subsidiaries, except  
20 minutes of meetings open to the public pursuant to subsection  
21 (9);

22 9. Information that reveals plans for marketing  
23 services that the corporation or its subsidiaries reasonably  
24 expect to be provided by competitors;

25 10. Trade secrets as defined in s. 688.002, including  
26 reimbursement methodologies or rates; or

27 11. The identity of donors or prospective donors of  
28 property who wish to remain anonymous or any information  
29 identifying such donors or prospective donors. The anonymity  
30 of these donors or prospective donors must be maintained in  
31 the auditor's report.

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As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(9) Meetings of the governing board of the not-for-profit corporation and meetings of the subsidiaries of the not-for-profit corporation at which the expenditure of dollars appropriated to the not-for-profit corporation by the state are discussed or reported must remain open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution, unless made confidential or exempt by law. Other meetings of the governing board of the not-for-profit corporation and of the subsidiaries of the not-for-profit corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 187. Section 1004.435, Florida Statutes, is created to read:

1004.435 Cancer control and research.--

(1) SHORT TITLE.--This section shall be known and may be cited as the "Cancer Control and Research Act."

(2) LEGISLATIVE INTENT.--It is the finding of the

1 Legislature that:

2       (a) Advances in scientific knowledge have led to the  
3 development of preventive and therapeutic capabilities in the  
4 control of cancer. Such knowledge and therapy must be made  
5 available to all citizens of this state through educational  
6 and therapeutic programs.

7       (b) The present state of our knowledge concerning the  
8 prevalence, cause or associated factors, and treatment of  
9 cancer have resulted primarily from a vast federal investment  
10 into basic and clinical research, some of which is expended in  
11 this state. These research activities must continue, but  
12 programs must be established to extend this knowledge in  
13 preventive measures and patient treatment throughout the  
14 state.

15       (c) Research in cancer has implicated the environment  
16 as a causal factor for many types of cancer, i.e., sunshine, X  
17 rays, diet, smoking, etc., and programs are needed to further  
18 document such cause and effect relationships. Proven causes  
19 of cancer should be publicized and be the subject of  
20 educational programs for the prevention of cancer.

21       (d) An effective cancer control program would mobilize  
22 the scientific, educational, and medical resources that  
23 presently exist into an intense attack against this dread  
24 disease.

25       (3) DEFINITIONS.--The following words and phrases when  
26 used in this section have, unless the context clearly  
27 indicates otherwise, the meanings given to them in this  
28 subsection:

29       (a) "Cancer" means all malignant neoplasms, regardless  
30 of the tissue of origin, including lymphoma and leukemia.

31       (b) "Council" means the Florida Cancer Control and



1 Research Advisory Council, which is an advisory body appointed  
2 to function on a continuing basis for the study of cancer and  
3 which recommends solutions and policy alternatives to the  
4 State Board of Education and the secretary and which is  
5 established by this section.

6 (c) "Department" means the Department of Health.

7 (d) "Fund" means the Florida Cancer Control and  
8 Research Fund established by this section.

9 (e) "Qualified nonprofit association" means any  
10 association, incorporated or unincorporated, that has received  
11 tax-exempt status from the Internal Revenue Service.

12 (f) "Secretary" means the Secretary of Health.

13 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY  
14 COUNCIL; CREATION; COMPOSITION.--

15 (a) There is created within the H. Lee Moffitt Cancer  
16 Center and Research Institute, Inc., the Florida Cancer  
17 Control and Research Advisory Council. The council shall  
18 consist of 35 members, which includes the chairperson, all of  
19 whom must be residents of this state. All members, except  
20 those appointed by the Speaker of the House of Representatives  
21 and the President of the Senate, must be appointed by the  
22 Governor. At least one of the members appointed by the  
23 Governor must be 60 years of age or older. One member must be  
24 a representative of the American Cancer Society; one member  
25 must be a representative of the Florida Tumor Registrars  
26 Association; one member must be a representative of the  
27 Sylvester Comprehensive Cancer Center of the University of  
28 Miami; one member must be a representative of the Department  
29 of Health; one member must be a representative of the  
30 University of Florida Shands Cancer Center; one member must be  
31 a representative of the Agency for Health Care Administration;

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1 one member must be a representative of the Florida Nurses  
2 Association; one member must be a representative of the  
3 Florida Osteopathic Medical Association; one member must be a  
4 representative of the American College of Surgeons; one member  
5 must be a representative of the School of Medicine of the  
6 University of Miami; one member must be a representative of  
7 the College of Medicine of the University of Florida; one  
8 member must be a representative of NOVA Southeastern College  
9 of Osteopathic Medicine; one member must be a representative  
10 of the College of Medicine of the University of South Florida;  
11 one member must be a representative of the College of Public  
12 Health of the University of South Florida; one member must be  
13 a representative of the Florida Society of Clinical Oncology;  
14 one member must be a representative of the Florida Obstetric  
15 and Gynecologic Society who has had training in the specialty  
16 of gynecologic oncology; one member must be a representative  
17 of the Florida Medical Association; one member must be a  
18 member of the Florida Pediatric Society; one member must be a  
19 representative of the Florida Radiological Society; one member  
20 must be a representative of the Florida Society of  
21 Pathologists; one member must be a representative of the H.  
22 Lee Moffitt Cancer Center and Research Institute, Inc.; three  
23 members must be representatives of the general public acting  
24 as consumer advocates; one member must be a member of the  
25 House of Representatives appointed by the Speaker of the House  
26 of Representatives; one member must be a member of the Senate  
27 appointed by the President of the Senate; one member must be a  
28 representative of the Department of Education; one member must  
29 be a representative of the Florida Dental Association; one  
30 member must be a representative of the Florida Hospital  
31 Association; one member must be a representative of the

1 Association of Community Cancer Centers; one member shall be a  
 2 representative from a statutory teaching hospital affiliated  
 3 with a community-based cancer center; one member must be a  
 4 representative of the Florida Association of Pediatric Tumor  
 5 Programs, Inc.; one member must be a representative of the  
 6 Cancer Information Service; one member must be a  
 7 representative of the Florida Agricultural and Mechanical  
 8 University Institute of Public Health; and one member must be  
 9 a representative of the Florida Society of Oncology Social  
 10 Workers. Of the members of the council appointed by the  
 11 Governor, at least 10 must be individuals who are minority  
 12 persons as defined by s. 288.703(3).

13 (b) The terms of the members shall be 4 years from  
 14 their respective dates of appointment.

15 (c) A chairperson shall be appointed by the Governor  
 16 for a term of 2 years. The chairperson shall appoint an  
 17 executive committee of no fewer than three persons to serve at  
 18 the pleasure of the chairperson. This committee will prepare  
 19 material for the council but make no final decisions.

20 (d) The council shall meet no less than semiannually  
 21 at the call of the chairperson or, in his or her absence or  
 22 incapacity, at the call of the secretary. Sixteen members  
 23 constitute a quorum for the purpose of exercising all of the  
 24 powers of the council. A vote of the majority of the members  
 25 present is sufficient for all actions of the council.

26 (e) The council members shall serve without pay.  
 27 Pursuant to the provisions of s. 112.061, the council members  
 28 may be entitled to be reimbursed for per diem and travel  
 29 expenses.

30 (f) No member of the council shall participate in any  
 31 discussion or decision to recommend grants or contracts to any

1 qualified nonprofit association or to any agency of this state  
2 or its political subdivisions with which the member is  
3 associated as a member of the governing body or as an employee  
4 or with which the member has entered into a contractual  
5 arrangement.

6 (g) The council may prescribe, amend, and repeal  
7 bylaws governing the manner in which the business of the  
8 council is conducted.

9 (h) The council shall advise the State Board of  
10 Education, the secretary, and the Legislature with respect to  
11 cancer control and research in this state.

12 (i) The council shall approve each year a program for  
13 cancer control and research to be known as the "Florida Cancer  
14 Plan" which shall be consistent with the State Health Plan and  
15 integrated and coordinated with existing programs in this  
16 state.

17 (j) The council shall formulate and recommend to the  
18 secretary a plan for the care and treatment of persons  
19 suffering from cancer and recommend the establishment of  
20 standard requirements for the organization, equipment, and  
21 conduct of cancer units or departments in hospitals and  
22 clinics in this state. The council may recommend to the  
23 secretary the designation of cancer units following a survey  
24 of the needs and facilities for treatment of cancer in the  
25 various localities throughout the state. The secretary shall  
26 consider the plan in developing departmental priorities and  
27 funding priorities and standards under chapter 395.

28 (k) The council is responsible for including in the  
29 Florida Cancer Plan recommendations for the coordination and  
30 integration of medical, nursing, paramedical, lay, and other  
31 plans concerned with cancer control and research. Committees

1 shall be formed by the council so that the following areas  
2 will be established as entities for actions:

3 1. Cancer plan evaluation: tumor registry, data  
4 retrieval systems, and epidemiology of cancer in the state and  
5 its relation to other areas.

6 2. Cancer prevention.

7 3. Cancer detection.

8 4. Cancer patient management: treatment,  
9 rehabilitation, terminal care, and other patient-oriented  
10 activities.

11 5. Cancer education: lay and professional.

12 6. Unproven methods of cancer therapy: quackery and  
13 unorthodox therapies.

14 7. Investigator-initiated project research.

15 (1) In order to implement in whole or in part the  
16 Florida Cancer Plan, the council shall recommend to the State  
17 Board of Education or the secretary the awarding of grants and  
18 contracts to qualified profit or nonprofit associations or  
19 governmental agencies in order to plan, establish, or conduct  
20 programs in cancer control or prevention, cancer education and  
21 training, and cancer research.

22 (m) If funds are specifically appropriated by the  
23 Legislature, the council shall develop or purchase  
24 standardized written summaries, written in layperson's terms  
25 and in language easily understood by the average adult  
26 patient, informing actual and high-risk breast cancer  
27 patients, prostate cancer patients, and men who are  
28 considering prostate cancer screening of the medically viable  
29 treatment alternatives available to them in the effective  
30 management of breast cancer and prostate cancer; describing  
31 such treatment alternatives; and explaining the relative

1 advantages, disadvantages, and risks associated therewith.  
 2 The breast cancer summary, upon its completion, shall be  
 3 printed in the form of a pamphlet or booklet and made  
 4 continuously available to physicians and surgeons in this  
 5 state for their use in accordance with s. 458.324 and to  
 6 osteopathic physicians in this state for their use in  
 7 accordance with s. 459.0125. The council shall periodically  
 8 update both summaries to reflect current standards of medical  
 9 practice in the treatment of breast cancer and prostate  
 10 cancer. The council shall develop and implement educational  
 11 programs, including distribution of the summaries developed or  
 12 purchased under this paragraph, to inform citizen groups,  
 13 associations, and voluntary organizations about early  
 14 detection and treatment of breast cancer and prostate cancer.

15 (n) The council shall have the responsibility to  
 16 advise the State Board of Education and the secretary on  
 17 methods of enforcing and implementing laws already enacted and  
 18 concerned with cancer control, research, and education.

19 (o) The council may recommend to the State Board of  
 20 Education or the secretary rules not inconsistent with law as  
 21 it may deem necessary for the performance of its duties and  
 22 the proper administration of this section.

23 (p) The council shall formulate and put into effect a  
 24 continuing educational program for the prevention of cancer  
 25 and its early diagnosis and disseminate to hospitals, cancer  
 26 patients, and the public information concerning the proper  
 27 treatment of cancer.

28 (q) The council shall be physically located at the H.  
 29 Lee Moffitt Cancer Center and Research Institute, Inc., at the  
 30 University of South Florida.

31 (r) On February 15 of each year, the council shall

1 report to the Governor and to the Legislature.

2 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,  
3 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,  
4 AND THE SECRETARY.--

5 (a) The State Board of Education or the secretary,  
6 after consultation with the council, shall award grants and  
7 contracts to qualified nonprofit associations and governmental  
8 agencies in order to plan, establish, or conduct programs in  
9 cancer control and prevention, cancer education and training,  
10 and cancer research.

11 (b) The H. Lee Moffitt Cancer Center and Research  
12 Institute, Inc., shall provide such staff, information, and  
13 other assistance as reasonably necessary for the completion of  
14 the responsibilities of the council.

15 (c) The State Board of Education or the secretary,  
16 after consultation with the council, may adopt rules necessary  
17 for the implementation of this section.

18 (d) The secretary, after consultation with the  
19 council, shall make rules specifying to what extent and on  
20 what terms and conditions cancer patients of the state may  
21 receive financial aid for the diagnosis and treatment of  
22 cancer in any hospital or clinic selected. The department may  
23 furnish to citizens of this state who are afflicted with  
24 cancer financial aid to the extent of the appropriation  
25 provided for that purpose in a manner which in its opinion  
26 will afford the greatest benefit to those afflicted and may  
27 make arrangements with hospitals, laboratories, or clinics to  
28 afford proper care and treatment for cancer patients in this  
29 state.

30 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

31 (a) There is created the Florida Cancer Control and

1 Research Fund consisting of funds appropriated therefor from  
2 the General Revenue Fund and any gifts, grants, or funds  
3 received from other sources.

4 (b) The fund shall be used exclusively for grants and  
5 contracts to qualified nonprofit associations or governmental  
6 agencies for the purpose of cancer control and prevention,  
7 cancer education and training, cancer research, and all  
8 expenses incurred in connection with the administration of  
9 this section and the programs funded through the grants and  
10 contracts authorized by the State Board of Education or the  
11 secretary.

12 Section 188. Section 1004.44, Florida Statutes, is  
13 created to read:

14 1004.44 Louis de la Parte Florida Mental Health  
15 Institute.--There is established the Louis de la Parte Florida  
16 Mental Health Institute within the University of South  
17 Florida.

18 (1) The purpose of the institute is to strengthen  
19 mental health services throughout the state by providing  
20 technical assistance and support services to mental health  
21 agencies and mental health professionals. Such assistance and  
22 services shall include:

23 (a) Technical training and specialized education.

24 (b) Development, implementation, and evaluation of  
25 mental health service programs.

26 (c) Evaluation of availability and effectiveness of  
27 existing mental health services.

28 (d) Analysis of factors that influence the incidence  
29 and prevalence of mental and emotional disorders.

30 (e) Dissemination of information about innovations in  
31 mental health services.



1           (f) Consultation on all aspects of program development  
2 and implementation.

3           (g) Provisions for direct client services, provided  
4 for a limited period of time either in the institute facility  
5 or in other facilities within the state, and limited to  
6 purposes of research or training.

7           (2) The Department of Children and Family Services is  
8 authorized to designate the Louis de la Parte Florida Mental  
9 Health Institute a treatment facility for the purpose of  
10 accepting voluntary and involuntary clients in accordance with  
11 institute programs. Clients to be admitted are exempted from  
12 prior screening by a community mental health center.

13           (3) The institute may provide direct services in  
14 coordination with other agencies. The institute may also  
15 provide support services to state agencies through joint  
16 programs, collaborative agreements, contracts, and grants.

17           (4) The institute shall operate under the authority of  
18 the President of the University of South Florida and shall  
19 employ a mental health professional as director. The director  
20 shall hold a faculty appointment in a university's college or  
21 department related to mental health within the university.  
22 The director has primary responsibility for establishing  
23 active liaisons with the community of mental health  
24 professionals and other related constituencies in the state  
25 and may, with approval of the university president, establish  
26 appropriate statewide advisory groups to assist in developing  
27 these communication links.

28           Section 189. Section 1004.45, Florida Statutes, is  
29 created to read:

30           1004.45 Ringling Center for Cultural Arts.--

31           (1) The Florida State University Ringling Center for

1 Cultural Arts is created. The center consists of the following  
2 properties located in Sarasota County:

3 (a) The John and Mable Ringling Museum of Art composed  
4 of:

- 5 1. The art museum.
- 6 2. The Ca' d'Zan (the Ringling residence).
- 7 3. The Ringling Museum of the Circus.

8 (b) The Florida State University Center for the Fine  
9 and Performing Arts, including the Asolo Theater and the  
10 Florida State University Center for the Performing Arts, both  
11 of which shall provide for academic programs in theatre,  
12 dance, art, art history, and museum management.

13  
14 The center shall be operated by the Florida State University,  
15 which shall be charged with encouraging participation by K-12  
16 schools and by other postsecondary educational institutions,  
17 public and private, in the educational and cultural enrichment  
18 programs of the center.

19 (2)(a) The John and Mable Ringling Museum of Art is  
20 designated as the official Art Museum of the State of Florida.  
21 The purpose and function of the museum is to maintain and  
22 preserve all objects of art and artifacts donated to the state  
23 through the will of John Ringling; to acquire and preserve  
24 objects of art or artifacts of historical or cultural  
25 significance; to exhibit such objects to the public; to  
26 undertake scholarly research and publication, including that  
27 relating to the collection; to provide educational programs  
28 for students at K-12 schools and those in college and graduate  
29 school and enrichment programs for children and adults; to  
30 assist other museums in the state and nation through education  
31 programs and through loaning objects from the collection when

1 such loans do not threaten the safety and security of the  
 2 objects; to enhance knowledge and appreciation of the  
 3 collection; and to engage in other activities related to  
 4 visual arts which benefit the public. The museum shall also  
 5 engage in programs on the national and international level to  
 6 enhance further the cultural resources of the state.

7       (b) The Florida State University shall approve a John  
 8 and Mable Ringling Museum of Art direct-support organization.  
 9 Such direct-support organization shall consist of no more than  
 10 31 members appointed by the president of the university from a  
 11 list of nominees provided by the Ringling direct-support  
 12 organization. No fewer than one-third of the members must be  
 13 residents of Sarasota and Manatee Counties, and the remaining  
 14 members may reside elsewhere. The current members of the Board  
 15 of Trustees of the John and Mable Ringling Museum of Art may  
 16 be members of the direct-support organization. They shall  
 17 develop a charter and bylaws to govern their operation, and  
 18 these shall be subject to approval by the Florida State  
 19 University.

20       (c) The John and Mable Ringling Museum of Art  
 21 direct-support organization, operating under the charter and  
 22 bylaws and such contracts as are approved by the university,  
 23 shall set policies to maintain and preserve the collections of  
 24 the Art Museum; the Circus Museum; the furnishings and objects  
 25 in the Ringling home, referred to as the Ca' d'Zan; and other  
 26 objects of art and artifacts in the custody of the museum.  
 27 Title to all such collections, art objects, and artifacts of  
 28 the museums and its facilities shall remain with the Florida  
 29 State University, which shall assign state registration  
 30 numbers to, and conduct annual inventories of, all such  
 31 properties. The direct-support organization shall develop

1 policy for the museum, subject to the provisions of the John  
 2 Ringling will and the overall direction of the president of  
 3 the university; and it is invested with power and authority to  
 4 nominate a museum director who is appointed by and serves at  
 5 the pleasure of the president of the university and shall  
 6 report to the provost of the university or his or her  
 7 designee. The museum director, with the approval of the  
 8 provost or his or her designee, shall appoint other employees  
 9 in accordance with Florida Statutes and rules; remove the same  
 10 in accordance with Florida Statutes and rules; provide for the  
 11 proper keeping of accounts and records and budgeting of funds;  
 12 enter into contracts for professional programs of the museum  
 13 and for the support and maintenance of the museum; secure  
 14 public liability insurance; and do and perform every other  
 15 matter or thing requisite to the proper management,  
 16 maintenance, support, and control of the museum at the highest  
 17 efficiency economically possible, while taking into  
 18 consideration the purposes of the museum.

19       (d) Notwithstanding the provision of s. 287.057, the  
 20 John and Mable Ringling Museum of Art direct-support  
 21 organization may enter into contracts or agreements with or  
 22 without competitive bidding, in its discretion, for the  
 23 restoration of objects of art in the museum collection or for  
 24 the purchase of objects of art that are to be added to the  
 25 collection.

26       (e) Notwithstanding s. 273.055, the university may  
 27 sell any art object in the museum collection, which object has  
 28 been acquired after 1936, if the director and the  
 29 direct-support organization recommend such sale to the  
 30 president of the university and if they first determine that  
 31 the object is no longer appropriate for the collection. The

1 proceeds of the sale shall be deposited in the Ringling Museum  
 2 Art Acquisition, Restoration, and Conservation Trust Fund. The  
 3 university also may exchange any art object in the collection,  
 4 which object has been acquired after 1936, for an art object  
 5 or objects that the director and the museum direct-support  
 6 organization recommend to the university after judging these  
 7 to be of equivalent or greater value to the museum.

8 (f) An employee or member of the museum direct-support  
 9 organization may not receive a commission, fee, or financial  
 10 benefit in connection with the sale or exchange of a work of  
 11 art and may not be a business associate of any individual,  
 12 firm, or organization involved in the sale or exchange.

13 (g) The university, in consultation with the  
 14 direct-support organization, shall establish policies and may  
 15 adopt rules for the sale or exchange of works of art.

16 (h) The John and Mable Ringling Museum of Art  
 17 direct-support organization shall provide for an annual  
 18 financial audit in accordance with s. 1004.28(5). Florida  
 19 State University is authorized to require and receive from the  
 20 direct-support organization, or from its independent auditor,  
 21 any detail or supplemental data relative to the operation of  
 22 such organization. Information that, if released, would  
 23 identify donors who desire to remain anonymous, is  
 24 confidential and exempt from the provisions of s. 119.07(1).  
 25 Information that, if released, would identify prospective  
 26 donors is confidential and exempt from the provisions of s.  
 27 119.07(1) when the direct-support organization has identified  
 28 the prospective donor itself and has not obtained the name of  
 29 the prospective donor by copying, purchasing, or borrowing  
 30 names from another organization or source. Identities of such  
 31 donors and prospective donors shall not be revealed in the

1 auditor's report.

2 (i) The direct-support organization is given authority  
 3 to make temporary loans of paintings and other objects of art  
 4 or artifacts belonging to the John and Mable Ringling Museum  
 5 of Art for the purpose of public exhibition in art museums,  
 6 other museums, or institutions of higher learning wherever  
 7 located, including such museums or institutions in other  
 8 states or countries. Temporary loans may also be made to the  
 9 executive mansion in Tallahassee, chapters and affiliates of  
 10 the John and Mable Ringling Museum of Art, and, for education  
 11 purposes, to schools, public libraries, or other institutions  
 12 in the state, if such exhibition will benefit the general  
 13 public as the university deems wise and for the best interest  
 14 of the John and Mable Ringling Museum of Art and under  
 15 policies established by Florida State University for the  
 16 protection of the paintings and other objects of art and  
 17 artifacts. In making temporary loans, the direct-support  
 18 organization shall give first preference to art museums, other  
 19 museums, and institutions of higher learning.

20 (j) Notwithstanding any other provision of law, the  
 21 John and Mable Ringling Museum of Art direct-support  
 22 organization is eligible to match state funds in the Major  
 23 Gifts Trust Fund established pursuant to s. 1011.94 as  
 24 follows:

25 1. For the first \$1,353,750, matching shall be on the  
 26 basis of 75 cents in state matching for each dollar of private  
 27 funds.

28 2. For additional funds, matching shall be provided on  
 29 the same basis as is authorized in s. 1011.94.

30 Section 190. Section 1004.46, Florida Statutes, is  
 31 created to read:

1           1004.46 Multidisciplinary Center for Affordable  
2 Housing.--

3           (1) The Multidisciplinary Center for Affordable  
4 Housing is established within the School of Building  
5 Construction of the College of Architecture of the University  
6 of Florida with the collaboration of other related disciplines  
7 such as agriculture, business administration, engineering,  
8 law, and medicine. The center shall work in conjunction with  
9 other state universities. The Multidisciplinary Center for  
10 Affordable Housing shall:

11           (a) Conduct research relating to the problems and  
12 solutions associated with the availability of affordable  
13 housing in the state for families who are below the median  
14 income level and widely disseminate the results of such  
15 research to appropriate public and private audiences in the  
16 state. Such research shall emphasize methods to improve the  
17 planning, design, and production of affordable housing,  
18 including, but not limited to, the financial, maintenance,  
19 management, and regulatory aspects of residential development.

20           (b) Provide public services to local, regional, and  
21 state agencies, units of government, and authorities by  
22 helping them create regulatory climates that are amenable to  
23 the introduction of affordable housing within their  
24 jurisdictions.

25           (c) Conduct special research relating to firesafety.

26           (d) Provide a focus for the teaching of new technology  
27 and skills relating to affordable housing in the state.

28           (e) Develop a base of informational and financial  
29 support from the private sector for the activities of the  
30 center.

31           (f) Develop prototypes for both multifamily and

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1 single-family units.

2 (g) Establish a research agenda and general work plan  
3 in cooperation with the Department of Community Affairs which  
4 is the state agency responsible for research and planning for  
5 affordable housing and for training and technical assistance  
6 for providers of affordable housing.

7 (h) Submit a report to the Governor, the President of  
8 the Senate, and the Speaker of the House of Representatives by  
9 January 1 of each year. The annual report shall include  
10 information relating to the activities of the center,  
11 including collaborative efforts with public and private  
12 entities, affordable housing models, and any other findings  
13 and recommendations related to the production of safe, decent,  
14 and affordable housing.

15 (2) The Director of the Multidisciplinary Center for  
16 Affordable Housing shall be appointed by the Dean of the  
17 College of Architecture of the University of Florida.

18 Section 191. Section 1004.47, Florida Statutes, is  
19 created to read:

20 1004.47 Research activities relating to solid and  
21 hazardous waste management.--Research, training, and service  
22 activities related to solid and hazardous waste management  
23 conducted by state universities shall be coordinated by the  
24 State Board of Education. Proposals for research contracts and  
25 grants; public service assignments; and responses to requests  
26 for information and technical assistance by state and local  
27 government, business, and industry shall be addressed by a  
28 formal Type I Center process involving an advisory board of  
29 university personnel appointed by the Commissioner of  
30 Education and chaired and directed by an individual appointed  
31 by the Commissioner of Education. The State Board of Education



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1 shall consult with the Department of Environmental Protection  
 2 in developing the research programs and provide the department  
 3 with a copy of the proposed research program for review and  
 4 comment before the research is undertaken. Research contracts  
 5 shall be awarded to independent nonprofit colleges and  
 6 universities within the state which are accredited by the  
 7 Southern Association of Colleges and Schools on the same basis  
 8 as those research contracts awarded to the state universities.  
 9 Research activities shall include, but are not limited to, the  
 10 following areas:

11 (1) Methods and processes for recycling solid and  
 12 hazardous waste.

13 (2) Methods of treatment for detoxifying hazardous  
 14 waste.

15 (3) Technologies for disposing of solid and hazardous  
 16 waste.

17 Section 192. Section 1004.48, Florida Statutes, is  
 18 created to read:

19 1004.48 Research protocols to determine most  
 20 appropriate pollutant dispersal agents.--The Center for Solid  
 21 and Hazardous Waste Management shall coordinate the research  
 22 protocols for projects to determine the most appropriate  
 23 dispersal agents that can be used in an environmentally safe  
 24 manner in Florida waters as part of a pollutant cleanup  
 25 activity. Such research shall be used by the Department of  
 26 Environmental Protection in approving the use of such agents  
 27 by pollutant spill cleanup contractors and others who may be  
 28 required to use such agents in containing and cleaning up  
 29 pollutant spills in the waters of the state.

30 Section 193. Section 1004.49, Florida Statutes, is  
 31 created to read:

1           1004.49 Florida LAKEWATCH Program.--The Florida  
 2 LAKEWATCH Program is hereby created within the Department of  
 3 Fisheries and Aquaculture of the Institute of Food and  
 4 Agricultural Sciences at the University of Florida. The  
 5 purpose of the program is to provide public education and  
 6 training with respect to the water quality of Florida's lakes.  
 7 The Department of Fisheries and Aquaculture may, in  
 8 implementing the LAKEWATCH program:

9           (1) Train, supervise, and coordinate volunteers to  
 10 collect water quality data from Florida's lakes.

11           (2) Compile the data collected by volunteers.

12           (3) Disseminate information to the public about the  
 13 LAKEWATCH program.

14           (4) Provide or loan equipment to volunteers in the  
 15 program.

16           (5) Perform other functions as may be necessary or  
 17 beneficial in coordinating the LAKEWATCH program.

18  
 19 Data collected and compiled shall be used to establish trends  
 20 and provide general background information and shall in no  
 21 instance be used in a regulatory proceeding.

22           Section 194. Section 1004.50, Florida Statutes, is  
 23 created to read:

24           1004.50 Institute on Urban Policy and Commerce.--

25           (1) There is created the Institute on Urban Policy and  
 26 Commerce as a Type I Institute at Florida Agricultural and  
 27 Mechanical University to improve the quality of life in urban  
 28 communities through research, teaching, and outreach  
 29 activities.

30           (2) The major purposes of the institute are to pursue  
 31 basic and applied research on urban policy issues confronting

1 the inner-city areas and neighborhoods in the state; to  
 2 influence the equitable allocation and stewardship of federal,  
 3 state, and local financial resources; to train a new  
 4 generation of civic leaders and university students interested  
 5 in approaches to community planning and design; to assist with  
 6 the planning, development, and capacity building of urban area  
 7 nonprofit organizations and government agencies; to develop  
 8 and maintain a database relating to inner-city areas; and to  
 9 support the community development efforts of inner-city areas,  
 10 neighborhood-based organizations, and municipal agencies.

11 (3) The institute shall research and recommend  
 12 strategies concerning critical issues facing the underserved  
 13 population in urban communities, including, but not limited  
 14 to, transportation and physical infrastructure; affordable  
 15 housing; tourism and commerce; environmental restoration; job  
 16 development and retention; child care; public health; lifelong  
 17 learning; family intervention; public safety; and community  
 18 relations.

19 (4) The institute may establish regional urban centers  
 20 to be located in the inner cities of St. Petersburg, Tampa,  
 21 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,  
 22 Miami, Daytona Beach, and Pensacola to assist urban  
 23 communities on critical economic, social, and educational  
 24 problems affecting the underserved population.

25 (5) Before January 1 of each year, the institute shall  
 26 submit a report of its critical findings and recommendations  
 27 for the prior year to the President of the Senate, the Speaker  
 28 of the House of Representatives, and the appropriate  
 29 committees of the Legislature. The report shall be titled "The  
 30 State of Unmet Needs in Florida's Urban Communities" and shall  
 31 include, but is not limited to, a recommended list of

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1 resources that could be made available for revitalizing urban  
2 communities; significant accomplishments and activities of the  
3 institute; and recommendations concerning the expansion,  
4 improvement, or termination of the institute.

5 (6) The Governor shall submit an annual report to the  
6 Legislature on the unmet needs in the state's urban  
7 communities.

8 Section 195. Section 1004.51, Florida Statutes, is  
9 created to read:

10 1004.51 Community and Faith-based Organizations  
11 Initiative; Community and Library Technology Access  
12 Partnership.--

13 (1) CREATION.--There is created the Community and  
14 Faith-based Organizations Initiative which shall be  
15 administered by the Institute on Urban Policy and Commerce at  
16 Florida Agricultural and Mechanical University and the  
17 Community and Library Technology Access Partnership which  
18 shall be administered by the Division of Library and  
19 Information Services of the Department of State.

20 (2) INTENT.--The purpose of the initiative is to  
21 promote community development in low-income communities  
22 through partnerships with not-for-profit community and  
23 faith-based organizations. The purpose of the partnership is  
24 to encourage public libraries eligible for e-rate discounted  
25 telecommunications services to partner with community and  
26 faith-based organizations to provide technology access and  
27 training to assist other state efforts to close the digital  
28 divide.

29 (3) AUTHORIZED ACTIVITIES.--

30 (a) Authorized activities of the initiative.--The  
31 Institute on Urban Policy and Commerce at Florida Agricultural

1 and Mechanical University may conduct the following activities  
2 as part of the Community and Faith-based Organizations

3 Initiative:

4 1. Create and operate training programs to enhance the  
5 professional skills of individuals in community and  
6 faith-based organizations.

7 2. Create and operate a program to select and place  
8 students and recent graduates from business and related  
9 professional schools as interns with community and faith-based  
10 organizations for a period not to exceed 1 year, and provide  
11 stipends for such interns.

12 3. Organize an annual conference for community and  
13 faith-based organizations to discuss and share information on  
14 best practices regarding issues relevant to the creation,  
15 operation, and sustainability of these organizations.

16 4. Provide funding for the development of materials  
17 for courses on topics in the area of community development,  
18 and for research on economic, operational, and policy issues  
19 relating to community development.

20 5. Provide financial assistance to community and  
21 faith-based organizations through small grants for  
22 partnerships with universities and the operation of programs  
23 to build strong communities and future community development  
24 leaders. The Institute on Urban Policy and Commerce at Florida  
25 Agricultural and Mechanical University shall develop selection  
26 criteria for awarding such grants which are based on the goals  
27 of the initiative.

28  
29 The institute, to the maximum extent possible, shall leverage  
30 state funding for the initiative with any federal funding that  
31 the institute may receive to support similar community-based

1 activities.

2 (b) Authorized activities of the partnership.--The  
3 Division of Library and Information Services of the Department  
4 of State may conduct the following activities as part of the  
5 Community and Library Technology Access Partnership:

6 1. Provide funding for e-rate eligible public  
7 libraries to provide technology access and training to  
8 community and faith-based organizations. Funding provided  
9 under this subparagraph must be for eligible public libraries  
10 in distressed communities in the state. The division shall  
11 consult with the Institute on Urban Policy and Commerce to  
12 identify such communities and to develop criteria to be used  
13 in evaluating funding proposals. The division shall coordinate  
14 with the institute to ensure that, to the maximum extent  
15 possible, the division and the institute leverage their  
16 resources under the programs authorized by this section in  
17 order to focus efforts on addressing the most distressed  
18 communities in the state. The division shall include a  
19 representative of the institute on a review team to evaluate  
20 funding proposals under this subparagraph.

21 2. Provide a method of assessment and outcome  
22 measurement for e-rate eligible public libraries to assess  
23 progress in closing the digital divide and in training for  
24 individuals to succeed in the emerging information economy.

25 (4) ELIGIBILITY.--A community or faith-based  
26 organization receiving funding or other assistance under the  
27 Community and Faith-based Organizations Initiative or the  
28 Community Library Technology Access Partnership must be a  
29 nonprofit organization holding a current exemption from  
30 federal taxation under s. 501(c)(3) or (4) of the Internal  
31 Revenue Code. Funding under this section shall not be used for

1 religious or sectarian purposes.

2 Section 196. Section 1004.52, Florida Statutes, is  
3 created to read:

4 1004.52 Community computer access grant program.--

5 (1) The Legislature finds that there is a growing  
6 digital divide in the state, manifested in the fact that many  
7 youths from distressed urban communities do not possess the  
8 degree and ease of access to computers and information  
9 technologies which youths in other communities in the state  
10 possess. This disparity in access to rapidly changing and  
11 commercially significant technologies has a negative impact on  
12 the educational, workforce development, and employment  
13 competitiveness of these needy youths, and thereby impedes the  
14 economic development of the distressed urban communities in  
15 which these youths reside. Although many public libraries  
16 offer users access to computers and are increasingly making  
17 library materials available to the public through electronic  
18 means, many youths from distressed urban communities do not  
19 live near a library that has such technology and do not have  
20 computers to access Internet-based virtual libraries.  
21 Neighborhood organizations, such as churches, are more likely,  
22 however, to be located in closer proximity to the homes of  
23 these youths than are educational institutions or libraries,  
24 and these youths are more likely to gain the desirable  
25 computer access at church-related or other neighborhood  
26 facilities than at other institutions. The Legislature  
27 therefore finds that a public purpose is served in enhancing  
28 the ability of youths from these communities to have access to  
29 computers and the Internet within the neighborhoods in which  
30 they reside.

31 (2) Subject to legislative appropriation, there is

1 created the Community High-Technology Investment Partnership  
 2 (CHIP) program to assist distressed urban communities in  
 3 securing computers for access by youths between the ages of 5  
 4 years and 18 years who reside in these communities. The  
 5 program shall be administered by the Institute on Urban Policy  
 6 and Commerce at Florida Agricultural and Mechanical University  
 7 pursuant to a performance-based contract with the Division of  
 8 Library and Information Services of the Department of State.  
 9 The division shall develop performance measures, standards,  
 10 and sanctions for the program. Performance measures must  
 11 include, but are not limited to: the number of youths  
 12 obtaining access to computers purchased under this program;  
 13 the number of hours computers are made available to youths;  
 14 and the number of hours spent by youths on computers purchased  
 15 under this program for educational purposes. The  
 16 administrative costs for administration of this program cannot  
 17 exceed 10 percent of the amount appropriated to the division  
 18 for the program.

19 (3)(a) Under this program, neighborhood facilities,  
 20 through their governing bodies, may apply to the institute for  
 21 grants to purchase computers that will be available for use by  
 22 eligible youths who reside in the immediate vicinity of the  
 23 neighborhood facility. For purposes of this program, eligible  
 24 neighborhood facilities include, but are not limited to,  
 25 facilities operated by:

26 1. Units of local government, including school  
 27 districts.

28 2. Nonprofit, faith-based organizations, including  
 29 neighborhood churches.

30 3. Nonprofit civic associations or homeowners'  
 31 associations.



1           4. Nonprofit organizations, the missions of which  
 2 include improving conditions for residents of distressed urban  
 3 communities.

4  
 5 To be eligible for funding under this program, a nonprofit  
 6 organization or association must hold a current exemption from  
 7 federal taxation under s. 501(c)(3) or (4) of the Internal  
 8 Revenue Code.

9           (b) Notwithstanding the eligibility of the  
 10 organizations identified in paragraph (a), the institute shall  
 11 give priority consideration for funding under this program to  
 12 applications submitted by neighborhood churches or by  
 13 neighborhood-based, nonprofit organizations that have as a  
 14 principal part of their missions the improvement of conditions  
 15 for residents of the same neighborhoods in which the  
 16 organizations are located. The institute also shall give  
 17 priority consideration to organizations that demonstrate that  
 18 they have not been awarded community enhancement or similar  
 19 community support grants from state or local government on a  
 20 regular basis in the past. The institute shall develop  
 21 weighted criteria to be used in evaluating applications from  
 22 such churches or organizations. Funding under this section  
 23 shall not be used for religious or sectarian purposes.

24           (4) The institute shall develop guidelines governing  
 25 the administration of this program and shall establish  
 26 criteria to be used in evaluating an application for funding.  
 27 At a minimum, the institute must find that:

28           (a) The neighborhood that is to be served by the grant  
 29 suffers from general economic distress.

30           (b) Eligible youths who reside in the vicinity of the  
 31 neighborhood facility have difficulty obtaining access to a

1 library or schools that have sufficient computers.

2 (c) The neighborhood facility has developed a detailed  
3 plan, as required under subsection (5), for:

4 1. Providing youths who reside in the vicinity of the  
5 facility with access to any computer purchased with grant  
6 funds, including evening and weekend access when libraries and  
7 schools are closed.

8 2. Promoting the maximum participation of neighborhood  
9 youths in use of any computers purchased with grant funds.

10 (5) As part of an application for funding, the  
11 neighborhood facility must submit a plan that demonstrates:

12 (a) The manner in which eligible youths who reside in  
13 the immediate vicinity of the facility will be provided with  
14 access to any computer purchased with grant funds, including  
15 access during hours when libraries and schools are closed.

16 (b) The existence of safeguards to ensure that any  
17 computer purchased with grant funds is reserved for the  
18 educational use of eligible youths who reside in the immediate  
19 vicinity of the facility and is not used to support the  
20 business operations of the neighborhood facility or its  
21 governing body.

22 (c) The existence, in the neighborhood facility, of  
23 telecommunications infrastructure necessary to guarantee  
24 access to the Internet through any computer purchased with  
25 grant funds.

26 (6) To the maximum extent possible, funding shall be  
27 awarded under this program in a manner designed to ensure the  
28 participation of distressed urban communities from regions  
29 throughout the state.

30 (7) The maximum amount of a grant which may be awarded  
31 to any single neighborhood facility under this program is

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1 \$25,000.

2 (8) Before the institute may allocate funds for a  
3 grant under this program, the institute and the eligible  
4 neighborhood facility must execute a grant agreement that  
5 governs the terms and conditions of the grant.

6 (9) The institute, based upon guidance from the State  
7 Technology Office and the state's Chief Information Officer,  
8 shall establish minimum requirements governing the  
9 specifications and capabilities of any computers purchased  
10 with funds awarded under this grant program.

11 Section 197. Section 1004.53, Florida Statutes, is  
12 created to read:

13 1004.53 Interdisciplinary Center for Brownfield  
14 Rehabilitation Assistance.--The Center for Brownfield  
15 Rehabilitation Assistance in the Environmental Sciences and  
16 Policy Program is established in the College of Arts and  
17 Sciences at the University of South Florida with the  
18 collaboration of other related disciplines such as business  
19 administration, environmental science, and medicine. The  
20 center shall work in conjunction with other state  
21 universities. The Center for Brownfield Rehabilitation  
22 Assistance shall:

23 (1) Conduct research relating to problems and  
24 solutions associated with rehabilitation and restoration of  
25 brownfield areas as defined in s. 376.79. The research must  
26 include identifying innovative solutions to removing  
27 contamination from brownfield sites to reduce the threats to  
28 drinking water supplies and other potential public health  
29 threats from contaminated sites.

30 (2) Provide public service to local, regional, and  
31 state agencies, units of government, and authorities by

1 helping them to create workable mechanisms, partnerships with  
2 public and private sectors, and other techniques for  
3 rehabilitating brownfield areas.

4 (3) Conduct special research relating to risk-based  
5 corrective actions for rehabilitation of brownfield areas.

6 (4) Develop a base of informational and financial  
7 support from the private sector for the activities of the  
8 center.

9 Section 198. Section 1004.54, Florida Statutes, is  
10 created to read:

11 1004.54 Learning Development and Evaluation Center.--

12 (1) For the purpose of providing academic support for  
13 learning disabled students, the verbal communications  
14 laboratory at Florida Agricultural and Mechanical University  
15 is established as the Learning Development and Evaluation  
16 Center. The university shall provide housing, equipment, and  
17 utilities for the center.

18 (2) The primary objective of the center shall be to  
19 provide learning disabled students with accessibility to  
20 learning by providing a program for building student  
21 self-acceptance, self-esteem, and faculty acceptance. The  
22 program shall also provide for diagnosing and clarifying the  
23 nature of the disability and for identifying strategies that  
24 can be used to enhance learning. Services shall include:

25 (a) Problem identification.

26 (b) Diagnostic evaluation, including neurological,  
27 psychological, speech, and hearing diagnoses.

28 (c) Training, including tutoring and study.

29 (d) Academic, psychological, social, and career  
30 counseling.

31 (e) Followup.

1           (f) Maintenance of academic course requirements with  
2 provision for support services to identified students.

3           (g) Modifications of methods of reaching course  
4 requirements which do not detract from the course purpose.

5           (3) Participants in the program shall be students with  
6 specific learning disabilities who meet eligibility criteria  
7 as defined by Rule 6A-6.03018.

8           (4) An outreach component shall be established which  
9 shall include:

10           (a) Notifying secondary schools, community colleges,  
11 career education centers, and community agencies of the  
12 program.

13           (b) Working with community colleges, technical  
14 centers, and community agencies to identify students who may  
15 benefit from the program.

16           (c) Providing secondary schools, community colleges,  
17 technical centers, and community agencies with a description  
18 of methods used by the program for identification of students  
19 who have learning disabilities.

20           (d) Providing secondary schools, community colleges,  
21 technical centers, and community agencies with a description  
22 of program services and the support services available.

23           (e) Providing on-campus and off-campus activities for  
24 students, administrators, faculty, and staff to enhance  
25 learning of the disabled secondary students.

26           (f) Providing training for school district personnel  
27 to enable them to develop a better understanding of the needs  
28 of learning disabled students.

29           (g) Designing, developing, and implementing, in  
30 cooperation with Florida Agricultural and Mechanical  
31 University, public school districts, community colleges, and

1 technical centers within the Department of Education, model  
2 programs for the learning disabled student.

3 (h) Providing assistance to community colleges and  
4 state universities in designing, developing, and evaluating  
5 model programs for learning disabled students.

6 (i) Establishing a procedure for the annual review and  
7 update of model programs developed for the learning disabled.

8 (j) Providing precollegiate residential experiences.

9 (5) On or before November 1, the president of the  
10 university shall submit to the State Board of Education and  
11 the Legislature a report on program effectiveness, which  
12 report shall include:

13 (a) The number of students participating in the  
14 program.

15 (b) An ongoing analysis of overall student performance  
16 as a result of participation in the program.

17 (c) A description of the methods used in identifying  
18 students with learning disabilities.

19 (d) A description of methods and materials prescribed  
20 to meet the specific learning needs of each participant.

21 (e) The number and types of disabilities of students  
22 in the program.

23 (f) How the program accomplished its objectives.

24 (g) Procedures used to counsel and advise students  
25 that would build self-acceptance and enhance learning.

26 (h) Procedures for promoting faculty acceptance of the  
27 program and its participants.

28 (i) A detailed description of each program objective  
29 and the results.

30 (j) Projections of future participation by learning  
31 disabled students based on enrollment, queries, and program

1 results.

2 (k) The number of postsecondary and secondary students  
3 participating in the program and the type of service provided.

4 (6) Funding of this program shall be provided for in  
5 the General Appropriations Act.

6 Section 199. Section 1004.55, Florida Statutes, is  
7 created to read:

8 1004.55 Regional autism centers.--

9 (1) Six regional autism centers are established to  
10 provide nonresidential resource and training services for  
11 persons of all ages and of all levels of intellectual  
12 functioning who have autism, as defined in s. 393.063; who  
13 have a pervasive developmental disorder that is not otherwise  
14 specified; who have an autistic-like disability; who have a  
15 dual sensory impairment; or who have a sensory impairment with  
16 other handicapping conditions. Each center shall be  
17 operationally and fiscally independent and shall provide  
18 services within its geographical region of the state. Each  
19 center shall coordinate services within and between state and  
20 local agencies and school districts but may not duplicate  
21 services provided by those agencies or school districts. The  
22 respective locations and service areas of the centers are:

23 (a) The Department of Communication Disorders at  
24 Florida State University, which serves Bay, Calhoun, Escambia,  
25 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,  
26 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
27 Walton, and Washington Counties.

28 (b) The College of Medicine at the University of  
29 Florida, which serves Alachua, Bradford, Citrus, Columbia,  
30 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,  
31 Putnam, Suwannee, and Union Counties.

1           (c) The University of Florida Health Science Center at  
2 Jacksonville, which serves Baker, Clay, Duval, Flagler,  
3 Nassau, and St. Johns Counties.

4           (d) The Louis de la Parte Florida Mental Health  
5 Institute at the University of South Florida, which serves  
6 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,  
7 Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee,  
8 Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

9           (e) The Mailman Center for Child Development at the  
10 University of Miami, which serves Broward, Dade, Monroe, and  
11 Palm Beach Counties.

12           (f) The College of Health and Public Affairs at the  
13 University of Central Florida, which serves Brevard, Lake,  
14 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

15           (2) There is established for each center a  
16 constituency board, which shall work collaboratively with the  
17 center. Each board shall consist of no fewer than six  
18 members, each of whom is either an individual who has a  
19 disability that is described in subsection (1) or is a member  
20 of a family that includes a person who has such a disability,  
21 who are selected by each university president from a list that  
22 has been developed by the Autism Society of Florida and other  
23 relevant constituency groups that represent persons who have  
24 sensory impairments as described in subsection (1). As  
25 representatives of the center's constituencies, these boards  
26 shall meet quarterly with the staff of each of the centers to  
27 provide advice on policies, priorities, and activities. Each  
28 board shall submit to the university president and to the  
29 Department of Education an annual report that evaluates the  
30 activities and accomplishments of its center during the year.

31           (3) To promote statewide planning and coordination, a



1 conference must be held annually for staff from each of the  
 2 five centers and representatives from each center's  
 3 constituency board. The purpose of the conference is to  
 4 facilitate coordination, networking, cross-training, and  
 5 feedback among the staffs and constituency boards of the  
 6 centers.

7 (4) Each center shall provide:

8 (a) A staff that has expertise in autism and  
 9 autistic-like behaviors and in sensory impairments.

10 (b) Individual and direct family assistance in the  
 11 home, community, and school. A center's assistance should not  
 12 supplant other responsibilities of state and local agencies,  
 13 and each school district is responsible for providing an  
 14 appropriate education program for clients of a center who are  
 15 school age.

16 (c) Technical assistance and consultation services,  
 17 including specific intervention and assistance for a client of  
 18 the center, the client's family, and the school district, and  
 19 any other services that are appropriate.

20 (d) Professional training programs that include  
 21 developing, providing, and evaluating preservice and inservice  
 22 training in state-of-the-art practices for personnel who work  
 23 with the populations served by the centers and their families.

24 (e) Public education programs to increase awareness of  
 25 the public about autism, autistic-related disabilities of  
 26 communication and behavior, dual sensory impairments, and  
 27 sensory impairments with other handicapping conditions.

28 (5) The State Board of Education, in cooperation with  
 29 the regional autism centers, shall adopt the necessary rules  
 30 to carry out the purposes of this section.

31 Section 200. Section 1004.56, Florida Statutes, is

1 created to read:

2 1004.56 Florida Museum of Natural History;

3 functions.--

4 (1) The functions of the Florida Museum of Natural  
5 History, located at the University of Florida, are to make  
6 scientific investigations toward the sustained development of  
7 natural resources and a greater appreciation of human cultural  
8 heritage, including, but not limited to, biological surveys,  
9 ecological studies, environmental impact assessments, in-depth  
10 archaeological research, and ethnological analyses, and to  
11 collect and maintain a depository of biological,  
12 archaeological, and ethnographic specimens and materials in  
13 sufficient numbers and quantities to provide within the state  
14 and region a base for research on the variety, evolution, and  
15 conservation of wild species; the composition, distribution,  
16 importance, and functioning of natural ecosystems; and the  
17 distribution of prehistoric and historic archaeological sites  
18 and an understanding of the aboriginal and early European  
19 cultures that occupied them. State institutions, departments,  
20 and agencies may deposit type collections from archaeological  
21 sites in the museum, and it shall be the duty of each state  
22 institution, department, and agency to cooperate by depositing  
23 in the museum voucher and type biological specimens collected  
24 as part of the normal research and monitoring duties of its  
25 staff and to transfer to the museum those biological specimens  
26 and collections in its possession but not actively being  
27 curated or used in the research or teaching of that  
28 institution, department, or agency. The Florida Museum of  
29 Natural History is empowered to accept, preserve, maintain, or  
30 dispose of these specimens and materials in a manner which  
31 makes each collection and its accompanying data available for

1 research and use by the staff of the museum and by cooperating  
 2 institutions, departments, agencies, and qualified independent  
 3 researchers. The biological, archaeological, and ethnographic  
 4 collections shall belong to the state with the title vested in  
 5 the Florida Museum of Natural History, except as provided in  
 6 s. 267.12(3). In collecting or otherwise acquiring these  
 7 collections, the museum shall comply with pertinent state  
 8 wildlife, archaeological, and agricultural laws and rules.  
 9 However, all collecting, quarantine, and accreditation permits  
 10 issued by other institutions, departments, and agencies shall  
 11 be granted routinely for said museum research study or  
 12 collecting effort on state lands or within state jurisdiction  
 13 which does not pose a significant threat to the survival of  
 14 endangered wild species, habitats, or ecosystems. In  
 15 addition, the museum shall develop exhibitions and conduct  
 16 programs which illustrate, interpret, and explain the natural  
 17 history of the state and region and shall maintain a library  
 18 of publications pertaining to the work as herein provided.  
 19 The exhibitions, collections, and library of the museum shall  
 20 be open, free to the public, under suitable rules to be  
 21 promulgated by the director of the museum and approved by the  
 22 University of Florida.

23 (2) Any gifts, transfers, bequests, or other  
 24 conveyances made to the Florida State Museum are deemed to  
 25 have been made to the Florida Museum of Natural History.

26 Section 201. Section 1004.57, Florida Statutes, is  
 27 created to read:

28 1004.57 Vertebrate paleontological sites and remains;  
 29 legislative intent and state policy.--

30 (1) It is the declared intention of the Legislature  
 31 that vertebrate paleontological sites be protected and

1 preserved and that, pursuant thereto, vertebrate  
 2 paleontological field investigation activities, including, but  
 3 not limited to, collection, excavation, salvage, restoration,  
 4 and cataloging of fossils, be discouraged except when such  
 5 activities are carried on in accordance with both the  
 6 provisions and the spirit of this act. However, it is not the  
 7 intention of the Legislature that the provisions of this act  
 8 impede mining or quarrying for rock, gravel, fill, phosphate,  
 9 and other minerals, or the construction of canals or similar  
 10 excavations, when such activities are permitted by law.  
 11 Rather, it is the intent of the Legislature that mine and  
 12 heavy equipment operators be encouraged to cooperate with the  
 13 state in preserving its vertebrate paleontological heritage  
 14 and vertebrate fossils by notifying the Florida Museum of  
 15 Natural History whenever vertebrate fossils are discovered  
 16 during mining or digging operations and by allowing such  
 17 fossils to be properly salvaged and that persons having  
 18 knowledge of vertebrate paleontological sites be encouraged to  
 19 communicate such information to the museum.

20       (2) It is hereby declared to be the public policy of  
 21 this state to protect and preserve vertebrate paleontological  
 22 sites containing vertebrate fossils, including bones, teeth,  
 23 natural casts, molds, impressions, and other remains of  
 24 prehistoric fauna, and to provide for the collection,  
 25 acquisition, and study of the vertebrate fossils of the state  
 26 which offer documentation of the diversity of life on this  
 27 planet.

28       (3) It is further declared to be the public policy of  
 29 the state that all vertebrate fossils found on state-owned  
 30 lands, including submerged lands and uplands, belong to the  
 31 state with title to the fossils vested in the Florida Museum

1 of Natural History for the purpose of administration of this  
2 section and ss. 1004.575-1004.577.

3 Section 202. Section 1004.575, Florida Statutes, is  
4 created to read:

5 1004.575 Program of vertebrate paleontology within  
6 Florida Museum of Natural History.--There is established  
7 within the Florida Museum of Natural History a program of  
8 vertebrate paleontology, which program has the following  
9 responsibilities:

10 (1) Encouraging the study of the vertebrate fossils  
11 and vertebrate paleontological heritage of the state and  
12 providing exhibits and other educational materials on the  
13 vertebrate fauna to the universities and schools of the state.

14 (2) Developing a statewide plan, to be submitted to  
15 the director of the Florida Museum of Natural History, for  
16 preserving the vertebrate paleontological resources of the  
17 state in a manner which is consistent with the state policies  
18 in s. 1004.57 and which will not unduly hamper development in  
19 this state, including mining and excavating operations.

20 (3) Locating, surveying, acquiring, collecting,  
21 salvaging, conserving, and restoring vertebrate fossils;  
22 conducting research on the history and systematics of the  
23 fossil fauna of the state; and maintaining the official state  
24 depository of vertebrate fossils.

25 (4) Locating, surveying, acquiring, excavating, and  
26 operating vertebrate paleontological sites and properties  
27 containing vertebrate fossils, which sites and properties have  
28 great significance to the scientific study of such vertebrate  
29 fossils or to public representation of the faunal heritage of  
30 the state.

31 (5) Enlisting the aid of professional vertebrate

1 paleontologists, mine and quarry operators, heavy digging  
 2 equipment operators, and qualified amateurs in carrying out  
 3 the provisions of subsections (1)-(4), and authorizing their  
 4 active support and cooperation by issuing permits to them as  
 5 provided in s. 1004.576.

6 (6) Cooperating and coordinating activities with the  
 7 Department of Environmental Protection under the provisions of  
 8 ss. 375.021 and 375.031 and the Department of State under  
 9 chapter 267 in the acquisition, preservation, and operation of  
 10 significant vertebrate paleontological sites and properties of  
 11 great and continuing scientific value, so that such sites and  
 12 properties may be utilized to conserve the faunal heritage of  
 13 this state and to promote an appreciation of that heritage.

14 (7) Designating areas as "state vertebrate  
 15 paleontological sites" pursuant to the provisions of this  
 16 section, which areas are of great and continuing significance  
 17 to the scientific study and public understanding of the faunal  
 18 history of the state. However, no privately owned site or  
 19 grouping of sites shall be so designated without the express  
 20 written consent of the private owner of the site or group of  
 21 sites. Upon designation of a state vertebrate paleontological  
 22 site, the owners and occupants of such site shall be given  
 23 written notification of such designation by the program. Once  
 24 such site has been so designated, no person may conduct  
 25 paleontological field investigation activities on the site  
 26 without first securing a permit for such activities as  
 27 provided in s. 1004.576.

28 (8) Arranging for the disposition of the vertebrate  
 29 fossils by accredited institutions and for the temporary or  
 30 permanent loan of such fossils for the purpose of further  
 31 scientific study, interpretative display, and curatorial

1 responsibilities by such institutions.

2 Section 203. Section 1004.576, Florida Statutes, is  
3 created to read:

4 1004.576 Destruction, purchase, and sale of vertebrate  
5 fossils prohibited, exceptions; field investigation permits  
6 required; penalty for violation.--

7 (1) The destruction, defacement, purchase, and sale of  
8 vertebrate fossils found on or under land owned or leased by  
9 the state and on land in state-designated vertebrate  
10 paleontological sites are prohibited, except that the Florida  
11 Museum of Natural History may sell vertebrate fossils and may  
12 adopt rules defining "nonessential vertebrate fossils" and  
13 prescribing the conditions under which such fossils may be  
14 sold or otherwise disposed of by a person holding a permit  
15 issued by the Florida Museum of Natural History. Field  
16 investigations of vertebrate fossils, including, but not  
17 limited to, the systematic collection, acquisition,  
18 excavation, salvage, exhumation, or restoration of such  
19 fossils, are prohibited on all lands owned or leased by the  
20 state and on lands in state-designated vertebrate  
21 paleontological sites, unless such activities are conducted  
22 under the authority of permits issued by the Florida Museum of  
23 Natural History. A permit may be granted by the Florida  
24 Museum of Natural History upon application for the permit  
25 accompanied by an application fee not to exceed \$5. The  
26 privileges authorized pursuant to the grant of a permit as  
27 provided in this subsection may not be assigned or sublet to  
28 any other party.

29 (2) Any person who, in violation of this section,  
30 engages in any of the activities described in subsection (1)  
31 without first having obtained a permit to engage in such

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1 activity commits a misdemeanor, punishable by a fine not to  
 2 exceed \$500 or by imprisonment in the county jail for a period  
 3 not to exceed 6 months, or both; and, in addition, he or she  
 4 shall forfeit to the state all specimens, objects, and  
 5 materials collected and excavated in violation of this  
 6 section, together with all photographs and records relating to  
 7 such materials.

8       (3) The Florida Museum of Natural History may  
 9 institute a civil action in the appropriate circuit court for  
 10 recovery of any unlawfully taken vertebrate fossil. The  
 11 fossil shall be forfeited to the state if the Florida Museum  
 12 of Natural History shows by the greater weight of the evidence  
 13 that the fossil has been taken from a particular site within  
 14 this state and that the person found in possession of the  
 15 fossil is not authorized by law to possess such fossil.

16       Section 204. Section 1004.577, Florida Statutes, is  
 17 created to read:

18       1004.577 Certain rights of mine or quarry operators  
 19 and dragline or heavy equipment operators preserved.--Nothing  
 20 in ss. 1004.57-1004.576 shall infringe upon the right of a  
 21 legitimate mine or quarry operator to extract rock, gravel,  
 22 fill, phosphate, or other minerals or infringe upon the right  
 23 of a legitimate operator of draglines or similar heavy  
 24 dredging, trenching, or digging equipment to construct  
 25 drainage canals or other excavations because of the actual or  
 26 potential destruction of vertebrate fossils.

27       Section 205. Section 1004.58, Florida Statutes, is  
 28 created to read:

29       1004.58 Leadership Board for Applied Research and  
 30 Public Service.--

31       (1) There is created the Leadership Board for Applied



1 Research and Public Service to be staffed by the Institute of  
 2 Science and Public Affairs at Florida State University. The  
 3 purpose of the board is to focus, coordinate, and maximize  
 4 university resources on current issues and events affecting  
 5 Florida's residents and elected officials. Emphasis shall be  
 6 placed on being responsive to and providing accurate, timely,  
 7 useful, and relevant information to decisionmakers in state  
 8 and local governments. The board shall set forth a process to  
 9 provide comprehensive guidance and advice for improving the  
 10 types and quality of services to be delivered by the state  
 11 universities. Specifically, the board shall better identify  
 12 and define the missions and roles of existing institutes and  
 13 centers at each state university, work to eliminate  
 14 duplication and confusion over conflicting roles and missions,  
 15 involve more students in learning with applied research and  
 16 public service activities, and be organizationally separate  
 17 from academic departments. The board shall meet at least  
 18 quarterly. The board may create internal management councils  
 19 that may include working institute and center directors. The  
 20 board is responsible for, but is not limited to:

21 (a) Providing strategic direction, planning, and  
 22 accompanying decisions that support a coordinated applied  
 23 public service and research approach in the state.

24 (b) Addressing state university policy matters and  
 25 making recommendations to the State Board of Education as they  
 26 relate to applied public service and research.

27 (c) Serving as a clearinghouse for services requested  
 28 by public officials.

29 (d) Providing support for funding and fiscal  
 30 initiatives involving applied public service and research.

31 (2) Membership of the board shall be:

- 1           (a) The Commissioner of Education, or the
- 2 commissioner's designee, who shall serve as chair.
- 3           (b) The director of the Office of Planning and
- 4 Budgeting of the Executive Office of the Governor.
- 5           (c) The secretary of the Department of Management
- 6 Services.
- 7           (d) The director of Economic and Demographic Research.
- 8           (e) The director of the Office of Program Policy
- 9 Analysis and Government Accountability.
- 10           (f) The President of the Florida League of Cities.
- 11           (g) The President for the Florida Association of
- 12 Counties.
- 13           (h) The President of the Florida School Board
- 14 Association.
- 15           (i) Five additional university president members,
- 16 designated by the commissioner, to rotate annually.
- 17           (3) The board shall prepare a report for the State
- 18 Board of Education to be submitted to the Governor and the
- 19 Legislature by January 1 of each year which summarizes the
- 20 work and recommendations of the board in meeting its purpose
- 21 and mission.

22           Section 206. Section 1004.59, Florida Statutes, is  
 23 created to read:

24           1004.59 Florida Conflict Resolution Consortium.--It is  
 25 the intent of the Legislature to reduce the public and private  
 26 costs of litigation; resolve public disputes, including those  
 27 related to growth management issues, more quickly and  
 28 effectively; and improve intergovernmental communications,  
 29 cooperation, and consensus building. The Legislature hereby  
 30 formally establishes the Florida Conflict Resolution  
 31 Consortium as a statewide center based at Florida State

1 University, or at another campus as may be designated by the  
 2 Commissioner of Education. The purpose of the consortium is  
 3 to serve as a neutral resource to assist citizens and public  
 4 and private interests in Florida to seek cost-effective  
 5 solutions to public disputes and problems through the use of  
 6 alternative dispute resolution and consensus building.

7 Section 207. Section 1004.60, Florida Statutes, is  
 8 created to read:

9 1004.60 Research of Rosewood incident.--State  
 10 universities shall continue the research of the Rosewood  
 11 incident and the history of race relations in Florida and  
 12 develop materials for the educational instruction of these  
 13 events.

14 Section 208. Section 1004.61, Florida Statutes, is  
 15 created to read:

16 1004.61 Partnerships to develop child protection  
 17 workers.--The Department of Children and Family Services is  
 18 directed to form partnerships with the schools of social work  
 19 of the state universities in order to encourage the  
 20 development of graduates trained to work in child protection.  
 21 The department shall give hiring preferences for child  
 22 protection jobs to graduates who have earned bachelor's and  
 23 master's degrees from these programs with a concentration in  
 24 child protection. The partnership between the Department of  
 25 Children and Family Services and the schools of social work  
 26 shall include, but not be limited to, modifying existing  
 27 graduate and undergraduate social work curricula, providing  
 28 field placements for students into child protection  
 29 internships in the department, and collaborating in the design  
 30 and delivery of advanced levels of social work practice.

31 Section 209. Section 1004.62, Florida Statutes, is

1 created to read:

2 1004.62 Incentives for urban or socially and  
3 economically disadvantaged area internships.--The Legislature  
4 establishes incentives for urban or socially and economically  
5 disadvantaged area internships to give university students the  
6 opportunity to study the social, economic, educational, and  
7 political life of inner cities in metropolitan or socially and  
8 economically disadvantaged areas of the state. The incentives  
9 are for internships that are open to students in all  
10 disciplines, including business, education, physical science,  
11 social science, the liberal arts, and the fine arts.  
12 Incentives may be given to any state university. Incentives  
13 must be for one semester's duration, or more, in which an  
14 intern may earn up to 12 hours of credit for the internship.  
15 Student interns must work in teams to address a specific urban  
16 or socially and economically disadvantaged area social problem  
17 or carry out an urban or socially and economically  
18 disadvantaged area social program. The results of each team's  
19 work must be published in a report and distributed to the  
20 colleges of education at each state university.

21 Section 210. Part III of chapter 1004, Florida  
22 Statutes, shall be entitled "Community Colleges" and shall  
23 consist of ss. 1004.65-1004.81.

24 Section 211. Part III.a. of chapter 1004, Florida  
25 Statutes, shall be entitled "General Provisions" and shall  
26 consist of ss. 1004.65-1004.726.

27 Section 212. Section 1004.65, Florida Statutes, is  
28 created to read:

29 1004.65 Community colleges; definition, mission, and  
30 responsibilities.--

31 (1) Community colleges shall consist of all public

1 educational institutions operated by community college  
2 district boards of trustees under statutory authority and  
3 rules of the State Board of Education.

4 (2) Each community college district authorized by law  
5 and the Department of Education is an independent, separate,  
6 legal entity created for the operation of a community college.

7 (3) A community college may provide adult education  
8 services, including adult basic education, adult general  
9 education, adult secondary education, and general educational  
10 development test instruction.

11 (4) The community colleges are locally based and  
12 governed entities with statutory and funding ties to state  
13 government. As such, the community colleges' mission reflects  
14 a commitment to be responsive to local educational needs and  
15 challenges. In achieving this mission, the community colleges  
16 strive to maintain sufficient local authority and flexibility  
17 while preserving appropriate legal accountability to the  
18 state.

19 (5) As comprehensive institutions, the community  
20 colleges shall provide high-quality, affordable education and  
21 training opportunities, shall foster a climate of excellence,  
22 and shall provide opportunities to all while combining high  
23 standards with an open-door admission policy. The community  
24 colleges shall, as open-access institutions, serve all who can  
25 benefit, without regard to age, race, gender, creed, or ethnic  
26 or economic background, while emphasizing the achievement of  
27 social and educational equity so that all can be prepared for  
28 full participation in society.

29 (6) The primary mission and responsibility of  
30 community colleges is responding to community needs for  
31 postsecondary academic education and technical degree

1 education. This mission and responsibility includes being  
2 responsible for:

3 (a) Providing lower level undergraduate instruction  
4 and awarding associate degrees.

5 (b) Preparing students directly for vocations  
6 requiring less than baccalaureate degrees. This may include  
7 preparing for job entry, supplementing of skills and  
8 knowledge, and responding to needs in new areas of technology.

9 Career and technical education in the community college shall  
10 consist of technical certificates, credit courses leading to  
11 associate in science degrees and associate in applied science  
12 degrees, and other programs in fields requiring substantial  
13 academic work, background, or qualifications. A community  
14 college may offer career and technical education programs in  
15 fields having lesser academic or technical requirements.

16 (c) Providing student development services, including  
17 assessment, student tracking, support for disabled students,  
18 advisement, counseling, financial aid, career development, and  
19 remedial and tutorial services, to ensure student success.

20 (d) Promoting economic development for the state  
21 within each community college district through the provision  
22 of special programs, including, but not limited to, the:

- 23 1. Enterprise Florida-related programs.
- 24 2. Technology transfer centers.
- 25 3. Economic development centers.
- 26 4. Workforce literacy programs.

27 (e) Providing dual enrollment instruction.

28 (7) A separate and secondary role for community  
29 colleges includes:

30 (a) Providing upper level instruction and awarding  
31 baccalaureate degrees as specifically authorized by law.

1           (b) The offering of programs in:  
2           1. Community services that are not directly related to  
3 academic or occupational advancement.

4           2. Adult general education.

5           3. Recreational and leisure services.

6           (8) Funding for community colleges shall reflect their  
7 mission as follows:

8           (a) Postsecondary academic and career and technical  
9 education programs and adult general education programs shall  
10 have first priority in community college funding.

11           (b) Community service programs shall be presented to  
12 the Legislature with rationale for state funding. The  
13 Legislature may identify priority areas for use of these  
14 funds.

15           (9) Community colleges are authorized to offer such  
16 programs and courses as are necessary to fulfill their mission  
17 and are authorized to grant associate in arts degrees,  
18 associate in science degrees, associate in applied science  
19 degrees, certificates, awards, and diplomas. Each community  
20 college is also authorized to make provisions for the general  
21 educational development test. Each community college may  
22 provide access to baccalaureate degrees in accordance with  
23 law.

24           Section 213. Section 1004.66, Florida Statutes, is  
25 created to read:

26           1004.66 "Community college" and "junior college" used  
27 interchangeably.--Whenever the terms "community college" and  
28 "junior college" appear in the Florida Statutes in reference  
29 to a tax-supported institution, they shall be construed  
30 identically.

31           Section 214. Section 1004.67, Florida Statutes, is

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1 created to read:

2 1004.67 Community colleges; legislative intent.--It is  
3 the legislative intent that community colleges, constituted as  
4 political subdivisions of the state, continue to be operated  
5 by community college boards of trustees as provided in s.  
6 1001.63 and that no department, bureau, division, agency, or  
7 subdivision of the state exercise any responsibility and  
8 authority to operate any community college of the state except  
9 as specifically provided by law or rules of the State Board of  
10 Education.

11 Section 215. Section 1004.68, Florida Statutes, is  
12 created to read:

13 1004.68 Community college; degrees and certificates;  
14 tests for certain skills.--

15 (1) Each community college board of trustees shall  
16 adopt rules establishing student performance standards for the  
17 award of degrees and certificates.

18 (2) Each community college board of trustees shall  
19 require the use of scores on tests for college-level  
20 communication and computation skills provided in s.  
21 1008.345(8) as a condition for graduation with an associate in  
22 arts degree.

23 Section 216. Section 1004.70, Florida Statutes, is  
24 created to read:

25 1004.70 Community college direct-support  
26 organizations.--

27 (1) DEFINITIONS.--For the purposes of this section:

28 (a) "Community college direct-support organization"  
29 means an organization that is:

30 1. A Florida corporation not for profit, incorporated  
31 under the provisions of chapter 617 and approved by the



1 Department of State.

2 2. Organized and operated exclusively to receive,  
3 hold, invest, and administer property and to make expenditures  
4 to, or for the benefit of, a community college in this state.

5 3. An organization that the community college board of  
6 trustees, after review, has certified to be operating in a  
7 manner consistent with the goals of the community college and  
8 in the best interest of the state. Any organization that is  
9 denied certification by the board of trustees may not use the  
10 name of the community college that it serves.

11 (b) "Personal services" includes full-time or  
12 part-time personnel as well as payroll processing.

13 (2) BOARD OF DIRECTORS.--The chair of the board of  
14 trustees shall appoint a representative to the board of  
15 directors and the executive committee of each direct-support  
16 organization established under this section, including those  
17 established before July 1, 1998. The president of the  
18 community college for which the direct-support organization is  
19 established, or the president's designee, shall also serve on  
20 the board of directors and the executive committee of the  
21 direct-support organization, including any direct-support  
22 organization established before July 1, 1998.

23 (3) USE OF PROPERTY.--

24 (a) The board of trustees is authorized to permit the  
25 use of property, facilities, and personal services at any  
26 community college by any community college direct-support  
27 organization, subject to the provisions of this section.

28 (b) The board of trustees is authorized to prescribe  
29 by rule any condition with which a community college  
30 direct-support organization must comply in order to use  
31 property, facilities, or personal services at any community

1 college.

2 (c) The board of trustees may not permit the use of  
3 property, facilities, or personal services at any community  
4 college by any community college direct-support organization  
5 that does not provide equal employment opportunities to all  
6 persons regardless of race, color, national origin, gender,  
7 age, or religion.

8 (4) ACTIVITIES; RESTRICTIONS.--

9 (a) A direct-support organization may, at the request  
10 of the board of trustees, provide residency opportunities on  
11 or near campus for students.

12 (b) A direct-support organization that constructs  
13 facilities for use by a community college or its students must  
14 comply with all requirements of law relating to the  
15 construction of facilities by a community college, including  
16 requirements for competitive bidding.

17 (c) Any transaction or agreement between one  
18 direct-support organization and another direct-support  
19 organization or between a direct-support organization and a  
20 center of technology innovation designated under s. 1004.77  
21 must be approved by the board of trustees.

22 (d) A community college direct-support organization is  
23 prohibited from giving, either directly or indirectly, any  
24 gift to a political committee or committee of continuous  
25 existence as defined in s. 106.011 for any purpose other than  
26 those certified by a majority roll call vote of the governing  
27 board of the direct-support organization at a regularly  
28 scheduled meeting as being directly related to the educational  
29 mission of the community college.

30 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
31 organization shall submit to the board of trustees its federal

1 Internal Revenue Service Application for Recognition of  
2 Exemption form (Form 1023) and its federal Internal Revenue  
3 Service Return of Organization Exempt from Income Tax form  
4 (Form 990).

5 (6) ANNUAL AUDIT.--Each direct-support organization  
6 shall provide for an annual financial audit in accordance with  
7 rules adopted by the Auditor General pursuant to s. 11.45(8).  
8 The annual audit report must be submitted, within 9 months  
9 after the end of the fiscal year, to the Auditor General, the  
10 State Board of Education, and the board of trustees for  
11 review. The board of trustees, the Auditor General, and the  
12 Office of Program Policy Analysis and Government  
13 Accountability may require and receive from the organization  
14 or from its independent auditor any detail or supplemental  
15 data relative to the operation of the organization. The  
16 identity of donors who desire to remain anonymous shall be  
17 protected, and that anonymity shall be maintained in the  
18 auditor's report. All records of the organization, other than  
19 the auditor's report, any information necessary for the  
20 auditor's report, any information related to the expenditure  
21 of funds, and any supplemental data requested by the board of  
22 trustees, the Auditor General, and the Office of Program  
23 Policy Analysis and Government Accountability, shall be  
24 confidential and exempt from the provisions of s. 119.07(1).

25 Section 217. Section 1004.71, Florida Statutes, is  
26 created to read:

27 1004.71 Statewide community college direct-support  
28 organizations.--

29 (1) DEFINITIONS.--For the purposes of this section:

30 (a) "Statewide community college direct-support  
31 organization" means an organization that is:

1           1. A Florida corporation not for profit, incorporated  
2 under the provisions of chapter 617 and approved by the  
3 Department of State.

4           2. Organized and operated exclusively to receive,  
5 hold, invest, and administer property and to make expenditures  
6 to, or for the benefit of, the community colleges in this  
7 state.

8           3. An organization that the State Board of Education,  
9 after review, has certified to be operating in a manner  
10 consistent with the goals of the community colleges and in the  
11 best interest of the state.

12           (b) "Personal services" includes full-time or  
13 part-time personnel as well as payroll processing.

14           (2) BOARD OF DIRECTORS.--The chair of the State Board  
15 of Education may appoint a representative to the board of  
16 directors and the executive committee of any statewide,  
17 direct-support organization established under this section or  
18 s. 1004.70. The chair of the State Board of Education, or the  
19 chair's designee, shall also serve on the board of directors  
20 and the executive committee of any direct-support organization  
21 established to benefit the community colleges of Florida.

22           (3) USE OF PROPERTY.--

23           (a) The State Board of Education may permit the use of  
24 property, facilities, and personal services of the Department  
25 of Education by any statewide community college direct-support  
26 organization, subject to the provisions of this section.

27           (b) The State Board of Education may prescribe by rule  
28 any condition with which a statewide community college  
29 direct-support organization must comply in order to use  
30 property, facilities, or personal services of the Department  
31 of Education.

1           (c) The State Board of Education may not permit the  
 2 use of property, facilities, or personal services of the  
 3 Department of Education by any statewide community college  
 4 direct-support organization that does not provide equal  
 5 employment opportunities to all persons regardless of race,  
 6 color, national origin, gender, age, or religion.

7           (4) RESTRICTIONS.--

8           (a) A statewide, direct-support organization may not  
 9 use public funds to acquire, construct, maintain, or operate  
 10 any facilities.

11           (b) Any transaction or agreement between a statewide,  
 12 direct-support organization and any other direct-support  
 13 organization or between a statewide, direct-support  
 14 organization and a center of technology innovation designated  
 15 under s. 1004.77 must be approved by the State Board of  
 16 Education.

17           (c) A statewide community college direct-support  
 18 organization is prohibited from giving, either directly or  
 19 indirectly, any gift to a political committee or committee of  
 20 continuous existence as defined in s. 106.011 for any purpose  
 21 other than those certified by a majority roll call vote of the  
 22 governing board of the direct-support organization at a  
 23 regularly scheduled meeting as being directly related to the  
 24 educational mission of the State Board of Education.

25           (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
 26 organization shall submit to the State Board of Education its  
 27 federal Internal Revenue Service Application for Recognition  
 28 of Exemption form (Form 1023) and its federal Internal Revenue  
 29 Service Return of Organization Exempt from Income Tax form  
 30 (Form 990).

31           (6) ANNUAL AUDIT.--A statewide community college

1 direct-support organization shall provide for an annual  
 2 financial audit in accordance with s. 1004.70. The identity of  
 3 a donor or prospective donor who desires to remain anonymous  
 4 and all information identifying such donor or prospective  
 5 donor are confidential and exempt from the provisions of s.  
 6 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
 7 anonymity shall be maintained in the auditor's report.

8 Section 218. Section 1004.725, Florida Statutes, is  
 9 created to read:

10 1004.725 Expenditures for self-insurance services;  
 11 special account.--

12 (1) The community college boards of trustees, singly  
 13 or collectively, are authorized to contract with an  
 14 administrator or service company approved by the Department of  
 15 Insurance pursuant to chapter 626 to provide self-insurance  
 16 services, including, but not limited to, the evaluation,  
 17 settlement, and payment of self-insurance claims on behalf of  
 18 the board of trustees or a consortium of boards of trustees.

19 (2) Pursuant to such a contract, a board of trustees  
 20 may advance moneys to the administrator or service company to  
 21 be deposited in a special account for paying claims against  
 22 the board of trustees under its self-insurance program. The  
 23 special account shall be maintained in a designated depository  
 24 as provided by s. 136.01. The board of trustees may replenish  
 25 such account as often as necessary upon the presentation by  
 26 the administrator or service company of documentation for  
 27 claims paid in an amount equal to the amount of the requested  
 28 reimbursement. Any contract for disbursement of funds from the  
 29 special account shall ensure that the payments are subject to  
 30 proper disbursement controls and accounting procedures.

31 Section 219. Section 1004.726, Florida Statutes, is

1 created to read:

2 1004.726 Trademarks, copyrights, or patents.--Each  
3 community college board of trustees may develop and produce  
4 work products relating to educational endeavors that are  
5 subject to trademark, copyright, or patent statutes. To this  
6 end, the board of trustees shall consider the relative  
7 contribution by the personnel employed in the development of  
8 such work products and shall enter into binding agreements  
9 with such personnel, organizations, corporations, or  
10 government entities, which agreements shall establish the  
11 percentage of ownership of such trademarks, copyrights, or  
12 patents. Any other law to the contrary notwithstanding, the  
13 board of trustees may in its own name:

14 (1) Perform all things necessary to secure letters of  
15 patent, copyrights, and trademarks on any such work products  
16 and enforce its rights therein.

17 (2) License, lease, assign, or otherwise give written  
18 consent to any person, firm, or corporation for the  
19 manufacture or use of its work products on a royalty basis or  
20 for such other consideration as the board of trustees deems  
21 proper.

22 (3) Take any action necessary, including legal action,  
23 to protect its work products against improper or unlawful use  
24 of infringement.

25 (4) Enforce the collection of any sums due the board  
26 of trustees for the manufacture or use of its work products by  
27 any other party.

28 (5) Sell any of its work products and execute all  
29 instruments necessary to consummate any such sale.

30 (6) Do all other acts necessary and proper for the  
31 execution of powers and duties provided by this section.

1           Section 220. Part III.b. of chapter 1004, Florida  
2 Statutes, shall be entitled "Special Programs; Centers" and  
3 shall consist of ss. 1004.73-1004.81.

4           Section 221. Section 1004.73, Florida Statutes, is  
5 created to read:

6           1004.73 St. Petersburg College.--

7           (1) LEGISLATIVE INTENT.--The Legislature intends to  
8 create an innovative means to increase access to baccalaureate  
9 degree level education in populous counties that are  
10 underserved by public baccalaureate degree granting  
11 institutions. This education is intended to address the  
12 state's workforce needs, especially the need for teachers,  
13 nurses, and business managers in agencies and firms that  
14 require expertise in technology.

15           (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.  
16 Petersburg College shall immediately seek accreditation from  
17 the Southern Association of Colleges and Schools as a  
18 baccalaureate degree granting college.

19           (a) The primary mission of St. Petersburg College is  
20 to provide high-quality undergraduate education at an  
21 affordable price for students and the state. The purpose is to  
22 promote economic development by preparing people for  
23 occupations that require a bachelor's degree and are in demand  
24 by existing or emerging public and private employers in this  
25 state.

26           (b) St. Petersburg College shall maintain the mission  
27 and policies of a Florida community college, including the  
28 open-door admissions policy and the authority to offer all  
29 programs consistent with a community college's authority.

30           (c) St. Petersburg College shall maintain the  
31 distinction between the college and its university center. St.



1 Petersburg College is limited to community college programs  
 2 and to selected baccalaureate degree level programs that meet  
 3 community needs and are authorized as provided by this  
 4 section. The University Center may make available more diverse  
 5 program offerings, but those programs are offered by a  
 6 participating college or university and are not to be  
 7 classified or funded as programs of St. Petersburg College.

8 (d) The academic policies of the upper-division  
 9 program at St. Petersburg College must be in accordance with  
 10 policies of the State Board of Education.

11 (e) Sections 1013.39 and 1013.82 apply to St.  
 12 Petersburg College.

13 (3) STUDENTS; FEES.--

14 (a) St. Petersburg College shall maintain separate  
 15 records for students who are enrolled in courses classified in  
 16 the upper division and lower division of a baccalaureate  
 17 program, according to the statewide course numbering system. A  
 18 student shall be reported as a community college student for  
 19 enrollment in a lower-division course and as a baccalaureate  
 20 degree program student for enrollment in an upper-division  
 21 course.

22 (b) The Board of Trustees of St. Petersburg College  
 23 shall establish the level of tuition and other authorized  
 24 student fees consistent with law and proviso in the General  
 25 Appropriations Act.

26 1. For each credit hour of enrollment in a certificate  
 27 level course or lower-division level college credit course,  
 28 tuition and fees must be within the range authorized in law  
 29 and rule for a community college student at that level.

30 2. For each credit hour of enrollment in an  
 31 upper-division level course, matriculation and tuition fees

1 must be in an amount established by the Board of Trustees of  
 2 St. Petersburg College. However, fees for upper-division  
 3 students must reflect the fact that the college does not incur  
 4 the costs of major research programs. Therefore, the board of  
 5 trustees shall establish fees for upper-division students  
 6 within a range that is lower than the fees established for  
 7 students at a state university but higher than the fees for  
 8 community college students.

9       3. Other mandatory fees and local fees must be at the  
 10 same level for all lower-division students. For upper-division  
 11 students, other mandatory fees and local fees must be at a  
 12 level less than fees established for University of South  
 13 Florida students, regardless of program enrollment or level.  
 14 However, students in workforce development education courses  
 15 maintain the authorized fee exemptions described in s. 1009.25  
 16 and may be exempt from local fees imposed by the board of  
 17 trustees, at the board's discretion.

18       (4) DEGREES.--

19       (a) In addition to the certificates, diplomas, and  
 20 degrees authorized in s. 1004.65, St. Petersburg College may  
 21 offer selected baccalaureate degrees. Initially, the college  
 22 may offer programs that lead to a baccalaureate degree in the  
 23 following fields:

24       1. Bachelor of Science in Nursing. This program must  
 25 be designed to articulate with the associate in science degree  
 26 in nursing. St. Petersburg College shall continue to offer the  
 27 associate in science degree in nursing.

28       2. Bachelor of Arts and Bachelor of Science in  
 29 Elementary Education.

30       3. Bachelor of Arts and Bachelor of Science in Special  
 31 Education.

1           4. Bachelor of Arts and Bachelor of Science in  
2 Secondary Education.

3           5. Bachelor of Applied Science in fields selected by  
4 the Board of Trustees of St. Petersburg College. The board of  
5 trustees shall base the selection on an analysis of workforce  
6 needs and opportunities in the following counties: Pinellas,  
7 Pasco, Hernando, and other counties approved by the Department  
8 of Education. For each program selected, St. Petersburg  
9 College must offer a related associate in science or associate  
10 in applied science degree program, and the baccalaureate  
11 degree level program must be designed to articulate fully with  
12 at least one associate in science degree program. The college  
13 is encouraged to develop articulation agreements for  
14 enrollment of graduates of related associate in applied  
15 science degree programs.

16           (b) St. Petersburg College may offer courses that  
17 enable teachers to qualify for certification and  
18 recertification as required by law or rule.

19           (c) St. Petersburg College may offer programs to  
20 provide opportunities for a person who holds a baccalaureate  
21 degree, but is not certified to teach, to obtain any  
22 additional courses required for teacher certification.

23           (d) Master's degree level programs and doctoral  
24 programs may be provided by agreement with a college or  
25 university participating in the University Center of St.  
26 Petersburg College.

27           (e) For those students living outside Pinellas County,  
28 St. Petersburg College shall recruit for the upper division  
29 only those students who have earned an associate degree. In  
30 recruiting upper-division students in Pasco and Hernando  
31 Counties, St. Petersburg College shall work cooperatively with

1 Pasco-Hernando Community College and shall seek to offer  
 2 courses and programs at Pasco-Hernando Community College when  
 3 feasible. The nursing programs, in particular, must be  
 4 conducted cooperatively, and programs at St. Petersburg  
 5 College shall not conflict with Pasco-Hernando Community  
 6 College's and the University of South Florida's cooperative  
 7 nursing program.

8 (5) BOARDS.--

9 (a) The Board of Trustees of St. Petersburg College  
 10 serves as the college's governing board. The Governor shall  
 11 appoint members as provided in s. 1001.61, and the board has  
 12 the duties and authorities granted in ss. 1001.63 and 1001.64  
 13 and by rules of the State Board of Education.

14 (b) The Board of Trustees of St. Petersburg College  
 15 may authorize direct-support organizations as authorized in  
 16 ss. 1004.28 and 1004.70.

17 (c) The Board of Trustees of St. Petersburg College  
 18 may continue to award degrees, diplomas, and certificates as  
 19 authorized for St. Petersburg Junior College, and in the name  
 20 of St. Petersburg Junior College, until St. Petersburg College  
 21 receives its accreditation.

22 (d) A coordinating board shall assist the board of  
 23 trustees in its deliberations concerning issues that affect  
 24 the upper division of St. Petersburg College. The coordinating  
 25 board consists of the President of the University of South  
 26 Florida, the President of St. Petersburg College, the  
 27 President of Pasco-Hernando Community College, and the chairs  
 28 of the boards of trustees of those institutions.

29 (e) Beginning 4 years after the college receives  
 30 accreditation to offer baccalaureate degrees, the Board of  
 31 Trustees of St. Petersburg College may determine additional

1 programs to be offered, with the approval of the coordinating  
2 board. The determination must consider community needs and  
3 economic opportunities.

4 (f) The coordinating board shall meet at the request  
5 of the President of the University of South Florida or the  
6 President of St. Petersburg College.

7 (g) If the coordinating board cannot decide an issue  
8 of importance to the programs designed for upper-division  
9 students, the State Board of Education shall resolve the  
10 issue.

11 (6) EMPLOYEES.--

12 (a) Employment at St. Petersburg College is governed  
13 by the same laws that govern community colleges, except that  
14 upper-division faculty are eligible for continuing contracts  
15 upon the completion of the fifth year of teaching.

16 (b) Employee records for all personnel shall be  
17 maintained as required by s. 1012.81.

18 (7) FACILITIES.--St. Petersburg College may request  
19 funding from the Public Education Capital Outlay and Debt  
20 Service Trust Fund as a community college and as a university.

21 The municipalities in Pinellas County, the Board of County  
22 Commissioners of Pinellas County, and all other governmental  
23 entities are authorized to cooperate with the Board of

24 Trustees of St. Petersburg College in establishing this  
25 institution. The acquisition and donation of lands, buildings,  
26 and equipment for the use of St. Petersburg College are

27 authorized as a public purpose. The Board of County  
28 Commissioners of Pinellas County and all municipalities in  
29 Pinellas County may exercise the power of eminent domain to

30 acquire lands, buildings, and equipment for the use of St.  
31 Petersburg College, regardless of whether such lands,

1 buildings, and equipment are located in a community  
2 redevelopment area.

3 (8) STATE FUNDING.--

4 (a) The Legislature intends to fund St. Petersburg  
5 College as a community college for its workforce development  
6 education programs and for its lower-division level college  
7 credit courses and programs.

8 (b) The Legislature intends to fund St. Petersburg  
9 College as a baccalaureate degree level institution for its  
10 upper-division level courses and programs.

11 Section 222. Section 1004.74, Florida Statutes, is  
12 created to read:

13 1004.74 Florida School of the Arts.--

14 (1) As the state strives to achieve excellence in all  
15 aspects of public education, it is the intent of the  
16 Legislature that specific attention be given to the needs of  
17 artistically talented high school and college students. It is  
18 further intended that such students who are occupationally  
19 oriented to the arts be provided with the means for achieving  
20 both an academic education and artistic training appropriate  
21 to their gifts.

22 (2) There is created the Florida School of the Arts.  
23 The school shall offer a program of academic and artistic  
24 studies in the visual and performing arts, which program shall  
25 be available to talented high school and college students in  
26 the state.

27 (3) The Florida School of the Arts is assigned to the  
28 District Board of Trustees of the St. Johns River Community  
29 College for purposes of administration and governance; but the  
30 Florida School of the Arts, within appropriations and  
31 limitations established annually by the Legislature, shall

1 serve as a professional school on a statewide basis for all  
2 qualified students.

3 (4) The Council for the Florida School of the Arts  
4 shall be established to advise the community college district  
5 board of trustees on matters pertaining to the operation of  
6 the school. The council shall consist of nine members,  
7 appointed by the Commissioner of Education for 4-year terms. A  
8 member may serve three terms and may serve until replaced.

9 Section 223. Section 1004.75, Florida Statutes, is  
10 created to read:

11 1004.75 Training school consolidation pilot  
12 projects.--

13 (1) ESTABLISHMENT.--To consolidate and more  
14 efficiently use state and taxpayer resources by combining  
15 training programs, pilot training centers are established to  
16 provide public criminal justice training in Leon and St. Johns  
17 Counties. The following pilot training centers are  
18 established:

19 (a) The Pat Thomas Center at Tallahassee Community  
20 College.

21 (b) The Criminal Justice Academy at St. Johns River  
22 Community College.

23 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING  
24 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,  
25 or any other provision of law to the contrary, criminal  
26 justice training programs in the pilot counties will transfer  
27 to community colleges, effective July 1, 1999, at which time  
28 responsibility for the provision of basic recruit, advanced,  
29 career development, and continuing training courses and  
30 programs offered in public criminal justice training programs  
31 and for the operation of existing public criminal justice

1 training programs will be shifted from the school district to  
 2 the community college in whose service area the public  
 3 criminal justice training program is located. Certification of  
 4 the program granted by the Criminal Justice Standards and  
 5 Training Commission will be transferred to the respective  
 6 community college and the college must continue to meet the  
 7 requirements of the commission.

8 (3) FACILITIES.--

9 (a) Criminal justice training program educational  
 10 facilities, educational plants, and related equipment as  
 11 defined in s. 1013.01(6) and (7) which are owned by the state  
 12 and paid for with only state funds shall be transferred to the  
 13 community college, except that, if such an educational  
 14 facility or educational plant or part of such facility or  
 15 plant is used for other purposes in addition to public  
 16 criminal justice training, the Criminal Justice Standards and  
 17 Training Commission shall mediate the transfer or a suitable  
 18 multiuse arrangement.

19 (b) Criminal justice training program educational  
 20 facilities, educational plants, and related equipment as  
 21 defined in s. 1013.01(6) and (7) which are owned by the school  
 22 district and paid for in whole or in part with local tax funds  
 23 shall be leased to the community college. However, if such an  
 24 educational facility or educational plant, or part of such  
 25 facility or plant, is used for other purposes in addition to  
 26 public criminal justice training, the Criminal Justice  
 27 Standards and Training Commission shall mediate a suitable  
 28 lease agreement. If a school district and a community college  
 29 cannot agree on the terms and conditions of the lease  
 30 agreement, the Criminal Justice Standards and Training  
 31 Commission shall finalize the agreement and report its



1 decision to the Legislature. The Department of Education,  
 2 Office of Educational Facilities, shall conduct an analysis,  
 3 by December 31, 1999, to determine the amount of local tax  
 4 contribution used in the construction of a  
 5 school-district-owned criminal justice training program,  
 6 educational facility, or educational plant affected by the  
 7 transfer. This analysis shall be used to establish a purchase  
 8 price for the facility or plant. The community college board  
 9 of trustees may make a legislative budget request through the  
 10 State Board of Education to purchase the facility or plant, or  
 11 it may continue to lease the facility or plant.

12 (4) PROGRAM REQUIREMENTS.--Each pilot training center  
 13 will be regional in nature, as defined by the Criminal Justice  
 14 Standards and Training Commission. Each community college with  
 15 responsibility for a public criminal justice training program  
 16 must:

17 (a) Establish a pilot training center advisory  
 18 committee made up of professionals from the field of each  
 19 training program included in the pilot project.

20 (b) Provide certificate and noncredit options for  
 21 students and training components of the pilot training center  
 22 that so require.

23 (c) Develop an articulation agreement with state  
 24 universities to facilitate the transfer of graduates of a  
 25 community college degree training program to the upper  
 26 division of a state university with a corresponding program.

27 (5) STAFFING.--The community college board of trustees  
 28 may provide for school district public criminal justice  
 29 training staff employed in full-time budgeted positions to be  
 30 transferred into the community college personnel system at the  
 31 same rate of salary. Retirement and leave provisions will be

1 transferred according to law.

2 (6) FUNDING.--The Department of Education shall shift  
3 funds generated by students in the pilot training centers  
4 established by this section, including workforce development  
5 recurring and nonrecurring funds, from the appropriate school  
6 district to the respective community college. The community  
7 college shall qualify for future facilities funding upon  
8 transfer of the facility.

9 (a) Consistent with s. 1011.62(7), school districts  
10 that transfer programs will receive an amount equal to 15  
11 percent of the funding generated for the program under the  
12 FEFP in 1996-1997.

13 (b) Reflecting the lower program costs in community  
14 colleges, notwithstanding the funding generated in paragraph  
15 (a), community colleges will receive 90 percent of the funding  
16 generated for the program under the FEFP in 1996-1997. The  
17 school district will retain the remaining 10 percent.

18 (c) Notwithstanding ss. 1011.80(5)(a) and  
19 1009.22(3)(a), or any other provision of law to the contrary,  
20 fees for continuing workforce education for public law  
21 enforcement officers at these pilot centers shall not exceed  
22 25 percent of the cost of the course, and state funding shall  
23 not under any circumstances exceed 50 percent of the cost of  
24 the course.

25 Section 224. Section 1004.76, Florida Statutes, is  
26 created to read:

27 1004.76 Florida Martin Luther King, Jr., Institute for  
28 Nonviolence.--

29 (1) As used in this section:

30 (a) "Board" means the advisory board of the institute.

31 (b) "Institute" means the Florida Martin Luther King,

1 Jr., Institute for Nonviolence.

2 (2) There is hereby created the Florida Martin Luther

3 King, Jr., Institute for Nonviolence to be established at

4 Miami-Dade Community College. The institute shall have an

5 advisory board consisting of 13 members as follows: the

6 Attorney General, the Commissioner of Education, and 11

7 members to be appointed by the Governor, such members to

8 represent the population of the state based on its ethnic,

9 gender, and socioeconomic diversity. Of the members appointed

10 by the Governor, one shall be a member of the Senate appointed

11 by the Governor on the recommendation of the President of the

12 Senate; one shall be a member of the Senate appointed by the

13 Governor on the recommendation of the minority leader; one

14 shall be a member of the House of Representatives appointed by

15 the Governor on the recommendation of the Speaker of the House

16 of Representatives; one shall be a member of the House of

17 Representatives appointed by the Governor on the

18 recommendation of the minority leader; and seven shall be

19 members appointed by the Governor, no more than three of whom

20 shall be members of the same political party. The following

21 groups shall be represented by the seven members: the Florida

22 Sheriffs Association; the Florida Association of Counties; the

23 Florida League of Cities; state universities human services

24 agencies; community relations or human relations councils; and

25 youth. A chairperson shall be elected by the members and

26 shall serve for a term of 3 years. Members of the board shall

27 serve the following terms of office which shall be staggered:

28 (a) A member of the Legislature appointed to the board

29 shall serve for a single term not to exceed 5 years and shall

30 serve as a member only while he or she is a member of the

31 Legislature.

1           (b) Of the seven members who are not members of the  
 2 Legislature, three shall serve for terms of 4 years, two shall  
 3 serve for terms of 3 years, and one shall serve for a term of  
 4 1 year. Thereafter, each member, except for a member  
 5 appointed to fill an unexpired term, shall serve for a 5-year  
 6 term. No member shall serve on the board for more than 10  
 7 years.

8  
 9 In the event of a vacancy occurring in the office of a member  
 10 of the board by death, resignation, or otherwise, the Governor  
 11 shall appoint a successor to serve for the balance of the  
 12 unexpired term.

13           (3)(a) The board shall provide for the holding of  
 14 regular and special meetings. A majority of the members shall  
 15 constitute a quorum for the transaction of any business, and  
 16 the acts of a majority of the members present at a meeting at  
 17 which a quorum is present shall be deemed to be the acts of  
 18 the board.

19           (b) An executive director shall be appointed by the  
 20 board and shall be the chief administrative and operational  
 21 officer of the board. The executive director shall direct and  
 22 supervise administrative affairs and the general management of  
 23 the board. The executive director may contract with or employ  
 24 legal and technical experts and such other employees,  
 25 permanent and temporary, as shall be authorized by the board.

26           (c) Members of the board shall serve without  
 27 compensation, but shall be reimbursed for per diem and travel  
 28 expenses in accordance with s. 112.061.

29           (4) The institute shall have the following powers and  
 30 duties:

31           (a) To conduct training, provide symposia, and develop

1 continuing education and programs to promote skills in  
 2 nonviolent conflict resolution for persons in government,  
 3 private enterprise, community groups, and voluntary  
 4 associations.

5 (b) To enter into formal and informal relationships  
 6 with other public or private institutions for purposes of  
 7 fulfilling the goals of the institute and to ensure geographic  
 8 dispersion of services to all regions of the state.

9 (c) To establish a clearinghouse to provide materials,  
 10 including publications, handbooks, training manuals, and  
 11 audiovisual materials, on the programs, studies, research,  
 12 training, and educational opportunities of the institute.

13 (d) To adopt, amend, and alter bylaws not inconsistent  
 14 with the laws of the state.

15 (e) To charge and collect subscription and other  
 16 participation costs and fees for its services, including  
 17 publications and courses of study.

18 (f) To receive and accept from any federal, state, or  
 19 local agency grants, or advances for, or in aid of, the  
 20 purposes of this act and to receive and accept contributions  
 21 from any source of either money, property, labor, or other  
 22 things of value, to be held, used, and applied for said  
 23 purposes.

24 (g) To do any and all lawful acts and things necessary  
 25 or desirable to carry out the objectives and purposes of this  
 26 act.

27 (5) The institute may establish fellowships through  
 28 the awarding of financial assistance to individuals and  
 29 organizations to enable them to pursue scholarly inquiry and  
 30 study other appropriate forms of strategies for peace and  
 31 nonviolent conflict resolution.

1           Section 225. Section 1004.77, Florida Statutes, is  
2 created to read:

3           1004.77 Centers of technology innovation.--

4           (1) The State Board of Education may designate centers  
5 of technology innovation at single community colleges,  
6 consortia of community colleges, or consortia of community  
7 colleges with other educational institutions. The state board  
8 shall adopt rules necessary to implement the provisions of  
9 this section. The state board shall cooperate with the  
10 Workforce Florida, Inc., in the designation of the centers as  
11 it relates to the centers of applied technology.

12           (2) Centers shall be designated when a community  
13 college or consortia provides evidence that it has developed  
14 expertise in one or more specialized technologies. To be  
15 designated, the community college or consortia must provide  
16 benefits to the state, which may include, but are not limited  
17 to:

18           (a) Curriculum development.

19           (b) Faculty development.

20           (c) Research, testing, and technology transfer.

21           (d) Instructional equipment and materials  
22 identification and development.

23           (e) Partnerships with industries dependent upon  
24 staying current in the related technologies and in the  
25 development of workforce capabilities.

26           (f) Partnerships with industries needing to convert  
27 their existing technology base to other technologies in order  
28 to continue conducting business in Florida, including  
29 converting defense-related technologies to other technologies.

30           (3) Centers may provide services to their service area  
31 and receive funding through:

1           (a) Serving as a technology transfer center, as  
2 created in s. 1004.78.

3           (b) Serving as an incubator facility for small  
4 business concerns, as created in s. 1004.79.

5           (c) Serving as an economic development center, as  
6 created in s. 1004.80.

7           (4) Centers may provide instruction, as follows:

8           (a) To students enrolled in the community college,  
9 especially for purposes of providing training for technicians  
10 in areas that support the employers involved in the technology  
11 specialization.

12           (b) To students enrolled at the undergraduate and  
13 graduate level in a university, college, or community college  
14 which is a member of the designated consortia. Such enrollment  
15 shall be funded by the enrolling institution.

16           (c) To employees in the service area needing training  
17 and retraining in the technology of specialization, which may  
18 include, but is not limited to, the retraining necessary to  
19 convert defense-related technologies to other technologies.

20           (d) To secondary school students and teachers where  
21 such instruction will stimulate interest in further education.

22           (5) The State Board of Education shall give priority  
23 in the designation of centers to those community colleges that  
24 specialize in technology in environmental areas and in areas  
25 related to target industries of Enterprise Florida. Priority  
26 in designation shall also be given to community colleges that  
27 develop new and improved manufacturing techniques and related  
28 business practices.

29           (6) Centers, including the facilities of the center,  
30 may be made available to the public agencies of the state, the  
31 counties and cities of the service area, and the employers of

1 the state and service area. Centers may also be used for  
2 applied research in the area of specialization.

3 (7) Each center shall have a board of directors with  
4 at least five members who shall be appointed by the district  
5 board of trustees. The board of directors is responsible for  
6 overseeing the operation of the center, approval of the annual  
7 budget, and setting policy to guide the director in the  
8 operation of the center. The board of directors shall consist  
9 of at least the following:

10 (a) The director of the center.

11 (b) The vice president of academic affairs, or the  
12 equivalent, of the community college.

13 (c) The vice president of business affairs, or the  
14 equivalent, of the community college.

15 (d) Two members designated by the president of the  
16 community college.

17 (8) Each center shall establish a schedule of fees or  
18 rates to be charged to all who use the facilities of the  
19 center. In addition, each center may negotiate user contracts  
20 with governmental users, industrial users, researchers, public  
21 or private educational institutions, or individuals for use of  
22 the facilities. It is the intent of the Legislature that the  
23 centers of technology innovation established pursuant to this  
24 act shall not seek any additional state funding. Centers may  
25 solicit and accept grants and donations, including, but not  
26 limited to, federal and state grants to assist companies in  
27 converting defense-related technologies to other technologies.

28 (9) The State Board of Education may award grants to  
29 designated centers for the purposes of this section. Grants  
30 awarded shall be in accordance with rules established by the  
31 State Board of Education, which rules shall require an annual



1 report.

2 Section 226. Section 1004.78, Florida Statutes, is  
3 created to read:

4 1004.78 Technology transfer centers at community  
5 colleges.--

6 (1) Each community college may establish a technology  
7 transfer center for the purpose of providing institutional  
8 support to local business and industry and governmental  
9 agencies in the application of new research in technology.  
10 The primary responsibilities of such centers may include:  
11 identifying technology research developed by universities,  
12 research institutions, businesses, industries, the United  
13 States Armed Forces, and other state or federal governmental  
14 agencies; determining and demonstrating the application of  
15 technologies; training workers to integrate advanced equipment  
16 and production processes; and determining for business and  
17 industry the feasibility and efficiency of accommodating  
18 advanced technologies.

19 (2) The community college board of trustees shall set  
20 such policies to regulate the activities of the technology  
21 transfer center as it may consider necessary to effectuate the  
22 purposes of this section and to administer the programs of the  
23 center in a manner which assures efficiency and effectiveness,  
24 producing the maximum benefit for the educational programs and  
25 maximum service to the state. To this end, materials that  
26 relate to methods of manufacture or production, potential  
27 trade secrets, potentially patentable material, actual trade  
28 secrets, business transactions, or proprietary information  
29 received, generated, ascertained, or discovered during the  
30 course of activities conducted within the community colleges  
31 shall be confidential and exempt from the provisions of s.

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1 119.07(1), except that a community college shall make  
2 available upon request the title and description of a project,  
3 the name of the investigator, and the amount and source of  
4 funding provided for such project.

5 (3) A technology transfer center created under the  
6 provisions of this section shall be under the supervision of  
7 the board of trustees of that community college, which is  
8 authorized to appoint a director; to employ full-time and  
9 part-time staff, research personnel, and professional  
10 services; to employ on a part-time basis personnel of the  
11 community college; and to employ temporary employees whose  
12 salaries are paid entirely from the permanent technology  
13 transfer fund or from that fund in combination with other  
14 nonstate sources, with such positions being exempt from the  
15 requirements of the Florida Statutes relating to salaries,  
16 except that no such appointment shall be made for a total  
17 period of longer than 1 year.

18 (4) The board of trustees of the community college in  
19 which a technology transfer center is created, or its  
20 designee, may negotiate, enter into, and execute contracts;  
21 solicit and accept grants and donations; and fix and collect  
22 fees, other payments, and donations that may accrue by reason  
23 thereof for technology transfer activities. The board of  
24 trustees or its designee may negotiate, enter into, and  
25 execute contracts on a cost-reimbursement basis and may  
26 provide temporary financing of such costs prior to  
27 reimbursement from moneys on deposit in the technology  
28 transfer fund, except as may be prohibited elsewhere by law.

29 (5) A technology transfer center shall be financed  
30 from the Academic Improvement Program or from moneys of a  
31 community college which are on deposit or received for use in

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1 the activities conducted in the center. Such moneys shall be  
2 deposited by the community college in a permanent technology  
3 transfer fund in a depository or depositories approved for the  
4 deposit of state funds and shall be accounted for and  
5 disbursed subject to regular audit by the Auditor General.

6 (6) The fund balance in any existing research trust  
7 fund of a community college at the time a technology transfer  
8 center is created shall be transferred to a permanent  
9 technology transfer fund established for the community  
10 college, and thereafter the fund balance of the technology  
11 transfer fund at the end of any fiscal period may be used  
12 during any succeeding period pursuant to this section.

13 (7) Moneys deposited in the permanent technology  
14 transfer fund of a community college shall be disbursed in  
15 accordance with the terms of the contract, grant, or donation  
16 under which they are received. Moneys received for overhead  
17 or indirect costs and other moneys not required for the  
18 payment of direct costs shall be applied to the cost of  
19 operating the technology transfer center.

20 (8) All purchases of a technology transfer center  
21 shall be made in accordance with the policies and procedures  
22 of the community college.

23 (9) The community college board of trustees may  
24 authorize the construction, alteration, or remodeling of  
25 buildings when the funds used are derived entirely from the  
26 technology transfer fund of a community college or from that  
27 fund in combination with other nonstate sources, provided that  
28 such construction, alteration, or remodeling is for use  
29 exclusively by the center. It also may authorize the  
30 acquisition of real property when the cost is entirely from  
31 said funds. Title to all real property shall vest in the

1 board of trustees.

2 (10) The State Board of Education may award grants to  
3 community colleges, or consortia of public and private  
4 colleges and universities and other public and private  
5 entities, for the purpose of supporting the objectives of this  
6 section. Grants awarded pursuant to this subsection shall be  
7 in accordance with rules of the State Board of Education.  
8 Such rules shall include the following provisions:

9 (a) The number of centers established with state funds  
10 provided expressly for the purpose of technology transfer  
11 shall be limited, but shall be geographically located to  
12 maximize public access to center resources and services.

13 (b) Grants to centers funded with state revenues  
14 appropriated specifically for technology transfer activities  
15 shall be reviewed and approved by the State Board of Education  
16 using proposal solicitation, evaluation, and selection  
17 procedures established by the state board in consultation with  
18 Enterprise Florida, Inc. Such procedures may include  
19 designation of specific areas or applications of technology as  
20 priorities for the receipt of funding.

21 (c) Priority for the receipt of state funds  
22 appropriated specifically for the purpose of technology  
23 transfer shall be given to grant proposals developed jointly  
24 by community colleges and public and private colleges and  
25 universities.

26 (11) Each technology transfer center established under  
27 the provisions of this section shall establish a technology  
28 transfer center advisory committee. Each committee shall  
29 include representatives of a university or universities  
30 conducting research in the area of specialty of the center.  
31 Other members shall be determined by the community college

1 board of trustees.

2 Section 227. Section 1004.79, Florida Statutes, is  
3 created to read:

4 1004.79 Incubator facilities for small business  
5 concerns.--

6 (1) Each community college established pursuant to s.  
7 1004.02(2) may provide incubator facilities to eligible small  
8 business concerns. As used in this section, "small business  
9 concern" shall be defined as an independently owned and  
10 operated business concern incorporated in Florida which is not  
11 an affiliate or a subsidiary of a business dominant in its  
12 field of operation, and which employs 25 or fewer full-time  
13 employees. "Incubator facility" shall be defined as a facility  
14 in which small business concerns share common space,  
15 equipment, and support personnel and through which such  
16 concerns have access to professional consultants for advice  
17 related to the technical and business aspects of conducting a  
18 commercial enterprise. The community college board of trustees  
19 shall authorize concerns for inclusion in the incubator  
20 facility.

21 (2) Each community college that provides an incubator  
22 facility shall provide the following:

23 (a) Management and maintenance of the incubator  
24 facility.

25 (b) Secretarial and other support personnel,  
26 equipment, and utilities.

27 (c) Mechanisms to assist with the acquisition of  
28 technical, management, and entrepreneurial expertise to  
29 resident and other local small business concerns.

30 (3) The incubator facility and any improvements to the  
31 facility shall be owned or leased by the community college.

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1 The community college may charge residents of the facility all  
 2 or part of the cost for facilities, utilities, and support  
 3 personnel and equipment. No small business concern shall  
 4 reside in the incubator facility for more than 5 calendar  
 5 years. The state shall not be liable for any act or failure  
 6 to act of any small business concern residing in an incubator  
 7 facility pursuant to this section or of any such concern  
 8 benefiting from the incubator facilities program.

9       (4) Community colleges are encouraged to establish  
 10 incubator facilities through which emerging small businesses  
 11 supportive of spaceport endeavors and other high-technology  
 12 enterprises may be served.

13       (5) Community colleges are encouraged to establish  
 14 incubator facilities through which emerging small businesses  
 15 supportive of development of content and technology for  
 16 digital broadband media and digital broadcasting may be  
 17 served.

18       Section 228. Section 1004.80, Florida Statutes, is  
 19 created to read:

20       1004.80 Economic development centers.--

21       (1) Community colleges may establish economic  
 22 development centers for the purpose of serving as liaisons  
 23 between community colleges and the business sector. The  
 24 responsibilities of each center shall include:

25       (a) Promoting the economic well-being of businesses  
 26 and industries.

27       (b) Coordinating, with chambers of commerce,  
 28 government agencies, district school boards, and other  
 29 organizations, efforts to provide educational programs which  
 30 promote economic development, including, but not limited to,  
 31 business incubators, industrial development and research

1 parks, industry recruitment efforts, publication of business  
2 research and resource guides, and sponsorship of workshops,  
3 conferences, seminars, and consultation services.

4 (2) The board of trustees of a community college in  
5 which an economic development center is created, or its  
6 designee, may negotiate, enter into, and execute contracts;  
7 solicit and accept grants and donations; and fix and collect  
8 fees, other payments, and donations that may accrue by reason  
9 of activities of the center and its staff.

10 (3) Economic development centers shall operate under  
11 policies and procedures established by the community college  
12 board of trustees.

13 (4) The State Board of Education may award grants to  
14 economic development centers for the purposes of this section.  
15 Grants awarded pursuant to this subsection shall be in  
16 accordance with rules established by the State Board of  
17 Education.

18 Section 229. Section 1004.81, Florida Statutes, is  
19 created to read:

20 1004.81 Establishment of child development training  
21 centers at community colleges.--

22 (1) The Legislature recognizes the importance of  
23 preschool developmental education and the need for adult  
24 students with limited economic resources to have access to  
25 high-quality, affordable child care at variable hours for  
26 their children. It is therefore the intent of the Legislature  
27 that community colleges provide high-quality, affordable child  
28 care to the children of adult students enrolled in community  
29 colleges. The primary purpose of these child development  
30 training centers is to provide affordable child care for  
31 children of adult students, particularly those who demonstrate

1 financial need, as well as for employees and staff of the  
 2 institution. Further, the child development training centers  
 3 are intended to provide both preschool instruction to the  
 4 children and clinical experiences for prospective child care  
 5 and early childhood instructional and administrative  
 6 personnel. A secondary mission of the centers shall be to  
 7 provide instruction in parenting skills for the clients of the  
 8 center as well as for the community.

9       (2) In consultation with the student government  
 10 association or a recognized student group representing the  
 11 student body, a community college board of trustees may  
 12 establish a child development training center in accordance  
 13 with this section. Each child development training center  
 14 shall be a child care center established to provide child care  
 15 during the day and at variable hours, including evenings and  
 16 weekends, for the children of students. Emphasis should be  
 17 placed on serving students who demonstrate financial need as  
 18 defined by the board of trustees. At least 50 percent of the  
 19 child care slots must be made available to students, and  
 20 financially needy students, as defined by the board of  
 21 trustees, shall receive child care slots first. The center may  
 22 serve the children of staff, employees, and faculty; however,  
 23 a designated number of child care slots shall not be allocated  
 24 for employees. Whenever possible, the center shall be located  
 25 on the campus of the community college. However, the board may  
 26 elect to provide child care services for students through  
 27 alternative mechanisms, which may include contracting with  
 28 private providers.

29       (3) There shall be a board of directors of each child  
 30 development training center, consisting of the president or  
 31 his or her designee, the student government president or his



1 or her designee, the chair of the department participating in  
2 the center or his or her designee, and one parent for each 25  
3 children enrolled in the center, elected by the parents of the  
4 children enrolled in the center. There shall be a director of  
5 each center, selected by the board of directors of the center.  
6 The director shall be an ex officio, nonvoting member of the  
7 board. The board of trustees shall establish local policies  
8 and perform local oversight and operational guidance for the  
9 center.

10 (4) Each center may charge fees for the care and  
11 services it provides. Each board of trustees shall establish  
12 mechanisms to facilitate access to center services for  
13 students with financial need, which shall include a sliding  
14 fee scale and other methods adopted by the board of trustees  
15 to reduce or defray payment of fees for students. The board of  
16 trustees is authorized to seek and receive grants and other  
17 resources to support the operation of the child development  
18 center.

19 (5) In addition to revenues derived from child care  
20 fees charged to parents and other external resources, each  
21 child development training center may be funded by a portion  
22 of funds from the student activity and service fee authorized  
23 by s. 1009.23(7) and the capital improvement fee authorized by  
24 s. 1009.23(11). Community colleges are authorized to transfer  
25 funds as necessary from the community college's general fund  
26 to support the operation of the child development training  
27 center.

28 (6) This section does not preclude the continuation of  
29 or in any way affect child care centers operated by community  
30 colleges that were established by the district board of  
31 trustees prior to July 1, 1994.

1           Section 230. Part IV of chapter 1004, Florida  
 2 Statutes, shall be entitled "Workforce Development Education"  
 3 and shall consist of ss. 1004.91-1004.98.

4           Section 231. Section 1004.91, Florida Statutes, is  
 5 created to read:

6           1004.91 Vocational-preparatory instruction.--

7           (1) The State Board of Education shall adopt, by rule,  
 8 standards of basic skill mastery for certificate technical  
 9 education programs. Each school district and community college  
 10 that conducts programs that confer technical credit shall  
 11 provide vocational-preparatory instruction through which  
 12 students receive the basic skills instruction required  
 13 pursuant to this section.

14           (2) Students who enroll in a program offered for  
 15 technical credit of 450 hours or more shall complete an  
 16 entry-level examination within the first 6 weeks of admission  
 17 into the program. The State Board of Education shall  
 18 designate examinations that are currently in existence, the  
 19 results of which are comparable across institutions, to assess  
 20 student mastery of basic skills. Any student found to lack the  
 21 required level of basic skills for such program shall be  
 22 referred to vocational-preparatory instruction or adult basic  
 23 education for a structured program of basic skills  
 24 instruction. Such instruction may include English for speakers  
 25 of other languages. A student may not receive a technical  
 26 certificate of completion without first demonstrating the  
 27 basic skills required in the state curriculum frameworks for  
 28 the program.

29           (3) An adult student with a disability may be exempted  
 30 from the provisions of this section. A student who possesses a  
 31 college degree at the associate in applied science level or

1 higher is exempt from this section. A student who has  
 2 completed or who is exempt from the college-level  
 3 communication and computation skills examination pursuant to  
 4 s. 1008.29, or who is exempt from the college entry-level  
 5 examination pursuant to s. 1008.29 is exempt from the  
 6 provisions of this section. Students who have passed a state,  
 7 national or industry licensure exam are exempt from this  
 8 section.

9 Section 232. Section 1004.92, Florida Statutes, is  
 10 created to read:

11 1004.92 Purpose and responsibilities for career and  
 12 technical education.--

13 (1) The purpose of career and technical education is  
 14 to enable students who complete career and technical programs  
 15 to attain and sustain employment and realize economic  
 16 self-sufficiency. The purpose of this section is to identify  
 17 issues related to career and technical education for which  
 18 school boards and community college boards of trustees are  
 19 accountable. It is the intent of the Legislature that the  
 20 standards articulated in subsection (2) be considered in the  
 21 development of accountability standards for public schools  
 22 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for  
 23 community colleges pursuant to s. 1008.45.

24 (2) School board, superintendent, and technical  
 25 center, and community college board of trustees and president,  
 26 accountability for career and technical education programs  
 27 includes, but is not limited to:

28 1. Student demonstration of the academic skills  
 29 necessary to enter an occupation.

30 2. Student preparation to enter an occupation in an  
 31 entry-level position or continue postsecondary study.

1           3. Career and technical program articulation with  
2 other corresponding postsecondary programs and job training  
3 experiences.

4           4. Employer satisfaction with the performance of  
5 students who complete career and technical education or reach  
6 occupational completion points.

7           5. Student completion, placement, and retention rates  
8 pursuant to s. 1008.43.

9           (c) Department of Education accountability for career  
10 and technical education includes, but is not limited to:

11           1. The provision of timely, accurate technical  
12 assistance to school districts and community colleges.

13           2. The provision of timely, accurate information to  
14 the State Board of Education, the Legislature, and the public.

15           3. The development of policies, rules, and procedures  
16 that facilitate institutional attainment of the accountability  
17 standards and coordinate the efforts of all divisions within  
18 the department.

19           4. The development of program standards and  
20 industry-driven benchmarks for career and technical, adult,  
21 and community education programs, which must be updated every  
22 3 years. The standards must include technical, academic, and  
23 workplace skills; viability of distance learning for  
24 instruction; and work/learn cycles that are responsive to  
25 business and industry.

26           5. Overseeing school district and community college  
27 compliance with the provisions of this chapter.

28           6. Ensuring that the educational outcomes for the  
29 technical component of career and technical programs and are  
30 uniform and designed to provide a graduate who is capable of  
31 entering the workforce on an equally competitive basis

1 regardless of the institution of choice.

2 (3) Each technical center operated by a district  
3 school board shall establish a center advisory council  
4 pursuant to s. 1001.452. The center advisory council shall  
5 assist in the preparation and evaluation of center improvement  
6 plans required pursuant to s. 1001.42(16) and may provide  
7 assistance, upon the request of the center director, in the  
8 preparation of the center's annual budget and plan as required  
9 by s. 1008.385(1).

10 Section 233. Section 1004.93, Florida Statutes, is  
11 created to read:

12 1004.93 Adult general education.--

13 (1)(a) The intent of this section is to encourage the  
14 provision of educational services that will enable adults to  
15 acquire:

16 1. The basic skills necessary to attain basic and  
17 functional literacy.

18 2. A high school diploma or successfully complete the  
19 general educational development test.

20 3. An educational foundation that will enable them to  
21 become more employable, productive, and self-sufficient  
22 citizens.

23 (b) It is further intended that educational  
24 opportunities be available for adults who have earned a  
25 diploma or high school equivalency diploma but who lack the  
26 basic skills necessary to function effectively in everyday  
27 situations, to enter the job market, or to enter technical  
28 certificate instruction.

29 (2) The adult education program must provide academic  
30 services to students in the following priority:

31 (a) Students who demonstrate skills at less than a

1 fifth grade level, as measured by tests approved for this  
2 purpose by the State Board of Education, and who are studying  
3 to achieve basic literacy.

4 (b) Students who demonstrate skills at the fifth grade  
5 level or higher, but below the ninth grade level, as measured  
6 by tests approved for this purpose by the State Board of  
7 Education, and who are studying to achieve functional  
8 literacy.

9 (c) Students who are earning credit required for a  
10 high school diploma or who are preparing for the general  
11 educational development test.

12 (d) Students who have earned high school diplomas and  
13 require specific improvement in order to:

14 1. Obtain or maintain employment or benefit from  
15 certificate technical education programs;

16 2. Pursue a postsecondary degree; or

17 3. Develop competence in the English language to  
18 qualify for employment.

19 (e) Students who enroll in lifelong learning courses  
20 or activities that seek to address community social and  
21 economic issues that consist of health and human relations,  
22 government, parenting, consumer economics, and senior  
23 citizens.

24 (f) Students who enroll in courses that relate to the  
25 recreational or leisure pursuits of the students. The cost of  
26 courses conducted pursuant to this paragraph shall be borne by  
27 the enrollees.

28 (3)(a) Each district school board or community college  
29 board of trustees shall negotiate with the regional workforce  
30 board for basic and functional literacy skills assessments for  
31 participants in the welfare transition employment and training

1 programs. Such assessments shall be conducted at a site  
2 mutually acceptable to the district school board or community  
3 college board of trustees and the regional workforce board.

4 (b) State employees who are employed in local or  
5 regional offices of state agencies shall inform clients of the  
6 availability of adult basic and secondary programs in the  
7 region. The identities of clients who do not possess high  
8 school diplomas or who demonstrate skills below the level of  
9 functional literacy shall be conveyed, with their consent, to  
10 the local school district or community college, or both.

11 (c) To the extent funds are available, the Department  
12 of Children and Family Services shall provide for day care and  
13 transportation services to clients who enroll in adult basic  
14 education programs.

15 (4)(a) Adult general education shall be evaluated and  
16 funded as provided in s. 1011.80.

17 (b) Fees adult basic instruction are to be charged in  
18 accordance with chapter 1009.

19 (c) The State Board of Education shall define, by  
20 rule, the levels and courses of instruction to be funded  
21 through the college-preparatory program. The state board shall  
22 coordinate the establishment of costs for college-preparatory  
23 courses, the establishment of statewide standards that define  
24 required levels of competence, acceptable rates of student  
25 progress, and the maximum amount of time to be allowed for  
26 completion of college-preparatory instruction.

27 College-preparatory instruction is part of an associate in  
28 arts degree program and may not be funded as an adult and  
29 technical education program.

30 (d) Expenditures for college-preparatory and lifelong  
31 learning students shall be reported separately. Allocations

1 for college-preparatory courses shall be based on proportional  
 2 full-time equivalent enrollment. Program review results shall  
 3 be included in the determination of subsequent allocations. A  
 4 student shall be funded to enroll in the same  
 5 college-preparatory class within a skill area only twice,  
 6 after which time the student shall pay 100 percent of the full  
 7 cost of instruction to support the continuous enrollment of  
 8 that student in the same class; however, students who withdraw  
 9 or fail a class due to extenuating circumstances may be  
 10 granted an exception only once for each class, provided  
 11 approval is granted according to policy established by the  
 12 board of trustees. Each community college shall have the  
 13 authority to review and reduce payment for increased fees due  
 14 to continued enrollment in a college-preparatory class on an  
 15 individual basis contingent upon the student's financial  
 16 hardship, pursuant to definitions and fee levels established  
 17 by the State Board of Education. College-preparatory and  
 18 lifelong learning courses do not generate credit toward an  
 19 associate or baccalaureate degree.

20 (e) A district school board or a community college  
 21 board of trustees may negotiate a contract with the regional  
 22 workforce board for specialized services for participants in  
 23 the welfare transition program, beyond what is routinely  
 24 provided for the general public, to be funded by the regional  
 25 workforce board.

26 (5) If students who have been determined to be adults  
 27 with disabilities are enrolled in workforce development  
 28 programs, the funding formula must provide additional  
 29 incentives for their achievement of performance outputs and  
 30 outcomes.

31 (6) The commissioner shall recommend the level of



1 funding for public school and community college adult  
2 education within the legislative budget request and make other  
3 recommendations and reports considered necessary or required  
4 by rules of the State Board of Education.

5 (7) Buildings, land, equipment, and other property  
6 owned by a district school board or community college board of  
7 trustees may be used for the conduct of the adult education  
8 program. Buildings, land, equipment, and other property owned  
9 or leased by cooperating public or private agencies,  
10 organizations, or institutions may also be used for the  
11 purposes of this section.

12 (8) The State Board of Education may adopt rules  
13 necessary for the implementation of this section.

14 Section 234. Section 1004.94, Florida Statutes, is  
15 created to read:

16 1004.94 Adult literacy.--

17 (1)(a) An adult, individualized literacy instruction  
18 program is created for adults who possess literacy skills  
19 below the ninth grade level. The purpose of the program is to  
20 provide self-paced, competency-based, individualized tutorial  
21 instruction. The commissioner shall administer this section in  
22 coordination with community college boards of trustees, local  
23 school boards, and the Division of Library and Information  
24 Services of the Department of State.

25 (b) Local adult, individualized literacy instruction  
26 programs may be coordinated with local public library systems  
27 and with public or private nonprofit agencies, organizations,  
28 or institutions. A local public library system and a public  
29 or private nonprofit agency, organization, or institution may  
30 use funds appropriated for the purposes of this section to  
31 hire program coordinators. Such coordinators shall offer

1 training activities to volunteer tutors and oversee the  
 2 operation of local literacy programs. A local public library  
 3 system and a public or private nonprofit agency, organization,  
 4 or institution may also purchase student instructional  
 5 materials and modules that instruct tutors in the teaching of  
 6 basic and functional literacy and English for speakers of  
 7 other languages. To the extent funds are appropriated,  
 8 cooperating local library systems shall purchase, and make  
 9 available for loan, reading materials of high interest and  
 10 with a vocabulary appropriate for use by students who possess  
 11 literacy skills below the ninth grade level and students of  
 12 English for speakers of other languages.

13 (2)(a) The adult literacy program is intended to  
 14 increase adult literacy as prescribed in the agency functional  
 15 plan of the Department of Education. The commissioner shall  
 16 establish guidelines for the purpose of determining  
 17 achievement of this goal.

18 (b) Each participating local sponsor shall submit an  
 19 annual report to the commissioner which must contain  
 20 information to demonstrate the extent to which there has been  
 21 progress toward increasing the percentage of adults within the  
 22 service area who possess literacy skills.

23 (c) Based on the information provided from the local  
 24 reports, the commissioner shall develop an annual status  
 25 report on literacy and adult education.

26 (3) Funds appropriated for the purposes of this  
 27 section shall be allocated as grants for implementing adult  
 28 literacy programs. Such funds may not be used to supplant  
 29 funds used for activities that would otherwise be conducted in  
 30 the absence of literacy funding. A grant awarded pursuant to  
 31 this section may not exceed \$50,000. Priority for the use of

1 such funds shall be given to paying expenses related to the  
 2 instruction of volunteer tutors, including materials and the  
 3 salary of the program coordinator. Local sponsors may also  
 4 accept funds from private sources for the purposes of this  
 5 section.

6 (4)(a) The commissioner shall submit a state adult  
 7 literacy plan to the State Board of Education to serve as a  
 8 reference for district school boards and community colleges  
 9 boards of trustees to increase adult literacy in their service  
 10 areas as prescribed in the agency functional plan of the  
 11 Department of Education. The plan must include, at a minimum:

12 1. Policies and objectives for adult literacy  
 13 programs, including evaluative criteria.

14 2. Strategies for coordinating adult literacy  
 15 activities with programs and services provided by other state  
 16 and local nonprofit agencies, as well as strategies for  
 17 maximizing other funding, resources, and expertise.

18 3. Procedures for identifying, recruiting, and  
 19 retaining adults who possess literacy skills below the ninth  
 20 grade level.

21 4. Sources of relevant demographic information and  
 22 methods of projecting the number of adults who possess  
 23 literacy skills below the ninth grade level.

24 5. Acceptable methods of demonstrating compliance with  
 25 the provisions of this section.

26 6. Guidelines for the development and implementation  
 27 of local adult literacy plans. At a minimum, such guidelines  
 28 must address:

29 a. The recruitment and preparation of volunteer  
 30 tutors.

31 b. Interagency and intraagency cooperation and

1 coordination, especially with public libraries and other  
2 sponsors of literacy programs.

3 c. Desirable learning environments, including class  
4 size.

5 d. Program evaluation standards.

6 e. Methods for identifying, recruiting, and retaining  
7 adults in literacy programs.

8 f. Adult literacy through family literacy and  
9 workforce literacy programs.

10 (b) Every 3 years, the district school board or  
11 community college board of trustees shall develop and maintain  
12 a local adult literacy plan.

13 Section 235. Section 1004.95, Florida Statutes, is  
14 created to read:

15 1004.95 Adult literacy centers.--

16 (1) The Commissioner of Education shall select  
17 community colleges and public school districts to establish  
18 and operate adult literacy centers to complement existing  
19 public and private instructional adult literacy programs. The  
20 centers shall identify, contact, counsel, and refer persons  
21 considered to be lacking basic or functional literacy skills  
22 or competencies related to prose, document, and quantitative  
23 literacy skills to the appropriate private and public  
24 agencies, including human service agencies. The centers may  
25 not duplicate or supplant the existing services provided by  
26 public and private agencies operating within the district.

27 (2) In selecting program participants, the  
28 Commissioner of Education shall, at a minimum, consider the  
29 extent to which:

30 (a) Cooperative arrangements with other state and  
31 local agreements and innovative approaches will be used for

1 carrying out the role of the center;

2 (b) Similar services are provided within the service  
3 delivery area;

4 (c) The program objectives may be accomplished within  
5 the budget request;

6 (d) Provisions are made for monitoring program  
7 performance; and

8 (e) Fiscal controls and fund accounting procedures  
9 exist to ensure proper use of, and accounting for, the program  
10 funds.

11 (3) The activities and funding of center operations  
12 shall be reported in a separate and distinct manner.

13 (4) The State Board of Education shall develop rules  
14 for implementing this section, including criteria for  
15 evaluating the performance of the centers, and shall submit an  
16 evaluation report of the centers to the Legislature on or  
17 before February 1 of each year.

18 Section 236. Section 1004.96, Florida Statutes, is  
19 created to read:

20 1004.96 Community education.--

21 (1) Pursuant to this section and State Board of  
22 Education rule, each school board and the Board of Trustees  
23 for the Florida School for the Deaf and Blind may apply to the  
24 Department of Education for a community education grant. An  
25 applicant shall include in the grant application a description  
26 of the community education program and process through which  
27 the program is developed.

28 (2) The department shall give priority to applications  
29 that include:

30 (a) Centers that serve the most students within  
31 available resources.

1           (b) Programs for which funds are matched by the  
2 Federal Government or other nonstate sources and which are  
3 appropriate within the context of community education.

4           (c) Programs that provide before-school and  
5 after-school activities for children.

6           Section 237. Section 1004.97, Florida Statutes, is  
7 created to read:

8           1004.97 Florida Literacy Corps.--

9           (1) It is the intent of the Legislature that eligible  
10 postsecondary students be offered an opportunity to perform  
11 public service by serving as volunteer tutors for adults who  
12 do not possess basic or functional literacy skills.

13           (2) There is created a Florida Literacy Corps to be  
14 administered by the Department of Education pursuant to this  
15 section and rules of the State Board of Education.  
16 Participating students earn college credit for tutoring adults  
17 who do not possess basic or functional literacy skills  
18 pursuant to an agreement between the institution in which the  
19 student is enrolled and the district school board, community  
20 college board of trustees, public library, or nonprofit  
21 organization offering literacy instruction to adults pursuant  
22 to s. 1004.94. The district school board, community college  
23 board of trustees, public library, or nonprofit organization  
24 is solely responsible for providing literacy programs and  
25 instructing participating postsecondary students.

26           (3) In order to be eligible to participate in the  
27 Florida Literacy Corps, a student must:

28           (a) Be enrolled in an eligible state university or  
29 community college at least half time and be in good standing,  
30 as defined by the institution.

31           (b) Have completed at least 12 semester hours of

1 college-level coursework that applies toward an associate in  
2 arts or baccalaureate degree.

3 (c) Have attained a passing score on one of the  
4 postsecondary entry-level examinations approved pursuant to  
5 State Board of Education rule, be exempt from the  
6 administration of such examination, or have successfully  
7 completed any required college-preparatory instruction.

8 (4) In order to be eligible to participate in the  
9 Florida Literacy Corps, a state university or community  
10 college must:

11 (a) Establish one or more undergraduate or graduate  
12 courses, or both, in which participating students may earn a  
13 maximum of 3 credit hours per semester, and a maximum of 6  
14 credit hours over two or more semesters, by tutoring adults  
15 who do not possess basic or functional literacy skills. The  
16 institution shall establish such courses in the common course  
17 designation and numbering system. The courses must require  
18 students to complete instruction for prospective tutors, tutor  
19 adults for at least 25 hours per semester for each hour of  
20 credit awarded, and satisfy any other requirements imposed by  
21 the institution.

22 (b) Submit a proposal to the Department of Education  
23 for review and approval. The proposal must include, but is not  
24 limited to:

25 1. Identification of the school district, community  
26 college, public library, or nonprofit organization with which  
27 participating students will be working.

28 2. Demonstration of the need for literacy tutors by  
29 the school district, community college, public library, or  
30 nonprofit organization.

31 3. Demonstration of commitment by the public school,

1 community college, public library, or nonprofit organization  
2 to provide instruction for tutors.

3 4. Description of the literacy program.

4 5. Demonstration of student interest in program  
5 participation.

6 6. Designation of one or more faculty to conduct the  
7 Florida Literacy Corps course and identification of the  
8 qualifications of such faculty.

9 (5) From funds appropriated for the purposes of this  
10 section, the department shall allocate an amount for each  
11 approved proposal based on the number of students approved for  
12 enrollment and subsequently enrolled in Florida Literacy Corps  
13 courses.

14 (6) Each participating state university and community  
15 college shall submit an annual report to the Commissioner of  
16 Education which includes, but is not limited to:

17 (a) The number of hours of tutoring conducted by  
18 participating students.

19 (b) The number of students enrolled in the courses.

20 (c) The number of students who successfully complete  
21 the courses.

22 (d) An evaluation of the tutors' effectiveness as  
23 judged by the participating school district, community  
24 college, public library, or nonprofit organization. The  
25 department shall develop a common evaluation form for this  
26 purpose.

27 (e) The number of full-time equivalent enrollments  
28 generated by the participating students.

29 (7) The department shall compile the annual reports  
30 into a single, annual programmatic report to be submitted to  
31 the State Board of Education by December 1 of each year.



1 Section 238. Section 1004.98, Florida Statutes, is  
2 created to read:

3 1004.98 Workforce literacy programs.--

4 (1) The workforce literacy program is established  
5 within the community colleges and school districts to ensure  
6 the existence of sufficient numbers of employees who possess  
7 the skills necessary to perform in entry-level occupations and  
8 to adapt to technological advances in the workplace.  
9 Workforce literacy programs are intended to support economic  
10 development by increasing adult literacy and producing an  
11 educated workforce.

12 (2) Each community college and school district may  
13 conduct courses and programs through which adults gain the  
14 communication and computation skills necessary to complete a  
15 career and technical program, to gain or maintain entry-level  
16 employment, or to upgrade employment. Courses may not be  
17 conducted until the community college or school district  
18 identifies current and prospective employees who do not  
19 possess the skills necessary to enter career and technical  
20 programs or to obtain or maintain employment.

21 (3) A community college or school district may be  
22 eligible to fund a workforce literacy program pursuant to the  
23 provisions of s. 1004.94.

24 Section 239. Chapter 1005, Florida Statutes, shall be  
25 entitled "Nonpublic Postsecondary Education" and shall consist  
26 of ss. 1005.01-1005.39.

27 Section 240. Part I of chapter 1005, Florida Statutes,  
28 shall be entitled "General Provisions" and shall consist of  
29 ss. 1005.01-1005.06.

30 Section 241. Section 1005.01, Florida Statutes, is  
31 created to read:

1           1005.01 Purpose.--  
2           (1) The Legislature encourages privately supported  
3 higher education and intends to aid in protecting the health,  
4 education, and welfare of persons who receive educational  
5 services from independent postsecondary educational  
6 institutions in this state; to aid in protecting employers and  
7 others who depend upon people whose educational credentials  
8 are from independent postsecondary educational institutions in  
9 this state; and to aid in protecting independent postsecondary  
10 educational institutions that currently operate or intend to  
11 begin operating in this state. The Legislature finds that both  
12 individuals and independent postsecondary educational  
13 institutions benefit from a state system that assures that all  
14 institutions satisfactorily meet minimum educational  
15 standards. The Legislature further recognizes the role of  
16 federally recognized accrediting associations in setting  
17 standards for independent postsecondary educational  
18 institutions and encourages the use of recognized  
19 accreditation standards as general guidelines for the  
20 licensure of independent postsecondary educational  
21 institutions.  
22           (2) The Legislature recognizes that a degree, diploma,  
23 or other educational credential serves several purposes.  
24 Employers rely upon a person's educational credentials in  
25 judging that person's qualifications for employment. Educators  
26 rely upon a person's educational credentials to assess the  
27 adequacy of that person's preparation for the pursuit of  
28 further education. Therefore, the Legislature intends that the  
29 provisions of this chapter aid in protecting the integrity of  
30 degrees, diplomas, and other educational credentials offered  
31 by independent postsecondary educational institutions by

1 providing for the evaluation of minimum educational  
2 requirements.

3 (3) The Legislature intends to prohibit the granting  
4 of false or misleading educational credentials and to prohibit  
5 misleading literature, advertising, solicitation, or  
6 representations by independent postsecondary educational  
7 institutions or their agents.

8 Section 242. Section 1005.02, Florida Statutes, is  
9 created to read:

10 1005.02 Definitions.--As used in this chapter, the  
11 term:

12 (1) "Accreditation" means accredited status awarded to  
13 an institution by an accrediting agency or association that is  
14 recognized by the United States Department of Education and  
15 that has standards comparable to the minimum standards  
16 required to operate an educational institution at that level  
17 in this state.

18 (2) "Agent" means a person who is employed by an  
19 independent postsecondary educational institution under the  
20 jurisdiction of the Commission for Independent Education, or  
21 by an out-of-state independent postsecondary educational  
22 institution, and who secures an application or accepts payment  
23 of fees from prospective students for the institution at any  
24 place other than the legal place of business of the  
25 institution.

26 (3) "Avocational" means a course or program the  
27 objective of which is not occupational but is only for  
28 personal enrichment or enjoyment. To be classified as  
29 avocational, a program must:

30 (a) Prior to enrollment, provide to each enrollee, and  
31 maintain a record copy of, a written statement that includes

1 the following or substantially similar language: "This program  
2 is not designed or intended to qualify its participants and  
3 graduates for employment. It is intended solely for the  
4 avocation, personal enrichment, and enjoyment of its  
5 participants."

6 (b) Not make any other verbal or written statement  
7 that negates the required written statement by stating or  
8 implying that people who enroll in or complete the program  
9 have a more substantial likelihood of obtaining employment in  
10 the field to which the training pertains than people who do  
11 not.

12 (4) "College" or "university" means any incorporated  
13 postsecondary educational entity, and its additional  
14 locations, offering a substantially complete program that  
15 confers or offers to confer at least an associate degree  
16 requiring at least 15 semester hours or the equivalent of  
17 general education, or that furnishes or offers to furnish  
18 instruction leading toward, or prerequisite to, college  
19 credit. The terms include any college-credit-granting  
20 independent educational institution that is chartered in this  
21 state and any center or branch campus within this state of an  
22 out-of-state institution at the college-credit level.

23 (5) "Commission" means the Commission for Independent  
24 Education.

25 (6) "Contract training" means instruction or training  
26 provided through a written contract with an independent  
27 contractor whose fees and any other charges are entirely paid  
28 by a company, trade or professional association, or group of  
29 employers to provide the instruction exclusively to bona fide  
30 employees of the entity that engaged the contractor. The term  
31 applies only when those receiving training are selected by

1 their employer and are not recruited by the contractor.

2 (7) "Degree" means any educational credential that is  
3 generally taken to signify satisfactory completion of the  
4 requirements of an undergraduate, graduate, academic,  
5 educational, or professional program of study or any honorary  
6 credential conferred for meritorious recognition. At the  
7 undergraduate level, an institution may not award a degree for  
8 a program unless it includes a general education component as  
9 established by rule and at least 60 semester hours or 90  
10 quarter hours of study or the equivalent.

11 (8) "Diploma" means a credential that is not a degree  
12 but is any of the following: a certificate, transcript,  
13 report, document, or title; a designation, mark, or  
14 appellation; or a series of letters, numbers, or words that  
15 generally are taken to signify satisfactory completion of the  
16 requirements of an educational, technical, or career program  
17 of study or training or course of study.

18 (9) "Examination preparation course" means a course or  
19 program that does not offer to confer a diploma, that is  
20 offered by a person or entity that discloses in all  
21 advertising that the course or program is for test  
22 preparation, and that does not include any expression or  
23 implication in writing or orally regarding salaries, job  
24 placement, or career advancement.

25 (10) "Governmental" means an institution provided,  
26 operated, and supported by a federal, state, or county  
27 government or any of its political subdivisions.

28 (11) "Independent postsecondary educational  
29 institution" means any postsecondary educational institution  
30 that operates in this state or makes application to operate in  
31 this state, and is not provided, operated, and supported by

1 the State of Florida, its political subdivisions, or the  
2 Federal Government.

3 (12) "In-service, continuing education, or  
4 professional development" means training provided by:

5 (a) A trade or professional association or a group of  
6 employers in the same or related business who offer training  
7 and provide only professional-development programs to bona  
8 fide employees or contractors of an employer who is a member  
9 of the association or employers who qualify for membership;

10 (b) A labor union or group of labor unions that offer  
11 training to and trains only those persons who are dues-paying  
12 members of the participating labor union;

13 (c) An independent contractor engaged by the labor  
14 union or group of labor unions, by written contract, to  
15 provide the training on its behalf exclusively to those who  
16 are selected by the labor union or group of labor unions that  
17 engaged the contractor and who are dues-paying members of that  
18 union; or

19 (d) A person or entity offering only  
20 continuing-education programs to persons who engage in an  
21 occupation or profession whose practitioners are subject to  
22 licensure, certification, or registration by a state agency  
23 that recognizes the programs for continuing-education purposes  
24 and provides a written statement of the recognition.

25 (13) "License" means a certificate signifying that an  
26 independent postsecondary educational institution meets  
27 standards prescribed in statute or rule and is permitted to  
28 operate in this state.

29 (14) "Operating in this state" means any of the  
30 following:

31 (a) Maintaining for any purpose related to offering a

1 degree, diploma, or credit a physical location in this state,  
2 a mailing address in this state, a telephone or facsimile  
3 number in this state, or a mail forwarding service or  
4 telephone answering or relay service in this state or  
5 advertising any such presence; or  
6 (b) By any means or device, facilitating in this state  
7 any part of a scheme to offer a degree, diploma, or credit, or  
8 any activity connected with the administration, promotion,  
9 recruitment, placement, instruction, fee collection or  
10 receipt, or any other function of a purported independent  
11 postsecondary educational institution, other than periodic and  
12 customary contact with the institution's own alumni.  
13 (15) "Out-of-state college" or "out-of-state school"  
14 means any independent postsecondary educational institution  
15 where the place of instruction, the legal place of residence,  
16 or the place of evaluation of instruction or work by  
17 correspondence or distance education is not within the legal  
18 boundaries of this state.  
19 (16) "School" means any nonpublic postsecondary  
20 noncollegiate educational institution, association,  
21 corporation, person, partnership, or organization of any type  
22 which:  
23 (a) Offers to provide or provides any complete, or  
24 substantially complete, postsecondary program of instruction  
25 through the student's personal attendance; in the presence of  
26 an instructor; in a classroom, clinical, or other practicum  
27 setting; or through correspondence or other distance  
28 education;  
29 (b) Represents, directly or by implication, that the  
30 instruction will qualify the student for employment in an  
31 occupation for which a degree is not required in order to

1 practice in this state;

2 (c) Receives remuneration from the student or any  
3 other source based on the enrollment of a student or the  
4 number of students enrolled; or

5 (d) Offers to award or awards a diploma, regardless of  
6 whether it conducts instruction or receives remuneration.

7 Section 243. Section 1005.03, Florida Statutes, is  
8 created to read:

9 1005.03 Designation "college" or "university".--

10 (1) The use of the designation "college" or  
11 "university" in combination with any series of letters,  
12 numbers, or words is restricted in this state to colleges or  
13 universities as defined in s. 1005.02 that offer degrees as  
14 defined in s. 1005.02 and fall into at least one of the  
15 following categories:

16 (a) A Florida public college.

17 (b) A Florida or out-of-state college that has been in  
18 active operation and using the designation "college" or  
19 "university" since April 1, 1970.

20 (c) A college for which the commission has issued a  
21 license pursuant to the provisions of this chapter.

22 (d) A college that is under the jurisdiction of the  
23 Division of Colleges and Universities of the Department of  
24 Education, whose students are eligible for the William L.  
25 Boyd, IV, Florida Resident Access Grant, and that is a  
26 nonprofit independent college or university located and  
27 chartered in this state and accredited by the Commission on  
28 Colleges of the Southern Association of Colleges and Schools  
29 to grant baccalaureate degrees.

30 (e) A college that meets the description of either s.  
31 1005.06(1)(e) or s. 1005.06(1)(f).



1           (2) If a college is approved under subsection (1) to  
 2 use the designation "college" or "university," a branch or  
 3 extension of that college may use the name of the parent  
 4 college, but shall include an indication of the location of  
 5 the branch or extension.

6           (3) Any entity offering postsecondary educational  
 7 courses or programs of study in Florida, whether or not  
 8 college credit is awarded, shall be subject to the provisions  
 9 of this section.

10           (4) An entity shall not use the destination "college"  
 11 or "university" in its name in Florida without approval by the  
 12 commission, unless the commission determines that its name is  
 13 clearly and accurately descriptive of the services provided by  
 14 the entity and is not one that may mislead the public.

15           Section 244. Section 1005.04, Florida Statutes, is  
 16 created to read:

17           1005.04 Fair consumer practices.--

18           (1) Every institution that is under the jurisdiction  
 19 of the commission or is exempt from the jurisdiction or  
 20 purview of the commission pursuant to s. 1005.06(1)(c) or  
 21 (1)(f) and that either directly or indirectly solicits for  
 22 enrollment any student shall:

23           (a) Disclose to each prospective student a statement  
 24 of the purpose of such college, its educational programs and  
 25 curricula, a description of its physical facilities, its  
 26 status regarding licensure, its fee schedule and policies  
 27 regarding retaining student fees if a student withdraws, and a  
 28 statement regarding the transferability of credits to and from  
 29 other colleges. The college shall make the required  
 30 disclosures in writing at least 1 week prior to enrollment or  
 31 collection of any tuition from the prospective student. The

1 required disclosures may be made in the institution's current  
2 catalog.

3 (b) Use a reliable method to assess, before accepting  
4 a student into a program, the student's ability to complete  
5 successfully the course of study for which he or she has  
6 applied;

7 (c) Inform each student accurately about financial  
8 assistance and obligations for repayment of loans; describe  
9 any employment placement services provided and the limitations  
10 thereof; and refrain from promising or implying guaranteed  
11 placement, market availability, or salary amounts;

12 (d) Provide to prospective and enrolled students  
13 accurate information regarding the relationship of its  
14 programs to state licensure requirements for practicing  
15 related occupations and professions in Florida;

16 (e) Ensure that all advertisements are accurate and  
17 not misleading;

18 (f) Publish and follow an equitable prorated refund  
19 policy for all students, and follow both the federal refund  
20 guidelines for students receiving federal financial assistance  
21 and the minimum refund guidelines set by commission rule;

22 (g) Follow the requirements of state and federal laws  
23 that require annual reporting with respect to crime statistics  
24 and physical plant safety and make those reports available to  
25 the public; and

26 (h) Publish and follow procedures for handling student  
27 complaints, disciplinary actions, and appeals.

28 (2) In addition, colleges that are required to be  
29 licensed by the commission shall disclose to prospective  
30 students that additional information regarding the college may  
31 be obtained by contacting the Commission for Independent

1 Education, Department of Education, Tallahassee.

2 Section 245. Section 1005.05, Florida Statutes, is  
3 created to read:

4 1005.05 Certificate and diploma programs.--No  
5 nonpublic college shall continue to conduct or begin to  
6 conduct any diploma program as defined in s. 1005.02, unless  
7 the college applies for and obtains approval for such program.  
8 Colleges under the jurisdiction of the Commission for  
9 Independent Education shall apply to the commission. Colleges  
10 that are not under the jurisdiction of the commission shall  
11 apply to the Department of Education.

12 Section 246. Section 1005.06, Florida Statutes, is  
13 created to read:

14 1005.06 Institutions not under the jurisdiction or  
15 purview of the commission.--

16 (1) Except as otherwise provided in law, the following  
17 institutions are not under the jurisdiction or purview of the  
18 commission and are not required to obtain licensure:

19 (a) Any postsecondary educational institution  
20 provided, operated, or supported by this state, its political  
21 subdivisions, or the Federal Government.

22 (b) Any college, school, or course licensed or  
23 approved for establishment and operation under part I of  
24 chapter 464, chapter 466, or chapter 475, or any other chapter  
25 of the Florida Statutes requiring licensing or approval as  
26 defined in this chapter.

27 (c) Any institution that is under the jurisdiction of  
28 the Division of Colleges and Universities of the Department of  
29 Education, whose students are eligible for the William L.  
30 Boyd, IV, Florida Resident Access Grant, and that is a  
31 nonprofit independent college or university located and

1 chartered in this state and accredited by the Commission on  
2 Colleges of the Southern Association of Colleges and Schools  
3 to grant baccalaureate degrees.

4 (d) Any institution that offers only avocational  
5 programs or courses, examination preparation programs or  
6 courses, contract training programs or courses, continuing  
7 education, or professional development programs or courses.

8 (e) Any institution that was exempt from licensure in  
9 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as  
10 it maintains these qualifying criteria: the institution is  
11 incorporated in this state, the institution's credits or  
12 degrees are accepted for credit by at least three colleges  
13 that are fully accredited by an agency recognized by the  
14 United States Department of Education, the institution was  
15 exempt under that category prior to July 1, 1982, and the  
16 institution does not enroll any students who receive state or  
17 federal financial aid for education. Such an institution shall  
18 notify the commission and apply for licensure if it no longer  
19 meets these criteria.

20 (f) A religious college may operate without  
21 governmental oversight if the college annually verifies by  
22 sworn affidavit to the commission that:

23 1. The name of the institution includes a religious  
24 modifier or the name of a religious patriarch, saint, person,  
25 or symbol of the church.

26 2. The institution offers only educational programs  
27 that prepare students for religious vocations as ministers,  
28 professionals, or laypersons in the categories of ministry,  
29 counseling, theology, education, administration, music, fine  
30 arts, media communications, or social work.

31 3. The titles of degrees issued by the institution

1 cannot be confused with secular degree titles. For this  
 2 purpose, each degree title must include a religious modifier  
 3 that immediately precedes, or is included within, any of the  
 4 following degrees: Associate of Arts, Associate of Science,  
 5 Bachelor of Arts, Bachelor of Science, Master of Arts, Master  
 6 of Science, Doctor of Philosophy, and Doctor of Education. The  
 7 religious modifier must be placed on the title line of the  
 8 degree, on the transcript, and whenever the title of the  
 9 degree appears in official school documents or publications.

10 4. The duration of all degree programs offered by the  
 11 institution is consistent with the standards of the  
 12 commission.

13 5. The institution's consumer practices are consistent  
 14 with those required by s. 1005.04.

15  
 16 The commission may provide such a religious institution a  
 17 letter stating that the institution has met the requirements  
 18 of state law and is not subject to governmental oversight.

19 (g) Any institution that is regulated by the Federal  
 20 Aviation Administration, another agency of the Federal  
 21 Government, or an agency of the state whose regulatory laws  
 22 are similar in nature and purpose to those of the commission  
 23 and require minimum educational standards, for at least  
 24 curriculum, instructors, and academic progress and provide  
 25 protection against fraudulent, deceptive, and substandard  
 26 education practices.

27 (2) The Department of Education may contract with the  
 28 Commission on Independent Education to provide services for  
 29 independent postsecondary educational institutions not under  
 30 the jurisdiction of the commission relating to licensure of  
 31 postsecondary technical certificate and diploma programs that

1 such institutions may wish to offer and preliminary review of  
 2 programs such institutions may wish to offer which are beyond  
 3 the scope of the institutions's current accreditation status.  
 4 Upon completion of its review, the commission shall forward  
 5 its recommendation to the department for final action. The  
 6 department shall assess the institution seeking such services  
 7 the cost to the commission of providing such services.  
 8 Revenues collected pursuant to this provision shall be  
 9 deposited in the Institutional Assessment Trust Fund.

10 Section 247. Part II of chapter 1005, Florida  
 11 Statutes, shall be entitled "Commission for Independent  
 12 Education" and shall consist of ss. 1005.21-1005.22.

13 Section 248. Section 1005.21, Florida Statutes, is  
 14 created to read:

15 1005.21 Commission for Independent Education.--

16 (1) There is established in the Department of  
 17 Education the Commission for Independent Education. The  
 18 department shall serve as the administrative agent of the  
 19 commission by providing services, including payroll,  
 20 procurement, and legal counsel. The commission shall exercise  
 21 independently all powers, duties, and functions prescribed by  
 22 law. The commission shall authorize the granting of diplomas  
 23 and degrees by any independent postsecondary educational  
 24 institution under its jurisdiction.

25 (2) The Commission for Independent Education shall  
 26 consist of seven members who are residents of this state. The  
 27 commission shall function in matters concerning independent  
 28 postsecondary educational institutions in consumer protection,  
 29 program improvement, and licensure for institutions under its  
 30 purview. The Governor shall appoint the members of the  
 31 commission who are subject to confirmation by the Senate. The

1 membership of the commission shall consist of:

2 (a) Two representatives of independent colleges or  
3 universities licensed by the commission.

4 (b) Two representatives of independent,  
5 nondegree-granting schools licensed by the commission.

6 (c) One member from a public school district or  
7 community college who is an administrator of career and  
8 technical education.

9 (d) One representative of a college that meets the  
10 criteria of s. 1005.06(1)(f).

11 (e) One lay member who is not affiliated with an  
12 independent postsecondary educational institution.

13 (3) The members of the commission shall be appointed  
14 to 3-year terms and until their successors are appointed and  
15 qualified. If a vacancy on the commission occurs before the  
16 expiration of a term, the Governor shall appoint a successor  
17 to serve the unexpired portion of the term.

18 (4) The commission shall meet at least four times each  
19 fiscal year.

20 (5) Members of the commission are entitled to  
21 reimbursement for travel and per diem expenses, as provided in  
22 s. 112.061, while performing their duties.

23 (6) Each member is accountable to the Governor for the  
24 proper performance of the duties of his or her office. The  
25 Governor may remove from office any member for cause.

26 Section 249. Section 1005.22, Florida Statutes, is  
27 created to read:

28 1005.22 Powers and duties of commission.--

29 (1) The commission shall:

30 (a) Hold meetings as necessary to administer its  
31 duties.

1           (b) Annually select a chairperson and a vice  
2 chairperson, appoint and review an executive director, and  
3 authorize the executive director to appoint employees of the  
4 commission.

5           (c) Adopt and use an official seal in the  
6 authentication of its acts.

7           (d) Make rules for its own governance.

8           (e) Administer the provisions of this chapter. To this  
9 end, the commission has the following administrative powers  
10 and responsibilities:

11           1. The commission shall adopt rules pursuant to ss.  
12 120.536(1) and 120.54 for the operation and establishment of  
13 independent postsecondary educational institutions. The  
14 commission shall submit the rules to the State Board of  
15 Education for approval or disapproval. If the state board does  
16 not act on a rule within 60 days after receiving it, the rule  
17 shall be filed immediately with the Department of State.

18           2. The commission shall submit an annual budget to the  
19 State Board of Education.

20           3. The commission shall transmit all fees, donations,  
21 and other receipts of money to the Institutional Assessment  
22 Trust Fund.

23           4. The commission shall expend funds as necessary to  
24 assist in the application and enforcement of its powers and  
25 duties. The Chief Financial Officer shall pay out all moneys  
26 and funds as directed under this chapter upon vouchers  
27 approved by the Department of Education for all lawful  
28 purposes necessary to administering this chapter. The  
29 commission shall make annual reports to the State Board of  
30 Education showing in detail amounts received and all  
31 expenditures. The commission shall include in its annual



1 report to the State Board of Education a statement of its  
2 major activities during the period covered by the report.

3 (f) Maintain a record of its proceedings.

4 (g) Cooperate with other state and federal agencies  
5 and other nongovernmental agencies in administering its  
6 duties.

7 (h) Cause to be investigated criminal justice  
8 information, as defined in s. 943.045, for each owner,  
9 administrator, and agent employed by an institution applying  
10 for licensure from the commission.

11 (i) Serve as a central agency for collecting and  
12 distributing current information regarding institutions  
13 licensed by the commission.

14 (j) Inform independent postsecondary educational  
15 institutions of laws adopted by the Legislature and rules  
16 adopted by the State Board of Education and the commission and  
17 of their responsibility to follow those laws and rules.

18 (k) Establish and publicize the procedures for  
19 receiving and responding to complaints from students, faculty,  
20 and others concerning institutions or programs under the  
21 purview of the commission, and keep records of such complaints  
22 in order to determine the frequency and nature of complaints  
23 with respect to specific institutions of higher education.

24 (l) Provide annually to the Office of Student  
25 Financial Assistance of the Department of Education  
26 information and documentation that can be used to determine an  
27 institution's eligibility to participate in state student  
28 financial assistance programs.

29 (m) Coordinate and convey annual reports to the  
30 Commissioner of Education relating to campus crime statistics,  
31 the assessment of physical plant safety, and the antihazing

1 policies of nonpublic postsecondary educational institutions  
2 eligible to receive state-funded student assistance, as  
3 required by law.

4 (n) Identify and report to the Office of Student  
5 Financial Assistance the accrediting associations recognized  
6 by the United States Department of Education which have  
7 standards that are comparable to the minimum standards  
8 required to operate an institution at that level in this  
9 state.

10 (o) Assure that an institution is not required to  
11 operate without a current license because of the schedule of  
12 commission meetings or application procedures, if the  
13 institution has met the commission's requirements for  
14 licensure or license renewal.

15 (2) The commission may:

16 (a) Sue or be sued.

17 (b) Enter into contracts with the Federal Government,  
18 with other departments of the state, or with individuals.

19 (c) Receive bequests and gifts, subject to any  
20 restrictions upon which the commission and the donor agree.

21 (d) Appoint standing or special committees to assist  
22 it in carrying out its responsibilities. Committees may  
23 include members who are not commission members or  
24 representatives of licensed postsecondary institutions.

25 (e) Advise the Governor, the Legislature, the State  
26 Board of Education, the Council for Education Policy Research  
27 and Improvement, and the Commissioner of Education on issues  
28 relating to private postsecondary education.

29 (f) Delegate to the chairperson of the commission the  
30 responsibility for signing final orders.

31 (g) Assist independent postsecondary educational

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1 institutions in formulating articulation agreements with  
2 public and other independent institutions.

3 (h) Establish and operate additional offices in the  
4 central and southern part of the state if the concentration of  
5 licensed institutions renders such an office economically  
6 feasible.

7 (i) Establish and administer the Student Protection  
8 Fund pursuant to s. 1005.37.

9 Section 250. Part III of chapter 1005, Florida  
10 Statutes, shall be entitled "Licensure of Nonpublic  
11 Postsecondary Educational Institutions" and shall consist of  
12 ss. 1005.31-1005.39.

13 Section 251. Section 1005.31, Florida Statutes, is  
14 created to read:

15 1005.31 Licensure of institutions.--

16 (1) Each college or school operating within this state  
17 must obtain licensure from the commission unless the  
18 institution is not under the commission's purview or  
19 jurisdiction as provided in s. 1005.06.

20 (2) The commission shall develop minimum standards by  
21 which to evaluate institutions for licensure. These standards  
22 must include at least the institution's name, financial  
23 stability, purpose, administrative organization, admissions  
24 and recruitment, educational programs and curricula,  
25 retention, completion, career placement, faculty, learning  
26 resources, student personnel services, physical plant and  
27 facilities, publications, and disclosure statements about the  
28 status of the institution with respect to professional  
29 certification and licensure. The commission may adopt rules to  
30 ensure that institutions licensed under this section meet  
31 these standards in ways that are appropriate to achieve the

1 stated intent of this chapter, including provisions for  
2 nontraditional or distance education programs and delivery.

3 (3) The commission shall recognize an institution  
4 based on the institution's highest educational offering and  
5 shall adopt rules for licensure that include reporting  
6 requirements for each level of licensure.

7 (4) Approved-applicant status shall be extended to all  
8 institutions that have submitted a complete application, as  
9 defined in rule, for provisional licensure and paid all  
10 attendant fees. In granting approved-applicant status, the  
11 commission shall provide to commission staff and the  
12 institution a list of specific omissions or deficiencies.  
13 Institutions granted approved-applicant status may not  
14 advertise, offer programs of study, collect tuition or fees,  
15 or engage in any other activities not specifically approved by  
16 the commission. If the commission, or the commission staff if  
17 specifically directed by the commission, determines that the  
18 omissions or deficiencies have been provided for or corrected,  
19 the institution may be awarded a provisional license.

20 (5) Provisional licensure shall be granted to an  
21 applicant for initial licensure for a period not to exceed 1  
22 year when the commission determines that the applicant is in  
23 substantial compliance with the standards for licensure. A  
24 provisional license granted for initial licensure may be  
25 extended for up to 1 additional year. A licensed institution  
26 that has undergone a substantive change, as defined by rule,  
27 must be granted a provisional license for a period of time  
28 determined by the commission, after which period the  
29 institution may apply for a different status. A provisional  
30 license may include conditions required by the commission, and  
31 all conditions must be met before the institution may receive

1 a different licensure status.

2 (6) An annual license shall be granted to an  
3 institution holding a provisional license, or seeking a  
4 renewal of an annual license, upon demonstrating full  
5 compliance with licensure standards. An annual license may be  
6 extended for up to 1 year if the institution meets the  
7 requirements set by rule for such an extension.

8 (7) An institution may not conduct a program unless  
9 specific authority is granted in its license.

10 (8) A license granted by the commission is not  
11 transferable to another institution or to another agent, and  
12 an institution's license does not transfer when the  
13 institution's ownership changes.

14 (a) A licensed institution must notify the commission  
15 prior to a change of ownership or control. The commission  
16 shall adopt procedures for interim executive approval of a  
17 change of ownership or control if the next scheduled meeting  
18 of the commission occurs after the scheduled date of the  
19 change of ownership or control.

20 (b) The commission may adopt rules governing changes  
21 of ownership or control.

22 (9) An independent postsecondary educational  
23 institution or any person acting on behalf of such an  
24 institution may not publish any advertisement soliciting  
25 students or offering a credential before the institution is  
26 duly licensed by the commission or while the institution is  
27 under an injunction against operating, soliciting students, or  
28 offering an educational credential.

29 (10) The commission shall establish minimum standards  
30 for the approval of agents. The commission may adopt rules to  
31 ensure that licensed agents meet these standards and uphold

1 the intent of this chapter. An agent may not solicit  
 2 prospective students in this state for enrollment in any  
 3 independent postsecondary educational institution under the  
 4 commission's purview or in any out-of-state independent  
 5 postsecondary educational institution unless the agent has  
 6 received a license as prescribed by the commission.

7 (11) A student of a foreign medical school may not  
 8 engage in a clinical clerkship in this state unless the  
 9 foreign medical school has received a license, in the case of  
 10 a core clerkship or an ongoing regular program of clerkships,  
 11 or has received individual approval, in the case of an  
 12 occasional elective clerkship. The commission may adopt rules  
 13 to administer this subsection.

14 (12) The granting of a license is not an  
 15 accreditation.

16 (13) As a condition of licensure, an independent  
 17 college or university must provide the commission with a copy  
 18 of its antihazing policy.

19 Section 252. Section 1005.32, Florida Statutes, is  
 20 created to read:

21 1005.32 Licensure by means of accreditation.--

22 (1) An independent postsecondary educational  
 23 institution that meets the following criteria may apply for a  
 24 license by means of accreditation from the commission:

25 (a) The institution has operated legally in this state  
 26 for at least 5 consecutive years.

27 (b) The institution holds institutional accreditation  
 28 by an accrediting agency evaluated and approved by the  
 29 commission as having standards substantially equivalent to the  
 30 commission's licensure standards.

31 (c) The institution has no unresolved complaints or

1 actions in the past 12 months.

2 (d) The institution meets minimum requirements for  
3 financial responsibility as determined by the commission.

4 (e) The institution is a Florida corporation.

5 (2) An institution that was exempt from licensure in  
6 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain  
7 an exemption until the commission issues it a license by means  
8 of accreditation as provided in this section.

9 (3) The commission may not require an institution  
10 granted a license by means of accreditation to submit reports  
11 that differ from the reports required by its accrediting  
12 association, except that each institution must file with the  
13 commission an annual audit and follow the commission's  
14 requirements for orderly closing, including provisions for  
15 trainout or refunds and arranging for the proper disposition  
16 of student and institutional records.

17 (4) An institution granted a license by means of  
18 accreditation must apply for and receive another level of  
19 licensure before the institution may offer courses or programs  
20 that exceed the scope or level of its accreditation.

21 (5) Institutions granted a license by means of  
22 accreditation must comply with the standards of fair consumer  
23 practices as established in rule by the commission.

24 (6) A license by means of accreditation is valid for  
25 the same period as the qualifying grant of accreditation.

26 (7) A license by means of accreditation may be denied,  
27 placed on probation, or revoked for repeated failure to comply  
28 with the requirements of this section. The commission shall  
29 adopt rules for these actions. Revocation or denial of a  
30 license by means of accreditation requires that the  
31 institution immediately obtain an annual license.

1 Section 253. Section 1005.33, Florida Statutes, is  
2 created to read:

3 1005.33 License period and renewal.--

4 (1) As required by rule, the commission shall  
5 periodically review each license to determine if the  
6 institution is in compliance with this chapter and should have  
7 its license renewed. The commission may extend an annual or  
8 provisional license if a good-faith effort has been made by  
9 the institution and agent. The commission shall determine what  
10 constitutes compliance or a good-faith effort and may adopt  
11 rules to administer this section.

12 (2) A licensed independent postsecondary educational  
13 institution that seeks to expand or modify its programs or  
14 degrees to be conferred or to add new locations must seek  
15 prior approval from the commission. The commission shall adopt  
16 rules for the approval of modified or additional programs,  
17 degrees, and locations.

18 (3) On the effective date of this act, an institution  
19 that, in 2002, held the status of "Permission to Operate"  
20 under s. 246.093, Florida Statutes 2001, has 90 days to seek  
21 and obtain licensure from the commission. Ninety days after  
22 this act takes effect, that status no longer authorizes an  
23 institution to operate in Florida.

24 Section 254. Section 1005.34, Florida Statutes, is  
25 created to read:

26 1005.34 Fair consumer practices; condition of

27 operation.--The commission shall adopt rules to ensure the  
28 protection of students, including rules establishing fair  
29 consumer practices pursuant to s. 1005.04.

30 (1) The commission may not grant or renew a license  
31 unless the institution seeking the action provides the



1 commission with a sworn statement of compliance with rules  
2 regarding fair consumer practices.

3 (2) The commission may examine any complaint against  
4 an institution under its jurisdiction and, if the institution  
5 is found to be routinely handling these matters correctly, the  
6 complaint shall be considered closed. Complaints under this  
7 subsection against accredited institutions, if not resolved,  
8 shall be forwarded to the accrediting agency for any  
9 appropriate action. The institution shall notify the  
10 commission of any and all actions taken by the accrediting  
11 agency in response to the complaint.

12 (3) Failure to comply with this section is cause for  
13 denial or revocation of a license.

14 Section 255. Section 1005.35, Florida Statutes, is  
15 created to read:

16 1005.35 Fees.--

17 (1) The Commission for Independent Education shall  
18 annually establish a fee schedule to generate, from fees, the  
19 amount of revenue appropriated for its operation.

20 (2) The commission shall include, as a part of its  
21 legislative budget request, a proposed fee schedule to  
22 generate the appropriated fee revenue required in the General  
23 Appropriations Act. The commission may adjust the fee amounts  
24 to generate the fee revenue required in the General  
25 Appropriations Act but may not add fee categories without the  
26 Legislature's approval. The fee schedule proposed in the  
27 legislative budget request takes effect unless the Legislature  
28 requires changes.

29 (3) The commission shall charge each licensed  
30 institution a base fee to cover the cost of routine services,  
31 such as data collection and dissemination. The base fee may be

1 higher for institutions with a large enrollment but may not  
2 exceed one-half of 1 percent of the amount appropriated for  
3 the commission.

4 (4) The commission shall assess workload fees to  
5 institutions for specific services that relate to:

6 (a) Licensure.

7 (b) Annual reviews.

8 (c) Special reviews.

9 (d) Site visits.

10 (e) Resolution of complaints.

11 (f) Approval to use the term "college" or

12 "university."

13 (g) Participation in the Student Protection Fund  
14 established pursuant to s. 1005.37.

15 (h) Other workload activities as allowed by law.

16 (5) The commission may assess late fees for an  
17 institution's failure to timely submit required materials.

18 (6) All fees shall be submitted through the Department  
19 of Education to the Chief Financial Officer, to be deposited  
20 in the Institutional Assessment Trust Fund.

21 (7) All fees authorized in this section are  
22 administrative fees and are not refundable unless paid in  
23 error. The commission may deduct from an institution's future  
24 fee collection any unintentional overpayment.

25 Section 256. Section 1005.36, Florida Statutes, is  
26 created to read:

27 1005.36 Institutional closings.--

28 (1) The Legislature intends to protect students and  
29 the independent sector of postsecondary education from the  
30 detriment caused by licensed institutions that cease operation  
31 without providing for the proper completion of student

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1 training or for the appropriate refund of student fees. To  
 2 serve this intention, the Commission for Independent Education  
 3 may prevent the operation in this state of a licensed  
 4 independent postsecondary educational institution by an owner  
 5 who has unlawfully closed another institution and the  
 6 commission may exercise control over student records upon  
 7 closure of a licensed institution if the institution does not  
 8 provide an orderly closure.

9       (2) At least 30 days prior to closing an institution,  
 10 its owners, directors, or administrators shall notify the  
 11 commission in writing of the closure of the institution. The  
 12 owners, directors, and administrators must organize an orderly  
 13 closure of the institution, which means at least providing for  
 14 the completion of training of its students. The commission  
 15 must approve any such plan. An owner, director, or  
 16 administrator who fails to notify the commission at least 30  
 17 days prior to the institution's closure, or who fails to  
 18 organize the orderly closure of the institution and the  
 19 trainout of the students, commits a misdemeanor of the second  
 20 degree, punishable as provided in s. 775.082 or s. 775.083.

21       (3) If the commission finds that an institution has  
 22 ceased operating without providing for the proper access to  
 23 student records, the commission may require the institution to  
 24 convey all student records to the commission office or to  
 25 another location designated by the commission or its staff.  
 26 The commission shall make copies of records available to  
 27 bankruptcy trustees upon request and to the student or those  
 28 designated by the student. Confidentiality of the records  
 29 shall be maintained to the extent required by law. The  
 30 commission may seek civil penalties not to exceed \$10,000 from  
 31 any owner, director, or administrator of an institution who

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1 knowingly destroys, abandons, or fails to convey or provide  
2 for the safekeeping of institutional and student records. The  
3 commission may use moneys in the Student Protection Fund to  
4 facilitate the retrieval or safekeeping of records from an  
5 institution that has closed.

6 (4) The commission may refer matters it deems  
7 appropriate to the Department of Legal Affairs or the state  
8 attorney for investigation and prosecution.

9 Section 257. Section 1005.37, Florida Statutes, is  
10 created to read:

11 1005.37 Student Protection Fund.--

12 (1) The commission shall establish and administer a  
13 statewide, fee-supported financial program through which funds  
14 will be available to complete the training of a student who  
15 enrolls in a nonpublic school that terminates a program or  
16 ceases operation before the student has completed his or her  
17 program of study or for repayment of a loan made under the  
18 federal Family Educational Loan Program. The financial program  
19 is named the Student Protection Fund.

20 (2) The commission is authorized to assess a fee from  
21 the schools within its jurisdiction for such purpose. The  
22 commission shall assess a licensed school an additional fee  
23 for its eligibility for the Student Protection Fund. Any  
24 school that participates in the federal Family Educational  
25 Loan Program is eligible and must pay the additional fee.

26 (3) If a licensed school terminates a program before  
27 all students complete it, the commission shall also assess  
28 that school a fee adequate to pay the full cost to the Student  
29 Protection Fund of repaying the federal loans of its students.

30 (4) The fund shall consist entirely of fees assessed  
31 to licensed schools and shall not be funded under any

1 circumstances by public funds, nor shall the commission make  
2 payments or be obligated to make payments in excess of the  
3 assessments actually received from licensed schools and  
4 deposited in the Institutional Assessment Trust Fund to the  
5 credit of the Student Protection Fund.

6 (5) The commission shall identify students who may be  
7 eligible for repayment of their loans and notify them in  
8 writing of the availability of the Student Protection Fund.

9 (6) At each commission meeting, the commission shall  
10 consider the need for and shall make required assessments,  
11 shall review the collection status of unpaid assessments and  
12 take all necessary steps to collect them, and shall review all  
13 moneys in the fund and expenses incurred since the last  
14 reporting period. This review must include administrative  
15 expenses, moneys received, and payments made to students or to  
16 lending institutions.

17 (7) Staff of the commission must immediately inform  
18 the commission upon learning of the closing of a licensed  
19 school or the termination of a program which could expose the  
20 fund to liability.

21 (8) The Student Protection Fund must be actuarially  
22 sound, periodically audited, and reviewed to determine if  
23 additional fees must be charged to schools eligible to  
24 participate in the fund.

25 (9) The commission may authorize pro rata payments  
26 from the fund directly to the lender. The pro rata refund  
27 shall be computed as outlined in the Higher Education Act of  
28 1965.

29 Section 258. Section 1005.38, Florida Statutes, is  
30 created to read:

31 1005.38 Actions against a licensee and other

1 penalties.--

2       (1) The commission may deny, place on probation, or  
3 revoke any provisional license, annual license, licence by  
4 means of accreditation, agent's license, or other  
5 authorization required by this chapter. The commission shall  
6 adopt rules for taking these actions. The commission may  
7 impose an administrative fine of not more than \$5,000 if an  
8 institution is on probation for a period under conditions that  
9 require oversight by the commission or its staff. The fine  
10 shall be deposited into the Institutional Assessment Trust  
11 Fund.

12       (2) The commission may conduct an investigation to  
13 determine if an applicant for a new institutional license, or  
14 the owners, directors, or administrators of the institution,  
15 previously closed an institution, failed to arrange for  
16 completion of student training or issue appropriate refunds,  
17 or had its license to operate an institution revoked or denied  
18 in this state or in another state or jurisdiction.

19       (3) Any person who has been convicted of, or entered a  
20 plea of guilty or nolo contendere to, a crime that relates to  
21 the unlawful operation or management of an institution is  
22 ineligible to own, operate, manage, or be a registered agent  
23 for a licensed institution in this state, and may not be a  
24 director or an officer in a corporation that owns or operates  
25 a licensed institution. Such a person may not operate or serve  
26 in a management or supervisory position in a licensed  
27 institution.

28       (4) The commission may deny an application for any  
29 operating status if the commission determines that the  
30 applicant or its owners, officers, directors, or  
31 administrators were previously operating an institution in

1 this state or in another state or jurisdiction in a manner  
 2 contrary to the health, education, or welfare of the public.  
 3 The commission may consider factors such as the previous  
 4 denial or revocation of an institutional license; prior  
 5 criminal or civil administrative proceedings regarding the  
 6 operation and management of an institution; other types of  
 7 criminal proceedings involving fraud, deceit, dishonesty, or  
 8 moral turpitude; failure of the institution to be properly  
 9 closed, including completing the training or providing for the  
 10 trainout of its students; and failure to issue appropriate  
 11 refunds. The commission may require an applicant or its  
 12 owners, officers, directors, or administrators to provide the  
 13 commission with information under oath regarding the prior  
 14 operation of an institution and to provide criminal justice  
 15 information, the cost of which must be borne by the applicant  
 16 in addition to license fees.

17       (5) The commission may obtain an injunction or take  
 18 any action it deems necessary against any institution or agent  
 19 in violation of this chapter, but such proceedings and orders  
 20 do not bar the imposition of any other penalties that may be  
 21 imposed for the violation.

22       (6) The commission may conduct disciplinary  
 23 proceedings through an investigation of any suspected  
 24 violation of this chapter, including a finding of probable  
 25 cause and making reports to any law enforcement agency or  
 26 regulatory agency.

27       (a) The commission shall notify an institution or  
 28 individual of the substance of any complaint that is under  
 29 investigation unless the executive director and chairperson of  
 30 the board concur that notification would impede the  
 31 investigation. The commission may also withhold notification

1 to a person under investigation for an act that constitutes a  
2 criminal offense.

3 (b) The determination of probable cause shall be made  
4 by a majority vote of the probable-cause panel, the membership  
5 of which shall be provided by rule. After the panel declares a  
6 finding of probable cause, the commission may issue an  
7 administrative complaint and prosecute such complaint under  
8 chapter 120.

9 (c) A privilege against civil liability is granted to  
10 any informant or any witness who provides information in good  
11 faith for an investigation or proceeding conducted under this  
12 section.

13 (7) The commission may issue a cease and desist order  
14 in conjunction with an administrative complaint or notice of  
15 denial of licensure, if necessary to protect the health,  
16 safety, or welfare of students, prospective students, or the  
17 public. An unlicensed institution that advertises or causes  
18 advertisements to be made public through which students are  
19 solicited for enrollment or are offered diplomas or degrees is  
20 in violation of this chapter. The commission shall adopt rules  
21 that direct the issuance of an injunction against operating,  
22 advertising, or offering diplomas or degrees without a  
23 license. Each day of operation after a cease and desist letter  
24 is delivered constitutes a separate violation for purposes of  
25 assessing fines or seeking civil penalties.

26 (a) A cease and desist order may be mandatory or  
27 prohibitory in form and may order a postsecondary institution  
28 to cease and desist from specified conduct or from failing to  
29 engage in specified conduct necessary to achieve the  
30 regulatory purposes of this chapter.

31 (b) A cease and desist order may include an order to



1 cease enrollment of students whom the institution cannot  
 2 adequately serve, to modify curricula or methods of  
 3 instruction to ensure the education or training of the type  
 4 and quality represented in the institutional catalog, or to  
 5 cease from advertising or to publish or broadcast corrective  
 6 or clarifying advertising to overcome the effects of previous  
 7 allegedly deceptive or misleading advertising.

8       (c) A cease and desist order takes effect immediately  
 9 upon issuance and remains in effect until the commission takes  
 10 final agency action.

11       (d) The commission shall adopt rules to direct  
 12 procedures by which an affected party is entitled to a formal  
 13 or informal review of a cease and desist order and may request  
 14 the commission or the Division of Administrative Hearings to  
 15 modify or abate a cease and desist order. If a party is  
 16 aggrieved by a cease and desist order after seeking to have  
 17 the order abated or modified, the party may seek interlocutory  
 18 judicial review by the appropriate district court of appeal  
 19 pursuant to the applicable rules of appellate procedure.

20       (e) In addition to or in lieu of any remedy provided  
 21 in this section, the commission may seek the imposition of a  
 22 civil penalty through the circuit court for any violation for  
 23 which the commission may issue a notice to cease and desist  
 24 under this section.

25       (8) The commission shall adopt rules to identify  
 26 grounds for imposing disciplinary actions, which must include  
 27 at least the following grounds:

28       (a) Attempting to obtain action from the commission by  
 29 fraudulent misrepresentation, bribery, or through an error of  
 30 the commission.

31       (b) Action against a license or operation imposed

1 under the authority of another state, territory, or country.

2 (c) Delegating professional responsibilities to a  
3 person who is not qualified by training, experience, or  
4 licensure to perform the responsibilities.

5 (d) False, deceptive, or misleading advertising.

6 (e) Conspiring to coerce, intimidate, or preclude  
7 another licensee from lawfully advertising his or her  
8 services.

9 Section 259. Section 1005.39, Florida Statutes, is  
10 created to read:

11 1005.39 Continuing education and training for  
12 administrators.--

13 (1) The commission is authorized to ensure that the  
14 administrators of licensed institutions are qualified to  
15 conduct the operations of their respective positions and to  
16 require such administrators to receive continuing education  
17 and training as adopted by rule of the commission. The  
18 positions for which the commission may review qualifications  
19 and require continuing education and training may include the  
20 positions of chief administrator or officer, director of  
21 education or training, placement director, admissions  
22 director, and financial aid director.

23 (2) The training of each administrator shall be the  
24 type of training necessary to ensure compliance with statutes  
25 and rules of the commission and the State Board of Education  
26 and with those of other state or federal agencies in relation  
27 to the responsibilities of the respective positions.

28 (3) The commission shall adopt general qualifications  
29 for each of the respective positions and establish guidelines  
30 for the minimum amount and type of continuing education and  
31 training to be required. The continuing education and training

1 may be provided by the commission, appropriate state or  
 2 federal agencies, or professional organizations familiar with  
 3 the requirements of the particular administrative positions.  
 4 The actual curricula should be left to the discretion of those  
 5 agencies and organizations.

6 (4) Evidence of the administrator's compliance with  
 7 the continuing education and training requirements established  
 8 by the commission may be included in the initial and renewal  
 9 application forms provided by the commission. Actual records  
 10 of the continuing education and training received by  
 11 administrators shall be maintained at the institution and  
 12 available for inspection at all times.

13 (5) Qualifications of administrators in their  
 14 respective fields, as well as continuing education and  
 15 training, may be established by the commission as a condition  
 16 of an application for licensure by a new institution or for  
 17 renewal of a license.

18 Section 260. Chapter 1006, Florida Statutes, shall be  
 19 entitled "Support for Learning" and shall consist of ss.  
 20 1006.02-1006.71.

21 Section 261. Part I of chapter 1006, Florida Statutes,  
 22 shall be entitled "Public K-12 Education Support for Learning  
 23 and Student Services" and shall consist of ss.  
 24 1006.02-1006.27.

25 Section 262. Part I.a. of chapter 1006, Florida  
 26 Statutes, shall be entitled "Learning Services Generally" and  
 27 shall consist of ss. 1006.02-1006.04.

28 Section 263. Section 1006.02, Florida Statutes, is  
 29 created to read:

30 1006.02 Provision of information to students and  
 31 parents regarding school-to-work transition.--

1           (1) All public K-12 schools shall document the manner  
2 in which they have prepared students to enter the workforce,  
3 including information regarding the provision of accurate,  
4 timely career and curricular counseling to students. This  
5 information shall include a delineation of available career  
6 opportunities, educational requirements associated with each  
7 career, educational institutions that prepare students to  
8 enter each career, and student financial aid available to  
9 enable students to pursue any postsecondary instruction  
10 required to enter that career. This information shall also  
11 delineate school procedures for identifying individual student  
12 interests and aptitudes which enable students to make informed  
13 decisions about the curriculum that best addresses their  
14 individual interests and aptitudes while preparing them to  
15 enroll in postsecondary education and enter the workforce.  
16 This information shall include recommended high school  
17 coursework that prepares students for success in college-level  
18 work. The information shall be made known to parents and  
19 students annually through inclusion in the school's handbook,  
20 manual, or similar documents or other communications regularly  
21 provided to parents and students.

22           (2) The information required by this section shall  
23 delineate the availability of applied instruction that uses  
24 concrete, real-world examples to elicit demonstrated student  
25 competence comparable to the student performance standards  
26 delineated for corresponding traditional college-preparatory  
27 courses, and shall also delineate the support services  
28 available for students who need assistance to successfully  
29 complete instruction necessary to enroll in postsecondary  
30 education or enter the workforce.

31           (3) The information required by this section shall

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1 delineate the availability of instruction that enables  
 2 students to acquire the technical skills associated with  
 3 specific clusters of occupations as well as employability  
 4 skills that apply to most occupations, and shall describe and  
 5 identify the availability of workplace-based learning  
 6 experiences. Any school that conducts secondary career  
 7 education programs shall identify any agreements through which  
 8 each program articulates into corresponding postsecondary  
 9 programs.

10 (4) Prior to each student's graduation from high  
 11 school, the school shall assess the student's preparation to  
 12 enter the workforce, in accordance with the commissioner's  
 13 identification of the employability skills associated with  
 14 successful entry into the workforce, and shall provide the  
 15 student and the student's parent or guardian with the results  
 16 of this assessment.

17 Section 264. Section 1006.03, Florida Statutes, is  
 18 created to read:

19 1006.03 Diagnostic and learning resource centers.--

20 (1) The department shall maintain regional diagnostic  
 21 and learning resource centers for exceptional students, to  
 22 assist in the provision of medical, physiological,  
 23 psychological, and educational testing and other services  
 24 designed to evaluate and diagnose exceptionalities, to make  
 25 referrals for necessary instruction and services, and to  
 26 facilitate the provision of instruction and services to  
 27 exceptional students. The department shall cooperate with the  
 28 Department of Children and Family Services in identifying  
 29 service needs and areas.

30 (2) Within its identified service area, each regional  
 31 center shall:

1           (a) Provide assistance to parents, teachers, and other  
2 school personnel and community organizations in locating and  
3 identifying exceptional children and planning educational  
4 programs for them.

5           (b) Assist in the provision of services for  
6 exceptional children, using to the maximum, but not  
7 supplanting, the existing facilities and services of each  
8 district.

9           (c) Provide orientation meetings at least annually for  
10 teachers, principals, supervisors, and community agencies to  
11 familiarize them with center facilities and services for  
12 exceptional children.

13           (d) Plan, coordinate, and assist in the implementation  
14 of inservice training programs, consistent with each  
15 district's program of staff development, for the development  
16 and updating of attitudes, skills, and instructional practices  
17 and procedures necessary to the education of exceptional  
18 children.

19           (e) Assist districts in the identification, selection,  
20 acquisition, use, and evaluation of media and materials  
21 appropriate to the implementation of instructional programs  
22 based on individual educational plans for exceptional  
23 children.

24           (f) Provide for the dissemination and diffusion of  
25 significant information and promising practices derived from  
26 educational research, demonstration, and other projects.

27           (g) Assist in the delivery, modification, and  
28 integration of instructional technology, including  
29 microcomputer applications and adaptive and assistive devices,  
30 appropriate to the unique needs of exceptional students.

31           (3) Diagnostic and resource centers may provide

1 testing and evaluation services to private school students and  
2 other children who are not enrolled in public schools.

3 (4) Diagnostic and learning resource centers may  
4 assist districts in providing testing and evaluation services  
5 for infants and preschool children with or at risk of  
6 developing disabilities, and may assist districts in providing  
7 interdisciplinary training and resources to parents of infants  
8 and preschool children with or at risk of developing  
9 disabilities and to school readiness programs.

10 Section 265. Section 1006.035, Florida Statutes, is  
11 created to read:

12 1006.035 Dropout reentry and mentor project.--

13 (1) There is created a dropout reentry and mentor  
14 project to be coordinated on a pilot basis by the Florida  
15 Agricultural and Mechanical University National Alumni  
16 Association and implemented in Tallahassee, Jacksonville,  
17 Daytona Beach, and Miami.

18 (2) The project shall identify 15 black students in  
19 each location who have dropped out of high school but were not  
20 encountering academic difficulty when they left school.  
21 Students chosen to participate may not have a high school  
22 diploma, be enrolled in an adult general education program  
23 which includes a GED program or an adult high school, or be  
24 enrolled in a technical school. Students may be employed but  
25 must be able to adjust their work schedules to accommodate  
26 classes and project sessions. Priority must be given to  
27 students who have dropped out of school within the last 3  
28 years.

29 (3) In identifying participants, the following factors  
30 must be considered:

31 (a) The student's performance in school before

1 dropping out.

2 (b) The student's performance on aptitude and  
3 achievement tests.

4 (c) The student's desire to reenter school.

5 (4) In each of the four locations, the project shall  
6 identify 15 high-achieving minority students to serve as  
7 one-on-one mentors to the students who are being reentered in  
8 school. An alumnus of Bethune-Cookman College, Florida  
9 Memorial College, Edward Waters College, or Florida  
10 Agricultural and Mechanical University shall be assigned to  
11 each pair of students. Student mentors and alumni must serve  
12 as role models and resource people for the students who are  
13 being reentered in school.

14 (5) Selected project participants shall be evaluated  
15 and enrolled in a GED program, regular high school, technical  
16 school, or alternative school. In conjunction with school  
17 guidance personnel, project staff shall design a supplemental  
18 program to reinforce basic skills, provide additional  
19 counseling, and offer tutorial assistance. Weekly, project  
20 staff shall monitor students' attendance, performance,  
21 homework, and attitude toward school.

22 (6) The project shall use tests to identify students'  
23 interests and academic weaknesses. Based on the test results,  
24 an individualized study program shall be developed for each  
25 reentry student.

26 (7) The 15 alumni at each location must meet with  
27 their assigned reentry students and high achievers, together,  
28 at least once per week. All reentry students must meet as a  
29 group at least once per week for structured, organized  
30 activities that include instruction in test-taking skills,  
31 positive attitude, coping, study habits, budgeting time,



1 setting goals, career choices, homework assistance, and  
2 conflict resolution.

3 (8) Followup interviews with both the reentry students  
4 and high achievers must be conducted after 1 year to determine  
5 the project's impact.

6 Section 266. Section 1006.04, Florida Statutes, is  
7 created to read:

8 1006.04 Educational multiagency services for students  
9 with severe emotional disturbance.--

10 (1)(a) An intensive, integrated educational program; a  
11 continuum of mental health treatment services; and, when  
12 needed, residential services are necessary to enable students  
13 with severe emotional disturbance to develop appropriate  
14 behaviors and demonstrate academic and career education  
15 skills. The small incidence of severe emotional disturbance in  
16 the total school population requires multiagency programs to  
17 provide access to appropriate services for all students with  
18 severe emotional disturbance. District school boards should  
19 provide educational programs, and state departments and  
20 agencies administering children's mental health funds should  
21 provide mental health treatment and residential services when  
22 needed, forming a multiagency network to provide support for  
23 students with severe emotional disturbance.

24 (b) The program goals for each component of the  
25 multiagency network are to enable students with severe  
26 emotional disturbance to learn appropriate behaviors, reduce  
27 dependency, and fully participate in all aspects of school and  
28 community living; to develop individual programs for students  
29 with severe emotional disturbance, including necessary  
30 educational, residential, and mental health treatment  
31 services; to provide programs and services as close as

1 possible to the student's home in the least restrictive manner  
2 consistent with the student's needs; and to integrate a wide  
3 range of services necessary to support students with severe  
4 emotional disturbance and their families.

5 (2) The department may award grants to district school  
6 boards for statewide planning and development of the  
7 multiagency network for students with severe emotional  
8 disturbance. The educational services shall be provided in a  
9 manner consistent with the requirements of ss. 1003.57 and  
10 402.22.

11 (3) State departments and agencies may use appropriate  
12 funds for the multiagency network for students with severe  
13 emotional disturbance.

14 Section 267. Part I.b. of chapter 1006, Florida  
15 Statutes, shall be entitled "Student Food and Health Services"  
16 and shall consist of ss. 1006.06-1006.063.

17 Section 268. Section 1006.06, Florida Statutes, is  
18 created to read:

19 1006.06 School food service programs.--

20 (1) In recognition of the demonstrated relationship  
21 between good nutrition and the capacity of students to develop  
22 and learn, it is the policy of the state to provide standards  
23 for school food service and to require district school boards  
24 to establish and maintain an appropriate private school food  
25 service program consistent with the nutritional needs of  
26 students.

27 (2) The State Board of Education shall adopt rules  
28 covering the administration and operation of the school food  
29 service programs.

30 (3) Each district school board shall consider the  
31 recommendations of the district school superintendent and

1 adopt policies to provide for an appropriate food and  
2 nutrition program for students consistent with federal law and  
3 State Board of Education rule.

4 (4) The state shall provide the state National School  
5 Lunch Act matching requirements. The funds provided shall be  
6 distributed in such a manner as to comply with the  
7 requirements of the National School Lunch Act.

8 (5)(a) Each district school board shall implement  
9 school breakfast programs in all elementary schools that make  
10 breakfast available to all students in kindergarten through  
11 grade 6 in each district school, unless the elementary school  
12 goes only through grade 5, in which case the requirement shall  
13 apply only through grade 5. Each district school board shall  
14 implement breakfast programs in all elementary schools in  
15 which students are eligible for free and reduced price lunch  
16 meals, to the extent specifically funded in the General  
17 Appropriations Act. A district school board may operate a  
18 breakfast program providing for food preparation at the school  
19 site or in central locations with distribution to designated  
20 satellite schools or any combination thereof.

21 (b) The commissioner shall make every reasonable  
22 effort to ensure that any school designated a "severe need  
23 school" receives the highest rate of reimbursement to which it  
24 is entitled pursuant to 42 U.S.C. s. 1773 for each free and  
25 reduced price breakfast served.

26 (c) The department shall calculate and distribute a  
27 school district breakfast supplement for each school year by  
28 multiplying the state breakfast rate as specified in the  
29 General Appropriations Act by the number of free and reduced  
30 price breakfast meals served.

31 (d) The Legislature shall provide sufficient funds in

1 the General Appropriations Act to reimburse participating  
2 school districts for the difference between the average  
3 federal reimbursement for free and reduced price breakfasts  
4 and the average statewide cost for breakfasts.

5 Section 269. Section 1006.061, Florida Statutes, is  
6 created to read:

7 1006.061 Child abuse, abandonment, and neglect  
8 policy.--Each district school board shall:

9 (1) Post in a prominent place in each school a notice  
10 that, pursuant to chapter 39, all employees and agents of the  
11 district school board have an affirmative duty to report all  
12 actual or suspected cases of child abuse, abandonment, or  
13 neglect; have immunity from liability if they report such  
14 cases in good faith; and have a duty to comply with child  
15 protective investigations and all other provisions of law  
16 relating to child abuse, abandonment, and neglect. The notice  
17 shall also include the statewide toll-free telephone number of  
18 the central abuse hotline.

19 (2) Require the district school superintendent, or the  
20 superintendent's designee, at the request of the Department of  
21 Children and Family Services, to act as a liaison to the  
22 Department of Children and Family Services and the child  
23 protection team, as defined in s. 39.01, when in a case of  
24 suspected child abuse, abandonment, or neglect or an unlawful  
25 sexual offense involving a child the case is referred to such  
26 a team; except that this does not relieve or restrict the  
27 Department of Children and Family Services from discharging  
28 its duty and responsibility under the law to investigate and  
29 report every suspected or actual case of child abuse,  
30 abandonment, or neglect or unlawful sexual offense involving a  
31 child.

1           Section 270. Section 1006.062, Florida Statutes, is  
2 created to read:

3           1006.062 Administration of medication and provision of  
4 medical services by district school board personnel.--

5           (1) Notwithstanding the provisions of the Nurse  
6 Practice Act, part I of chapter 464, district school board  
7 personnel may assist students in the administration of  
8 prescription medication when the following conditions have  
9 been met:

10           (a) Each district school board shall include in its  
11 approved school health services plan a procedure to provide  
12 training, by a registered nurse, a licensed practical nurse, a  
13 physician licensed pursuant to chapter 458 or chapter 459, or  
14 a physician assistant licensed pursuant to chapter 458 or  
15 chapter 459, to the school personnel designated by the school  
16 principal to assist students in the administration of  
17 prescribed medication. Such training may be provided in  
18 collaboration with other school districts, through contract  
19 with an education consortium, or by any other arrangement  
20 consistent with the intent of this subsection.

21           (b) Each district school board shall adopt policies  
22 and procedures governing the administration of prescription  
23 medication by district school board personnel. The policies  
24 and procedures shall include, but not be limited to, the  
25 following provisions:

26           1. For each prescribed medication, the student's  
27 parent shall provide to the school principal a written  
28 statement which grants to the school principal or the  
29 principal's designee permission to assist in the  
30 administration of such medication and which explains the  
31 necessity for the medication to be provided during the school

1 day, including any occasion when the student is away from  
2 school property on official school business. The school  
3 principal or the principal's trained designee shall assist the  
4 student in the administration of the medication.

5 2. Each prescribed medication to be administered by  
6 district school board personnel shall be received, counted,  
7 and stored in its original container. When the medication is  
8 not in use, it shall be stored in its original container in a  
9 secure fashion under lock and key in a location designated by  
10 the school principal.

11 (2) There shall be no liability for civil damages as a  
12 result of the administration of the medication when the person  
13 administering the medication acts as an ordinarily reasonably  
14 prudent person would have acted under the same or similar  
15 circumstances.

16 (3) Nonmedical district school board personnel shall  
17 not be allowed to perform invasive medical services that  
18 require special medical knowledge, nursing judgment, and  
19 nursing assessment, including, but not limited to:

20 (a) Sterile catheterization.

21 (b) Nasogastric tube feeding.

22 (c) Cleaning and maintaining a tracheostomy and deep  
23 suctioning of a tracheostomy.

24 (4) Nonmedical assistive personnel shall be allowed to  
25 perform health-related services upon successful completion of  
26 child-specific training by a registered nurse or advanced  
27 registered nurse practitioner licensed under chapter 464, a  
28 physician licensed pursuant to chapter 458 or chapter 459, or  
29 a physician assistant licensed pursuant to chapter 458 or  
30 chapter 459. All procedures shall be monitored periodically  
31 by a nurse, advanced registered nurse practitioner, physician

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1 assistant, or physician, including, but not limited to:  
 2       (a) Intermittent clean catheterization.  
 3       (b) Gastrostomy tube feeding.  
 4       (c) Monitoring blood glucose.  
 5       (d) Administering emergency injectable medication.  
 6       (5) For all other invasive medical services not listed  
 7 in this subsection, a registered nurse or advanced registered  
 8 nurse practitioner licensed under chapter 464, a physician  
 9 licensed pursuant to chapter 458 or chapter 459, or a  
 10 physician assistant licensed pursuant to chapter 458 or  
 11 chapter 459 shall determine if nonmedical district school  
 12 board personnel shall be allowed to perform such service.  
 13       (6) Each district school board shall establish  
 14 emergency procedures in accordance with s. 381.0056(5) for  
 15 life-threatening emergencies.  
 16       (7) District school board personnel shall not refer  
 17 students to or offer students at school facilities  
 18 contraceptive services without the consent of a parent or  
 19 legal guardian. To the extent that this paragraph conflicts  
 20 with any provision of chapter 381, the provisions of chapter  
 21 381 control.

22       Section 271. Section 1006.063, Florida Statutes, is  
23 created to read:

24       1006.063 Eye-protective devices required in certain  
25 laboratory courses.--

26       (1) Eye-protective devices shall be worn by students,  
27 teachers, and visitors in courses including, but not limited  
28 to, chemistry, physics, or chemical-physical laboratories, at  
29 any time at which the individual is engaged in or observing an  
30 activity or the use of hazardous substances likely to cause  
31 injury to the eyes. Activity or the use of hazardous

1 substances likely to cause injury to the eye includes:

2 (a) Heat treatment; tempering or kiln firing of any  
3 metal or other materials;

4 (b) Working with caustic or explosive materials; or

5 (c) Working with hot liquids or solids, including  
6 chemicals which are flammable, caustic, toxic, or irritating.

7 (2) District school boards shall furnish plano safety  
8 glasses or devices for students, may provide such glasses to  
9 teachers, and shall furnish such equipment for all visitors to  
10 such classrooms or laboratories, or may purchase such plano  
11 safety glasses or devices in large quantities and sell them at  
12 cost to students and teachers, but shall not purchase,  
13 furnish, or dispense prescription glasses or lenses.

14 Section 272. Part I.c. of chapter 1006, Florida  
15 Statutes, shall be entitled "Student Discipline and School  
16 Safety" and shall consist of ss. 1006.07-1006.145.

17 Section 273. Section 1006.07, Florida Statutes, is  
18 created to read:

19 1006.07 District school board duties relating to  
20 student discipline and school safety.--The district school  
21 board shall provide for the proper accounting for all  
22 students, for the attendance and control of students at  
23 school, and for proper attention to health, safety, and other  
24 matters relating to the welfare of students, including:

25 (1) CONTROL OF STUDENTS.--

26 (a) Adopt rules for the control, discipline, in-school  
27 suspension, suspension, and expulsion of students and decide  
28 all cases recommended for expulsion. Suspension hearings are  
29 exempted from the provisions of chapter 120. Expulsion  
30 hearings shall be governed by ss. 120.569 and 120.57(2) and  
31 are exempt from s. 286.011. However, the student's parent must



1 be given notice of the provisions of s. 286.011 and may elect  
2 to have the hearing held in compliance with that section. The  
3 district school board may prohibit the use of corporal  
4 punishment, if the district school board adopts or has adopted  
5 a written program of alternative control or discipline.

6 (b) Require each student at the time of initial  
7 registration for school in the school district to note  
8 previous school expulsions, arrests resulting in a charge, and  
9 juvenile justice actions the student has had, and have the  
10 authority as the district school board of a receiving school  
11 district to honor the final order of expulsion or dismissal of  
12 a student by any in-state or out-of-state public district  
13 school board or private school, or lab school, for an act  
14 which would have been grounds for expulsion according to the  
15 receiving district school board's code of student conduct, in  
16 accordance with the following procedures:

17 1. A final order of expulsion shall be recorded in the  
18 records of the receiving school district.

19 2. The expelled student applying for admission to the  
20 receiving school district shall be advised of the final order  
21 of expulsion.

22 3. The district school superintendent of the receiving  
23 school district may recommend to the district school board  
24 that the final order of expulsion be waived and the student be  
25 admitted to the school district, or that the final order of  
26 expulsion be honored and the student not be admitted to the  
27 school district. If the student is admitted by the district  
28 school board, with or without the recommendation of the  
29 district school superintendent, the student may be placed in  
30 an appropriate educational program at the direction of the  
31 district school board.

1           (2) CODE OF STUDENT CONDUCT.--Adopt a code of student  
 2 conduct for elementary schools and a code of student conduct  
 3 for middle and high schools and distribute the appropriate  
 4 code to all teachers, school personnel, students, and parents,  
 5 at the beginning of every school year. Each code shall be  
 6 organized and written in language that is understandable to  
 7 students and parents and shall be discussed at the beginning  
 8 of every school year in student classes, school advisory  
 9 council meetings, and parent and teacher association or  
 10 organization meetings. Each code shall be based on the rules  
 11 governing student conduct and discipline adopted by the  
 12 district school board and shall be made available in the  
 13 student handbook or similar publication. Each code shall  
 14 include, but is not limited to:

15           (a) Consistent policies and specific grounds for  
 16 disciplinary action, including in-school suspension,  
 17 out-of-school suspension, expulsion, and any disciplinary  
 18 action that may be imposed for the possession or use of  
 19 alcohol on school property or while attending a school  
 20 function or for the illegal use, sale, or possession of  
 21 controlled substances as defined in chapter 893.

22           (b) Procedures to be followed for acts requiring  
 23 discipline, including corporal punishment.

24           (c) An explanation of the responsibilities and rights  
 25 of students with regard to attendance, respect for persons and  
 26 property, knowledge and observation of rules of conduct, the  
 27 right to learn, free speech and student publications,  
 28 assembly, privacy, and participation in school programs and  
 29 activities.

30           (d) Notice that illegal use, possession, or sale of  
 31 controlled substances, as defined in chapter 893, or

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1 possession of electronic telephone pagers, by any student  
2 while the student is upon school property or in attendance at  
3 a school function is grounds for disciplinary action by the  
4 school and may also result in criminal penalties being  
5 imposed.

6 (e) Notice that the possession of a firearm or weapon  
7 ad defined in chapter 790 by any student while the student is  
8 on school property or in attendance at a school function is  
9 grounds for disciplinary action and may also result in  
10 criminal prosecution.

11 (f) Notice that violence against any district school  
12 board personnel by a student is grounds for in-school  
13 suspension, out-of-school suspension, expulsion, or imposition  
14 of other disciplinary action by the school and may also result  
15 in criminal penalties being imposed.

16 (g) Notice that violation of district school board  
17 transportation policies, including disruptive behavior on a  
18 school bus or at a school bus stop, by a student is grounds  
19 for suspension of the student's privilege of riding on a  
20 school bus and may be grounds for disciplinary action by the  
21 school and may also result in criminal penalties being  
22 imposed.

23 (h) Notice that violation of the district school  
24 board's sexual harassment policy by a student is grounds for  
25 in-school suspension, out-of-school suspension, expulsion, or  
26 imposition of other disciplinary action by the school and may  
27 also result in criminal penalties being imposed.

28 (i) Policies to be followed for the assignment of  
29 violent or disruptive students to an alternative educational  
30 program.

31 (j) Notice that any student who is determined to have

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1 brought a firearm or weapon, as defined in chapter 790, to  
2 school, to any school function, or onto any school-sponsored  
3 transportation will be expelled, with or without continuing  
4 educational services, from the student's regular school for a  
5 period of not less than 1 full year and referred to the  
6 criminal justice or juvenile justice system; provided,  
7 however, that nothing herein shall require the district school  
8 board to apply such requirements to a firearm or weapon that  
9 is lawfully stored in a locked vehicle on school property, or  
10 for activities approved and authorized by the district school  
11 board when the board has adopted appropriate safeguards to  
12 ensure student safety. District school boards may assign the  
13 student to a disciplinary program or second chance school for  
14 the purpose of continuing educational services during the  
15 period of expulsion. District school superintendents may  
16 consider the 1-year expulsion requirement on a case-by-case  
17 basis and request the district school board to modify the  
18 requirement by assigning the student to a disciplinary program  
19 or second chance school if it is determined to be in the best  
20 interest of the student and the school system.

21 (k) Notice that any student who is determined to have  
22 made a threat or false report, as defined by ss. 790.162 and  
23 790.163, respectively, involving school or school personnel's  
24 property, school transportation, or a school-sponsored  
25 activity will be expelled, with or without continuing  
26 educational services, from the student's regular school for a  
27 period of not less than 1 full year and referred for criminal  
28 prosecution. District school boards may assign the student to  
29 a disciplinary program or second chance school for the purpose  
30 of continuing educational services during the period of  
31 expulsion. District school superintendents may consider the

1 1-year expulsion requirement on a case-by-case basis and  
 2 request the district school board to modify the requirement by  
 3 assigning the student to a disciplinary program or second  
 4 chance school if it is determined to be in the best interest  
 5 of the student and the school system.

6 (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the  
 7 district school board, implement a student crime watch program  
 8 to promote responsibility among students and to assist in the  
 9 control of criminal behavior within the schools.

10 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--

11 (a) Formulate and prescribe policies and procedures  
 12 for emergency drills and for actual emergencies, including,  
 13 but not limited to, fires, natural disasters, and bomb  
 14 threats, for all the public schools of the district which  
 15 comprise grades K-12. District school board policies shall  
 16 include commonly used alarm system responses for specific  
 17 types of emergencies and verification by each school that  
 18 drills have been provided as required by law and fire  
 19 protection codes.

20 (b) The district school board shall establish model  
 21 emergency management and emergency preparedness procedures for  
 22 the following life-threatening emergencies:

- 23 1. Weapon-use and hostage situations.
- 24 2. Hazardous materials or toxic chemical spills.
- 25 3. Weather emergencies, including hurricanes,  
 26 tornadoes, and severe storms.
- 27 4. Exposure as a result of a manmade emergency.

28 (5) EDUCATIONAL SERVICES IN DETENTION  
 29 FACILITIES.--Offer educational services to minors who have not  
 30 graduated from high school and eligible students with  
 31 disabilities under the age of 22 who have not graduated with a

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1 standard diploma or its equivalent who are detained in a  
 2 county or municipal detention facility as defined in s.  
 3 951.23. These educational services shall be based upon the  
 4 estimated length of time the student will be in the facility  
 5 and the student's current level of functioning. District  
 6 school superintendents or their designees shall be notified by  
 7 the county sheriff or chief correctional officer, or his or  
 8 her designee, upon the assignment of a student under the age  
 9 of 21 to the facility. A cooperative agreement with the  
 10 district school board and applicable law enforcement units  
 11 shall be developed to address the notification requirement and  
 12 the provision of educational services to these students.

13 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the  
 14 Safety and Security Best Practices developed by the Office of  
 15 Program Policy Analysis and Government Accountability to  
 16 conduct a self-assessment of the school districts' current  
 17 safety and security practices. Based on these self-assessment  
 18 findings, the district school superintendent shall provide  
 19 recommendations to the district school board which identify  
 20 strategies and activities that the district school board  
 21 should implement in order to improve school safety and  
 22 security. Annually each district school board must receive the  
 23 self-assessment results at a publicly noticed district school  
 24 board meeting to provide the public an opportunity to hear the  
 25 district school board members discuss and take action on the  
 26 report findings. Each district school superintendent shall  
 27 report the self-assessment results and school board action to  
 28 the commissioner within 30 days after the district school  
 29 board meeting.

30 Section 274. Section 1006.08, Florida Statutes, is  
 31 created to read:

1           1006.08 District school superintendent duties relating  
2 to student discipline and school safety.--

3           (1) The district school superintendent shall recommend  
4 plans to the district school board for the proper accounting  
5 for all students of school age, for the attendance and control  
6 of students at school, for the proper attention to health,  
7 safety, and other matters which will best promote the welfare  
8 of students. When the district school superintendent makes a  
9 recommendation for expulsion to the district school board, he  
10 or she shall give written notice to the student and the  
11 student's parent of the recommendation, setting forth the  
12 charges against the student and advising the student and his  
13 or her parent of the student's right to due process as  
14 prescribed by ss. 120.569 and 120.57(2). When district school  
15 board action on a recommendation for the expulsion of a  
16 student is pending, the district school superintendent may  
17 extend the suspension assigned by the principal beyond 10  
18 school days if such suspension period expires before the next  
19 regular or special meeting of the district school board.

20           (2) Notwithstanding the provisions of s. 985.04(4) or  
21 any other provision of law to the contrary, the court shall,  
22 within 48 hours of the finding, notify the appropriate  
23 district school superintendent of the name and address of any  
24 student found to have committed a delinquent act, or who has  
25 had adjudication of a delinquent act withheld which, if  
26 committed by an adult, would be a felony, or the name and  
27 address of any student found guilty of a felony. Notification  
28 shall include the specific delinquent act found to have been  
29 committed or for which adjudication was withheld, or the  
30 specific felony for which the student was found guilty.

31           (3) Except to the extent necessary to protect the

1 health, safety, and welfare of other students, the information  
 2 obtained by the district school superintendent pursuant to  
 3 this section may be released only to appropriate school  
 4 personnel or as otherwise provided by law.

5 Section 275. Section 1006.09, Florida Statutes, is  
 6 created to read:

7 1006.09 Duties of school principal relating to student  
 8 discipline and school safety.--

9 (1)(a) Subject to law and to the rules of the State  
 10 Board of Education and the district school board, the  
 11 principal in charge of the school or the principal's designee  
 12 shall develop policies for delegating to any teacher or other  
 13 member of the instructional staff or to any bus driver  
 14 transporting students of the school responsibility for the  
 15 control and direction of students. The principal or the  
 16 principal's designee shall consider the recommendation for  
 17 discipline made by a teacher, other member of the  
 18 instructional staff, or a bus driver when making a decision  
 19 regarding student referral for discipline.

20 (b) The principal or the principal's designee may  
 21 suspend a student only in accordance with the rules of the  
 22 district school board. The principal or the principal's  
 23 designee shall make a good faith effort to immediately inform  
 24 a student's parent by telephone of a student's suspension and  
 25 the reasons for the suspension. Each suspension and the  
 26 reasons for the suspension shall be reported in writing within  
 27 24 hours to the student's parent by United States mail. Each  
 28 suspension and the reasons for the suspension shall also be  
 29 reported in writing within 24 hours to the district school  
 30 superintendent. A good faith effort shall be made by the  
 31 principal or the principal's designee to employ parental



1 assistance or other alternative measures prior to suspension,  
2 except in the case of emergency or disruptive conditions which  
3 require immediate suspension or in the case of a serious  
4 breach of conduct as defined by rules of the district school  
5 board. Such rules shall require oral and written notice to the  
6 student of the charges and an explanation of the evidence  
7 against him or her prior to the suspension. Each student shall  
8 be given an opportunity to present his or her side of the  
9 story. No student shall be suspended for unexcused tardiness,  
10 lateness, absence, or truancy. The principal or the  
11 principal's designee may suspend any student transported to or  
12 from school at public expense from the privilege of riding on  
13 a school bus for violation of district school board  
14 transportation policies, which shall include a policy  
15 regarding behavior at school bus stops, and the principal or  
16 the principal's designee shall give notice in writing to the  
17 student's parent and to the district school superintendent  
18 within 24 hours. School personnel shall not be held legally  
19 responsible for suspensions of students made in good faith.

20 (c) The principal or the principal's designee may  
21 recommend to the district school superintendent the expulsion  
22 of any student who has committed a serious breach of conduct,  
23 including, but not limited to, willful disobedience, open  
24 defiance of authority of a member of his or her staff,  
25 violence against persons or property, or any other act which  
26 substantially disrupts the orderly conduct of the school. A  
27 recommendation of expulsion or assignment to a second chance  
28 school may also be made for any student found to have  
29 intentionally made false accusations that jeopardize the  
30 professional reputation, employment, or professional  
31 certification of a teacher or other member of the school

1 staff, according to the district school board code of student  
 2 conduct. Any recommendation of expulsion shall include a  
 3 detailed report by the principal or the principal's designated  
 4 representative on the alternative measures taken prior to the  
 5 recommendation of expulsion.

6 (d) The principal or the principal's designee shall  
 7 include an analysis of suspensions and expulsions in the  
 8 annual report of school progress.

9 (2) Suspension proceedings, pursuant to rules of the  
 10 State Board of Education, may be initiated against any  
 11 enrolled student who is formally charged with a felony, or  
 12 with a delinquent act which would be a felony if committed by  
 13 an adult, by a proper prosecuting attorney for an incident  
 14 which allegedly occurred on property other than public school  
 15 property, if that incident is shown, in an administrative  
 16 hearing with notice provided to the parents of the student by  
 17 the principal of the school pursuant to rules adopted by the  
 18 State Board of Education and to rules developed pursuant to s.  
 19 1001.54, to have an adverse impact on the educational program,  
 20 discipline, or welfare in the school in which the student is  
 21 enrolled. Any student who is suspended as the result of such  
 22 proceedings may be suspended from all classes of instruction  
 23 on public school grounds during regular classroom hours for a  
 24 period of time, which may exceed 10 days, as determined by the  
 25 district school superintendent. The suspension shall not  
 26 affect the delivery of educational services to the student,  
 27 and the student shall be immediately enrolled in a daytime  
 28 alternative education program, or an evening alternative  
 29 education program, where appropriate. If the court determines  
 30 that the student did commit the felony or delinquent act which  
 31 would have been a felony if committed by an adult, the

1 district school board may expel the student, provided that  
 2 expulsion under this subsection shall not affect the delivery  
 3 of educational services to the student in any residential,  
 4 nonresidential, alternative, daytime, or evening program  
 5 outside of the regular school setting. Any student who is  
 6 subject to discipline or expulsion for unlawful possession or  
 7 use of any substance controlled under chapter 893 may be  
 8 entitled to a waiver of the discipline or expulsion:

9       (a) If the student divulges information leading to the  
 10 arrest and conviction of the person who supplied the  
 11 controlled substance to him or her, or if the student  
 12 voluntarily discloses his or her unlawful possession of the  
 13 controlled substance prior to his or her arrest. Any  
 14 information divulged which leads to arrest and conviction is  
 15 not admissible in evidence in a subsequent criminal trial  
 16 against the student divulging the information.

17       (b) If the student commits himself or herself, or is  
 18 referred by the court in lieu of sentence, to a state-licensed  
 19 drug abuse program and successfully completes the program.

20       (3) A student may be disciplined or expelled for  
 21 unlawful possession or use of any substance controlled under  
 22 chapter 893 upon the third violation of this provision.

23       (4) When a student has been the victim of a violent  
 24 crime perpetrated by another student who attends the same  
 25 school, the school principal shall make full and effective use  
 26 of the provisions of ss. 1006.09(2) and 1006.13(5). A school  
 27 principal who fails to comply with this subsection shall be  
 28 ineligible for any portion of the performance pay policy  
 29 incentive under s. 1012.22(1)(c). However, if any party  
 30 responsible for notification fails to properly notify the  
 31 school, the school principal shall be eligible for the

1 incentive.

2 (5) Any recommendation for the suspension or expulsion  
3 of a student with a disability must be made in accordance with  
4 rules adopted by the State Board of Education.

5 (6) Each school principal must ensure that  
6 standardized forms prescribed by rule of the State Board of  
7 Education are used to report data concerning school safety and  
8 discipline to the department. The school principal must  
9 develop a plan to verify the accuracy of reported incidents.

10 (7) The State Board of Education shall adopt by rule a  
11 standardized form to be used by each school principal to  
12 report data concerning school safety and discipline.

13 (8) The school principal shall require all school  
14 personnel to report to the principal or principal's designee  
15 any suspected unlawful use, possession, or sale by a student  
16 of any controlled substance, as defined in s. 893.02; any  
17 counterfeit controlled substance, as defined in s. 831.31; any  
18 alcoholic beverage, as defined in s. 561.01(4); or model glue.  
19 School personnel are exempt from civil liability when  
20 reporting in good faith to the proper school authority such  
21 suspected unlawful use, possession, or sale by a student.  
22 Only a principal or principal's designee is authorized to  
23 contact a parent or legal guardian of a student regarding this  
24 situation. Reports made and verified under this subsection  
25 shall be forwarded to an appropriate agency. The principal or  
26 principal's designee shall timely notify the student's parent  
27 that a verified report made under this subsection with respect  
28 to the student has been made and forwarded.

29 (9) A school principal or a school employee designated  
30 by the principal, if she or he has reasonable suspicion that a  
31 prohibited or illegally possessed substance or object is

1 contained within a student's locker or other storage area, may  
 2 search the locker or storage area. The district school board  
 3 shall require and each school principal shall cause to be  
 4 posted in each public K-12 school, in a place readily seen by  
 5 students, a notice stating that a student's locker or other  
 6 storage area is subject to search, upon reasonable suspicion,  
 7 for prohibited or illegally possessed substances or objects.  
 8 This subsection does not prohibit the use of metal detectors  
 9 or specially trained animals in the course of a search for  
 10 illegally possessed substances or objects.

11 Section 276. Section 1006.10, Florida Statutes, is  
 12 created to read:

13 1006.10 Authority of school bus drivers and district  
 14 school boards relating to student discipline and student  
 15 safety on school buses.--

16 (1) The school bus driver shall require order and good  
 17 behavior by all students being transported on school buses.

18 (2) The district school board shall require a system  
 19 of progressive discipline of transported students for actions  
 20 which are prohibited by the code of student conduct.

21 Disciplinary actions, including suspension of students from  
 22 riding on district school board owned or contracted school  
 23 buses, shall be subject to district school board policies and  
 24 procedures and may be imposed by the principal or the  
 25 principal's designee. The principal or the principal's  
 26 designee may delegate any disciplinary authority to school bus  
 27 drivers except for suspension of students from riding the bus.

28 (3) The school bus driver shall control students  
 29 during the time students are on the school bus, but shall not  
 30 have such authority when students are waiting at the school  
 31 bus stop or when students are en route to or from the school

1 bus stop except when the bus is present at the bus stop.

2 (4) If an emergency should develop due to the conduct  
3 of students on the bus, the school bus driver may take such  
4 steps as are immediately necessary to protect the students on  
5 the bus.

6 (5) School bus drivers shall not be required to  
7 operate a bus under conditions in which one or more students  
8 pose a clear and present danger to the safety of the driver or  
9 other students, or the safety of the bus while in operation.  
10 The district school board shall have measures in place  
11 designed to protect the school bus driver from threats or  
12 physical injury from students.

13 (6) District school boards may use transportation,  
14 school safety, or FEFP funds to provide added security for  
15 buses transporting disruptive or delinquent students to and  
16 from school or other educational activities.

17 (7) In the case of a student having engaged in violent  
18 or blatantly unsafe actions while riding the school bus, the  
19 district school board shall take corrective measures to  
20 ensure, to the extent feasible, that such actions are not  
21 repeated prior to reassigning the student to the bus.

22 Section 277. Section 1006.11, Florida Statutes, is  
23 created to read:

24 1006.11 Standards for use of reasonable force.--

25 (1) The State Board of Education shall adopt standards  
26 for the use of reasonable force by district school board  
27 personnel to maintain a safe and orderly learning environment.  
28 Such standards shall be distributed to each school in the  
29 state and shall provide guidance to district school board  
30 personnel in receiving the limitations on liability specified  
31 in subsection (2).

1           (2) Except in the case of excessive force or cruel and  
 2 unusual punishment, a teacher or other member of the  
 3 instructional staff, a principal or the principal's designated  
 4 representative, or a school bus driver shall not be civilly or  
 5 criminally liable for any action carried out in conformity  
 6 with the State Board of Education and district school board  
 7 rules regarding the control, discipline, suspension, and  
 8 expulsion of students, including, but not limited to, any  
 9 exercise of authority under s. 1006.09 or s. 1003.32.

10           Section 278. Section 1006.12, Florida Statutes, is  
 11 created to read:

12           1006.12 School resource officers and school safety  
 13 officers.--

14           (1) District school boards may establish school  
 15 resource officer programs, through a cooperative agreement  
 16 with law enforcement agencies or in accordance with subsection  
 17 (2).

18           (a) School resource officers shall be certified law  
 19 enforcement officers, as defined in s. 943.10(1), who are  
 20 employed by a law enforcement agency as defined in s.  
 21 943.10(4). The powers and duties of a law enforcement officer  
 22 shall continue throughout the employee's tenure as a school  
 23 resource officer.

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

1 direction of the school principal.

2 (2)(a) School safety officers shall be law enforcement  
3 officers, as defined in s. 943.10(1), certified under the  
4 provisions of chapter 943 and employed by either a law  
5 enforcement agency or by the district school board. If the  
6 officer is employed by the district school board, the district  
7 school board is the employing agency for purposes of chapter  
8 943, and must comply with the provisions of that chapter.

9 (b) A district school board may commission one or more  
10 school safety officers for the protection and safety of school  
11 personnel, property, and students within the school district.  
12 The district school superintendent may recommend and the  
13 district school board may appoint one or more school safety  
14 officers.

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

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

27 Section 279. Section 1006.13, Florida Statutes, is  
28 created to read:

29 1006.13 Policy of zero tolerance for crime and  
30 victimization.--

31 (1) Each district school board shall adopt a policy of



1 zero tolerance for:

2 (a) Crime and substance abuse, including the reporting  
3 of delinquent acts and crimes occurring whenever and wherever  
4 students are under the jurisdiction of the district school  
5 board.

6 (b) Victimization of students, including taking all  
7 steps necessary to protect the victim of any violent crime  
8 from any further victimization.

9 (2) The zero tolerance policy shall require students  
10 found to have committed one of the following offenses to be  
11 expelled, with or without continuing educational services,  
12 from the student's regular school for a period of not less  
13 than 1 full year, and to be referred to the criminal justice  
14 or juvenile justice system.

15 (a) Bringing a firearm or weapon, as defined in  
16 chapter 790, to school, to any school function, or onto any  
17 school-sponsored transportation; provided, however, that  
18 nothing herein shall require the district school board to  
19 apply such requirements to a firearm or weapon that is  
20 lawfully stored in a locked vehicle on school property, or for  
21 activities approved and authorized by the district school  
22 board when the board has adopted appropriate safeguards to  
23 ensure student safety.

24 (b) Making a threat or false report, as defined by ss.  
25 790.162 and 790.163, respectively, involving school or school  
26 personnel's property, school transportation, or a  
27 school-sponsored activity.

28  
29 District school boards may assign the student to a  
30 disciplinary program for the purpose of continuing educational  
31 services during the period of expulsion. District school

1 superintendents may consider the 1-year expulsion requirement  
 2 on a case-by-case basis and request the district school board  
 3 to modify the requirement by assigning the student to a  
 4 disciplinary program or second chance school if it is  
 5 determined to be in the best interest of the student and the  
 6 school system. If a student committing any of the offenses in  
 7 this subsection is a student with a disability, the district  
 8 school board shall comply with applicable State Board of  
 9 Education rules.

10       (3) Each district school board shall enter into  
 11 agreements with the county sheriff's office and local police  
 12 department specifying guidelines for ensuring that felonies  
 13 and violent misdemeanors, whether committed by a student or  
 14 adult, and delinquent acts that would be felonies or violent  
 15 misdemeanors if committed by an adult, are reported to law  
 16 enforcement. Each district school board shall adopt a  
 17 cooperative agreement, pursuant to s. 1003.52(13) with the  
 18 Department of Juvenile Justice, that specifies guidelines for  
 19 ensuring that all no contact orders entered by the court are  
 20 reported and enforced and that all steps necessary are taken  
 21 to protect the victim of any such crime. Such agreements shall  
 22 include the role of school resource officers, if applicable,  
 23 in handling reported incidents, special circumstances in which  
 24 school officials may handle incidents without filing a report  
 25 to law enforcement, and a procedure for ensuring that school  
 26 personnel properly report appropriate delinquent acts and  
 27 crimes. The school principal shall be responsible for ensuring  
 28 that all school personnel are properly informed as to their  
 29 responsibilities regarding crime reporting, that appropriate  
 30 delinquent acts and crimes are properly reported, and that  
 31 actions taken in cases with special circumstances are properly

1 taken and documented.

2 (4) Notwithstanding any other provision of law, each  
3 district school board shall adopt rules providing that any  
4 student found to have committed a violation of s. 784.081(1),  
5 (2), or (3) shall be expelled or placed in an alternative  
6 school setting or other program, as appropriate. Upon being  
7 charged with the offense, the student shall be removed from  
8 the classroom immediately and placed in an alternative school  
9 setting pending disposition.

10 (5)(a) Notwithstanding any provision of law  
11 prohibiting the disclosure of the identity of a minor,  
12 whenever any student who is attending public school is  
13 adjudicated guilty of or delinquent for, or is found to have  
14 committed, regardless of whether adjudication is withheld, or  
15 pleads guilty or nolo contendere to, a felony violation of:

- 16 1. Chapter 782, relating to homicide;
- 17 2. Chapter 784, relating to assault, battery, and
- 18 culpable negligence;
- 19 3. Chapter 787, relating to kidnapping, false
- 20 imprisonment, luring or enticing a child, and custody
- 21 offenses;
- 22 4. Chapter 794, relating to sexual battery;
- 23 5. Chapter 800, relating to lewdness and indecent
- 24 exposure;
- 25 6. Chapter 827, relating to abuse of children;
- 26 7. Section 812.13, relating to robbery;
- 27 8. Section 812.131, relating to robbery by sudden
- 28 snatching;
- 29 9. Section 812.133, relating to carjacking; or
- 30 10. Section 812.135, relating to home-invasion
- 31 robbery,

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1  
2 and, before or at the time of such adjudication, withholding  
3 of adjudication, or plea, the offender was attending a school  
4 attended by the victim or a sibling of the victim of the  
5 offense, the Department of Juvenile Justice shall notify the  
6 appropriate district school board of the adjudication or plea,  
7 the requirements of this paragraph, and whether the offender  
8 is prohibited from attending that school or riding on a school  
9 bus whenever the victim or a sibling of the victim is  
10 attending the same school or riding on the same school bus,  
11 except as provided pursuant to a written disposition order  
12 under s. 985.23(1)(d). Upon receipt of such notice, the  
13 district school board shall take appropriate action to  
14 effectuate the provisions of paragraph (b).

15       (b) Any offender described in paragraph (a), who is  
16 not exempted as provided in paragraph (a), shall not attend  
17 any school attended by the victim or a sibling of the victim  
18 of the offense or ride on a school bus on which the victim or  
19 a sibling of the victim is riding. The offender shall be  
20 permitted by the district school board to attend another  
21 school within the district in which the offender resides,  
22 provided the other school is not attended by the victim or  
23 sibling of the victim of the offense; or the offender may be  
24 permitted by another district school board to attend a school  
25 in that district if the offender is unable to attend any  
26 school in the district in which the offender resides.

27       (c) If the offender is unable to attend any other  
28 school in the district in which the offender resides and is  
29 prohibited from attending school in another school district,  
30 the district school board in the school district in which the  
31 offender resides shall take every reasonable precaution to

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1 keep the offender separated from the victim while on school  
 2 grounds or on school transportation. The steps to be taken by  
 3 a district school board to keep the offender separated from  
 4 the victim shall include, but are not limited to, in-school  
 5 suspension of the offender and the scheduling of classes,  
 6 lunch, or other school activities of the victim and the  
 7 offender so as not to coincide.

8 (d) The offender, or the parents of the offender if  
 9 the offender is a juvenile, shall be responsible for arranging  
 10 and paying for transportation associated with or required by  
 11 the offender's attending another school or that would be  
 12 required as a consequence of the prohibition against riding on  
 13 a school bus on which the victim or a sibling of the victim is  
 14 riding. However, the offender or the parents of the offender  
 15 shall not be charged for existing modes of transportation that  
 16 can be used by the offender at no additional cost to the  
 17 district school board.

18 Section 280. Section 1006.14, Florida Statutes, is  
 19 created to read:

20 1006.14 Secret societies prohibited in public K-12  
 21 schools.--

22 (1) It is unlawful for any person, group, or  
 23 organization to organize or establish a fraternity, sorority,  
 24 or other secret society whose membership is comprised in whole  
 25 or in part of students enrolled in any public K-12 school or  
 26 to go upon any public K-12 school premises for the purpose of  
 27 soliciting any students to join such an organization.

28 (2) A secret society shall be interpreted to be a  
 29 fraternity, sorority, or other organization whose active  
 30 membership is comprised wholly or partly of students enrolled  
 31 in public K-12 schools and which perpetuates itself wholly or

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1 partly by taking in additional members from the students  
 2 enrolled in public K-12 schools on the basis of the decision  
 3 of its membership rather than on the right of any student who  
 4 is qualified by the rules of the school to be a member of and  
 5 take part in any class or group exercise designated and  
 6 classified according to gender, subjects included in the  
 7 course of study, or program of school activities fostered and  
 8 promoted by the district school board and district school  
 9 superintendent or by school principals.

10 (3) This section shall not be construed to prevent the  
 11 establishment of an organization fostered and promoted by  
 12 school authorities, or approved and accepted by school  
 13 authorities, and whose membership is selected on the basis of  
 14 good character, good scholarship, leadership ability, and  
 15 achievement. Full information regarding the charter,  
 16 principles, purposes, and conduct of any such accepted  
 17 organization shall be made available to all students and  
 18 instructional personnel of the school.

19 (4) This section shall not be construed to relate to  
 20 any junior organization or society sponsored by the Police  
 21 Athletic League, Knights of Pythias, Oddfellows, Moose,  
 22 Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai  
 23 B'rith, Young Men's and Young Women's Hebrew Associations,  
 24 Young Men's and Young Women's Christian Associations, Kiwanis,  
 25 Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation  
 26 of Garden Clubs, and Florida Federation of Women's Clubs.

27 (5) It is unlawful for any student enrolled in any  
 28 public K-12 school to be a member of, to join or to become a  
 29 member of or to pledge himself or herself to become a member  
 30 of any secret fraternity, sorority, or group wholly or partly  
 31 formed from the membership of students attending public K-12

1 schools or to take part in the organization or formation of  
 2 any such fraternity, sorority, or secret society; provided  
 3 that this does not prevent any student from belonging to any  
 4 organization fostered and promoted by the school authorities;  
 5 or approved and accepted by the school authorities and whose  
 6 membership is selected on the basis of good character, good  
 7 scholarship, leadership ability, and achievement.

8       (6) The district school board may enforce the  
 9 provisions of this section and prescribe and enforce such  
 10 rules as are necessary. District school boards shall enforce  
 11 the provisions of this section by suspending or, if necessary,  
 12 expelling any student in any public K-12 school who violates  
 13 this section.

14       Section 281. Section 1006.141, Florida Statutes, is  
 15 created to read:

16       1006.141 Statewide school safety hotline.--

17       (1) The department may contract with the Florida  
 18 Sheriffs Association to establish and operate a statewide  
 19 toll-free school safety hotline for the purpose of reporting  
 20 incidents that affect the safety and well-being of the  
 21 school's population.

22       (2) The toll-free school safety hotline is to be a  
 23 conduit for any person to anonymously report activity that  
 24 affects the safety and well-being of the school's population.

25       (3) There may not be an award or monetary benefit for  
 26 reporting an incident through the toll-free school safety  
 27 hotline.

28       (4) The toll-free school safety hotline shall be  
 29 operated in a manner that ensures that a designated school  
 30 official is notified of a complaint received through the  
 31 hotline if the complaint concerns that school. A complaint

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1 that concerns an actionable offense must be reported to the  
2 designated official within a reasonable time after the  
3 complaint is made. An actionable offense is an incident that  
4 could directly affect the safety or well-being of a person or  
5 property within a school.

6 (5) If a toll-free school safety hotline is  
7 established by contract with the Florida Sheriffs Association,  
8 the Florida Sheriffs Association shall produce a quarterly  
9 report that evaluates the incidents that have been reported to  
10 the hotline. This information may be used to evaluate future  
11 school safety educational needs and the need for prevention  
12 programs as the district school board considers necessary.

13 Section 282. Section 1006.145, Florida Statutes, is  
14 created to read:

15 1006.145 Disturbing school functions; penalty.--Any  
16 person not subject to the rules of a school who creates a  
17 disturbance on the property or grounds of any school, who  
18 commits any act that interrupts the orderly conduct of a  
19 school or any activity thereof commits a misdemeanor of the  
20 second degree, punishable as provided in s. 775.082 or s.  
21 775.083.

22 Section 283. Part I.d. of chapter 1006, Florida  
23 Statutes, shall be entitled "Student Extracurricular  
24 Activities and Athletics" and shall consist of ss.  
25 1006.15-1006.20.

26 Section 284. Section 1006.15, Florida Statutes, is  
27 created to read:

28 1006.15 Student standards for participation in  
29 interscholastic extracurricular student activities;  
30 regulation.--

31 (1) This section may be cited as the "Craig Dickinson



1 Act."

2 (2) Interscholastic extracurricular student activities  
3 are an important complement to the academic curriculum.

4 Participation in a comprehensive extracurricular and academic  
5 program contributes to student development of the social and  
6 intellectual skills necessary to become a well-rounded adult.

7 As used in this section, the term "extracurricular" means any  
8 school-authorized or education-related activity occurring  
9 during or outside the regular instructional school day.

10 (3)(a) To be eligible to participate in  
11 interscholastic extracurricular student activities, a student  
12 must:

13 1. Maintain a grade point average of 2.0 or above on a  
14 4.0 scale, or its equivalent, in the previous semester or a  
15 cumulative grade point average of 2.0 or above on a 4.0 scale,  
16 or its equivalent, in the courses required by s. 1003.43(1).

17 2. Execute and fulfill the requirements of an academic  
18 performance contract between the student, the district school  
19 board, the appropriate governing association, and the  
20 student's parents, if the student's cumulative grade point  
21 average falls below 2.0, or its equivalent, on a 4.0 scale in  
22 the courses required by s. 1003.43(1) or, for students who  
23 entered the 9th grade prior to the 1997-1998 school year, if  
24 the student's cumulative grade point average falls below 2.0  
25 on a 4.0 scale, or its equivalent, in the courses required by  
26 s. 1003.43(1) that are taken after July 1, 1997. At a minimum,  
27 the contract must require that the student attend summer  
28 school, or its graded equivalent, between grades 9 and 10 or  
29 grades 10 and 11, as necessary.

30 3. Have a cumulative grade point average of 2.0 or  
31 above on a 4.0 scale, or its equivalent, in the courses

1 required by s. 1003.43(1) during his or her junior or senior  
2 year.

3 4. Maintain satisfactory conduct and, if a student is  
4 convicted of, or is found to have committed, a felony or a  
5 delinquent act which would have been a felony if committed by  
6 an adult, regardless of whether adjudication is withheld, the  
7 student's participation in interscholastic extracurricular  
8 activities is contingent upon established and published  
9 district school board policy.

10 (b) Any student who is exempt from attending a full  
11 school day based on rules adopted by the district school board  
12 for double session schools or programs, experimental schools,  
13 or schools operating under emergency conditions must maintain  
14 the grade point average required by this section and pass each  
15 class for which he or she is enrolled.

16 (c) An individual home education student is eligible  
17 to participate at the public school to which the student would  
18 be assigned according to district school board attendance area  
19 policies or which the student could choose to attend pursuant  
20 to district or interdistrict controlled open enrollment  
21 provisions, or may develop an agreement to participate at a  
22 private school, in the interscholastic extracurricular  
23 activities of that school, provided the following conditions  
24 are met:

25 1. The home education student must meet the  
26 requirements of the home education program pursuant to s.  
27 1002.41.

28 2. During the period of participation at a school, the  
29 home education student must demonstrate educational progress  
30 as required in paragraph (3)(b) in all subjects taken in the  
31 home education program by a method of evaluation agreed upon

1 by the parent and the school principal which may include:  
 2 review of the student's work by a certified teacher chosen by  
 3 the parent; grades earned through correspondence; grades  
 4 earned in courses taken at a community college, university, or  
 5 trade school; standardized test scores above the 35th  
 6 percentile; or any other method designated in s. 1002.41.

7 3. The home education student must meet the same  
 8 residency requirements as other students in the school at  
 9 which he or she participates.

10 4. The home education student must meet the same  
 11 standards of acceptance, behavior, and performance as required  
 12 of other students in extracurricular activities.

13 5. The student must register with the school his or  
 14 her intent to participate in interscholastic extracurricular  
 15 activities as a representative of the school before the  
 16 beginning date of the season for the activity in which he or  
 17 she wishes to participate. A home education student must be  
 18 able to participate in curricular activities if that is a  
 19 requirement for an extracurricular activity.

20 6. A student who transfers from a home education  
 21 program to a public school before or during the first grading  
 22 period of the school year is academically eligible to  
 23 participate in interscholastic extracurricular activities  
 24 during the first grading period provided the student has a  
 25 successful evaluation from the previous school year, pursuant  
 26 to subparagraph (3)(c)2.

27 7. Any public school or private school student who has  
 28 been unable to maintain academic eligibility for participation  
 29 in interscholastic extracurricular activities is ineligible to  
 30 participate in such activities as a home education student  
 31 until the student has successfully completed one grading

1 period in home education pursuant to subparagraph (3)(c)2. to  
2 become eligible to participate as a home education student.

3 (d) An individual charter school student pursuant to  
4 s. 1002.33 is eligible to participate at the public school to  
5 which the student would be assigned according to district  
6 school board attendance area policies or which the student  
7 could choose to attend, pursuant to district or interdistrict  
8 controlled open-enrollment provisions, in any interscholastic  
9 extracurricular activity of that school, unless such activity  
10 is provided by the student's charter school, if the following  
11 conditions are met:

12 1. The charter school student must meet the  
13 requirements of the charter school education program as  
14 determined by the charter school governing board.

15 2. During the period of participation at a school, the  
16 charter school student must demonstrate educational progress  
17 as required in paragraph (b).

18 3. The charter school student must meet the same  
19 residency requirements as other students in the school at  
20 which he or she participates.

21 4. The charter school student must meet the same  
22 standards of acceptance, behavior, and performance that are  
23 required of other students in extracurricular activities.

24 5. The charter school student must register with the  
25 school his or her intent to participate in interscholastic  
26 extracurricular activities as a representative of the school  
27 before the beginning date of the season for the activity in  
28 which he or she wishes to participate. A charter school  
29 student must be able to participate in curricular activities  
30 if that is a requirement for an extracurricular activity.

31 6. A student who transfers from a charter school

1 program to a traditional public school before or during the  
 2 first grading period of the school year is academically  
 3 eligible to participate in interscholastic extracurricular  
 4 activities during the first grading period if the student has  
 5 a successful evaluation from the previous school year,  
 6 pursuant to subparagraph 2.

7 7. Any public school or private school student who has  
 8 been unable to maintain academic eligibility for participation  
 9 in interscholastic extracurricular activities is ineligible to  
 10 participate in such activities as a charter school student  
 11 until the student has successfully completed one grading  
 12 period in a charter school pursuant to subparagraph 2. to  
 13 become eligible to participate as a charter school student.

14 (4) The student standards for participation in  
 15 interscholastic extracurricular activities must be applied  
 16 beginning with the student's first semester of the 9th grade.  
 17 Each student must meet such other requirements for  
 18 participation as may be established by the district school  
 19 board; however, a district school board may not establish  
 20 requirements for participation in interscholastic  
 21 extracurricular activities which make participation in such  
 22 activities less accessible to home education students than to  
 23 other students. Except as set forth in paragraph (3)(c),  
 24 evaluation processes or requirements that are placed on home  
 25 education student participants may not go beyond those that  
 26 apply under s. 1002.41 to home education students generally.

27 (5) Any organization or entity that regulates or  
 28 governs interscholastic extracurricular activities of public  
 29 schools:

30 (a) Shall permit home education associations to join  
 31 as member schools.

1           (b) Shall not discriminate against any eligible  
2 student based on an educational choice of public, private, or  
3 home education.

4           (6) Public schools are prohibited from membership in  
5 any organization or entity which regulates or governs  
6 interscholastic extracurricular activities and discriminates  
7 against eligible students in public, private, or home  
8 education.

9           (7) Any insurance provided by district school boards  
10 for participants in extracurricular activities shall cover the  
11 participating home education student. If there is an  
12 additional premium for such coverage, the participating home  
13 education student shall pay the premium.

14           Section 285. Section 1006.16, Florida Statutes, is  
15 created to read:

16           1006.16 Insuring school students engaged in athletic  
17 activities against injury.--Any district school board, school  
18 athletic association, or school may formulate, conduct, and  
19 purchase a plan or method of insuring, or may self-insure,  
20 school students against injury sustained by reason of such  
21 students engaging and participating in the athletic activities  
22 conducted or sponsored by the district school board,  
23 association, or school in which such students are enrolled. A  
24 district school board, school athletic association, or school  
25 may add a surcharge to the fee charged for admission to  
26 athletic events as a means of producing revenue to purchase  
27 such insurance or to provide self-insurance. Any district  
28 school board may pay for all or part of such plan or method of  
29 insurance or self-insurance from available district school  
30 board funds.

31           Section 286. Section 1006.17, Florida Statutes, is

1 created to read:

2 1006.17 Sponsorship of athletic activities similar to  
3 those for which scholarships offered; rulemaking.--

4 (1) If a district school board sponsors an athletic  
5 activity or sport that is similar to a sport for which a state  
6 university or public community college offers an athletic  
7 scholarship, it must sponsor the athletic activity or sport  
8 for which a scholarship is offered. This section does not  
9 affect academic requirements for participation or prevent the  
10 school districts or community colleges from sponsoring  
11 activities in addition to those for which scholarships are  
12 provided.

13 (2) If a Florida public community college sponsors an  
14 athletic activity or sport that is similar to a sport for  
15 which a state university offers an athletic scholarship, it  
16 must sponsor the athletic activity or sport for which a  
17 scholarship is offered.

18 (3) Two athletic activities or sports that are similar  
19 may be offered simultaneously.

20 (4) If the level of participation is insufficient to  
21 warrant continuation of an athletic activity or sport, the  
22 school may offer an alternative athletic activity or sport.

23 (5) The State Board of Education shall adopt rules to  
24 administer this section, including rules that determine which  
25 athletic activities are similar to sports for which state  
26 universities and community colleges offer scholarships.

27 Section 287. Section 1006.18, Florida Statutes, is  
28 created to read:

29 1006.18 Cheerleader safety standards.--The Florida  
30 High School Activities Association or successor organization  
31 shall adopt statewide uniform safety standards for student

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1 cheerleaders and spirit groups that participate in any school  
 2 activity or extracurricular student activity. The Florida High  
 3 School Activities Association or successor organization shall  
 4 adopt the "Official High School Spirit Rules," published by  
 5 the National Federation of State High School Associations, as  
 6 the statewide uniform safety standards.

7 Section 288. Section 1006.19, Florida Statutes, is  
 8 created to read:

9 1006.19 Audit of records of nonprofit corporations and  
 10 associations handling interscholastic activities.--

11 (1) Each nonprofit association or corporation that  
 12 operates for the purpose of supervising and controlling  
 13 interscholastic activities of public high schools and whose  
 14 membership is composed of duly certified representatives of  
 15 public high schools, and whose rules and regulations are  
 16 established by members thereof, shall have an annual financial  
 17 audit of its accounts and records by an independent certified  
 18 public accountant retained by it and paid from its funds. The  
 19 accountant shall furnish a copy of the audit report to the  
 20 Auditor General for review.

21 (2) Any such nonprofit association or corporation  
 22 shall keep adequate and complete records of all moneys  
 23 received by it, including the source and amount, and all  
 24 moneys spent by it, including salaries, fees, expenses, travel  
 25 allowances, and all other items of expense. All records of  
 26 any such organization shall be open for inspection by the  
 27 Auditor General or the Auditor General's employees.

28 Section 289. Section 1006.20, Florida Statutes, is  
 29 created to read:

30 1006.20 Athletics in public K-12 schools.--

31 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida



1 High School Activities Association is designated as the  
 2 governing nonprofit organization of athletics in Florida  
 3 public schools. If the Florida High School Activities  
 4 Association fails to meet the provisions of this section, the  
 5 commissioner shall designate a nonprofit organization to  
 6 govern athletics with the approval of the State Board of  
 7 Education. The organization is not to be a state agency as  
 8 defined in s. 120.52. The organization shall be subject to the  
 9 provisions of s. 1006.19. A private school that wishes to  
 10 engage in high school athletic competition with a public high  
 11 school may become a member of the organization. The bylaws of  
 12 the organization are to be the rules by which high school  
 13 athletic programs in its member schools, and the students who  
 14 participate in them, are governed, unless otherwise  
 15 specifically provided by statute. For the purposes of this  
 16 section, "high school" includes grades 6 through 12.

17 (2) ADOPTION OF BYLAWS.--

18 (a) The organization shall adopt bylaws that, unless  
 19 specifically provided by statute, establish eligibility  
 20 requirements for all students who participate in high school  
 21 athletic competition in its member schools. The bylaws  
 22 governing residence and transfer shall allow the student to be  
 23 eligible in the school in which he or she first enrolls each  
 24 school year, or makes himself or herself a candidate for an  
 25 athletic team by engaging in a practice prior to enrolling in  
 26 any member school. The student shall be eligible in that  
 27 school so long as he or she remains enrolled in that school.  
 28 Subsequent eligibility shall be determined and enforced  
 29 through the organization's bylaws.

30 (b) The organization shall adopt bylaws that  
 31 specifically prohibit the recruiting of students for athletic

1 purposes. The bylaws shall prescribe penalties and an appeals  
2 process for athletic recruiting violations.

3 (c) The organization shall adopt bylaws that require  
4 all students participating in interscholastic athletic  
5 competition or who are candidates for an interscholastic  
6 athletic team to satisfactorily pass a medical evaluation each  
7 year prior to participating in interscholastic athletic  
8 competition or engaging in any practice, tryout, workout, or  
9 other physical activity associated with the student's  
10 candidacy for an interscholastic athletic team. Such medical  
11 evaluation can only be administered by a practitioner licensed  
12 under the provisions of chapter 458, chapter 459, chapter 460,  
13 or s. 464.012, and in good standing with the practitioner's  
14 regulatory board. The bylaws shall establish requirements for  
15 eliciting a student's medical history and performing the  
16 medical evaluation required under this paragraph, which shall  
17 include minimum standards for the physical capabilities  
18 necessary for participation in interscholastic athletic  
19 competition as contained in a uniform preparticipation  
20 physical evaluation form. The evaluation form shall provide a  
21 place for the signature of the practitioner performing the  
22 evaluation with an attestation that each examination procedure  
23 listed on the form was performed by the practitioner or by  
24 someone under the direct supervision of the practitioner. The  
25 form shall also contain a place for the practitioner to  
26 indicate if a referral to another practitioner was made in  
27 lieu of completion of a certain examination procedure. The  
28 form shall provide a place for the practitioner to whom the  
29 student was referred to complete the remaining sections and  
30 attest to that portion of the examination. Practitioners  
31 administering medical evaluations pursuant to this subsection

1 must know the minimum standards established by the  
 2 organization and certify that the student meets the standards.  
 3 If the practitioner determines that there are any abnormal  
 4 findings in the cardiovascular system, the student may not  
 5 participate unless a subsequent EKG or other cardiovascular  
 6 assessment indicates that the abnormality will not place the  
 7 student at risk during such participation. Results of such  
 8 medical evaluation must be provided to the school. No student  
 9 shall be eligible to participate in any interscholastic  
 10 athletic competition or engage in any practice, tryout,  
 11 workout, or other physical activity associated with the  
 12 student's candidacy for an interscholastic athletic team until  
 13 the results of the medical evaluation verifying that the  
 14 student has satisfactorily passed the evaluation have been  
 15 received and approved by the school.

16 (d) Notwithstanding the provisions of paragraph (c), a  
 17 student may participate in interscholastic athletic  
 18 competition or be a candidate for an interscholastic athletic  
 19 team if the parent of the student objects in writing to the  
 20 student undergoing a medical evaluation because such  
 21 evaluation is contrary to his or her religious tenets or  
 22 practices. However, no person or entity shall be held liable  
 23 for any injury or other damages suffered by such student as a  
 24 result of his or her participation in athletics unless the  
 25 injury or damages are caused by unlawful activity, gross  
 26 negligence, or willful and wanton misconduct.

27 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

28 (a) The organization shall operate as a representative  
 29 democracy in which the sovereign authority is within its  
 30 member schools. Except as provided in this section, the  
 31 organization shall govern its affairs through its bylaws.

1           (b) Each member school, on its annual application for  
 2 membership, shall name its official representative to the  
 3 organization. This representative must be either the school  
 4 principal or his or her designee. That designee must either be  
 5 an assistant principal or athletic director housed within that  
 6 same school.

7           (c) The organization's membership shall be divided  
 8 along existing county lines into four contiguous and compact  
 9 administrative regions, each containing an equal or nearly  
 10 equal number of member schools to ensure equitable  
 11 representation on the organization's board of directors,  
 12 representative assembly, and committee on appeals.

13           (4) BOARD OF DIRECTORS.--

14           (a) The executive authority of the organization shall  
 15 be vested in its board of directors. The board of directors  
 16 shall be composed of 15 persons, as follows:

17           1. Four public member school representatives, one  
 18 elected from among its public school representative members  
 19 within each of the four administrative regions.

20           2. Four nonpublic member school representatives, one  
 21 elected from among its nonpublic school representative members  
 22 within each of the four administrative regions.

23           3. Two representatives appointed by the commissioner,  
 24 one appointed from the two northernmost administrative regions  
 25 and one appointed from the two southernmost administrative  
 26 regions.

27           4. Two district school superintendents, one elected  
 28 from the two northernmost administrative regions by the  
 29 members in those regions and one elected from the two  
 30 southernmost administrative regions by the members in those  
 31 regions.

1           5. Two district school board members, one elected from  
 2 the two northernmost administrative regions by the members in  
 3 those regions and one elected from the two southernmost  
 4 administrative regions by the members in those regions.

5           6. The commissioner or his or her designee from the  
 6 department executive staff.

7           (b) A quorum of the board of directors shall consist  
 8 of nine members.

9           (c) The board of directors shall elect a president and  
 10 a vice president from among its members. These officers shall  
 11 also serve as officers of the organization.

12           (d) Members of the board of directors shall serve  
 13 terms of 3 years and are eligible to succeed themselves only  
 14 once. A member of the board of directors, other than the  
 15 commissioner or his or her designee, may serve a maximum of 6  
 16 consecutive years. The organization's bylaws shall establish a  
 17 rotation of terms to ensure that a majority of the members'  
 18 terms do not expire concurrently.

19           (e) The authority and duties of the board of  
 20 directors, acting as a body and in accordance with the  
 21 organization's bylaws, are as follows:

22           1. To act as the incorporated organization's board of  
 23 directors and to fulfill its obligations as required by the  
 24 organization's charter and articles of incorporation.

25           2. To establish such guidelines, regulations,  
 26 policies, and procedures as are authorized by the bylaws.

27           3. To provide an organization commissioner, who shall  
 28 have the authority to waive the bylaws of the organization in  
 29 order to comply with statutory changes.

30           4. To levy annual dues and other fees and to set the  
 31 percentage of contest receipts to be collected by the

1 organization.

2       5. To approve the budget of the organization.

3       6. To organize and conduct statewide interscholastic  
4 competitions, which may or may not lead to state  
5 championships, and to establish the terms and conditions for  
6 these competitions.

7       7. To act as an administrative board in the  
8 interpretation of, and final decision on, all questions and  
9 appeals arising from the directing of interscholastic  
10 athletics of member schools.

11       (5) REPRESENTATIVE ASSEMBLY.--

12       (a) The legislative authority of the organization is  
13 vested in its representative assembly.

14       (b) The representative assembly shall be composed of  
15 the following:

16           1. An equal number of member school representatives  
17 from each of the four administrative regions.

18           2. Four district school superintendents, one elected  
19 from each of the four administrative regions by the district  
20 school superintendents in their respective administrative  
21 regions.

22           3. Four district school board members, one elected  
23 from each of the four administrative regions by the district  
24 school board members in their respective administrative  
25 regions.

26           4. The commissioner or his or her designee from the  
27 department executive staff.

28       (c) The organization's bylaws shall establish the  
29 number of member school representatives to serve in the  
30 representative assembly from each of the four administrative  
31 regions and shall establish the method for their selection.

1           (d) No member of the board of directors other than the  
2 commissioner or his or her designee can serve in the  
3 representative assembly.

4           (e) The representative assembly shall elect a  
5 chairperson and a vice chairperson from among its members.

6           (f) Elected members of the representative assembly  
7 shall serve terms of 2 years and are eligible to succeed  
8 themselves for two additional terms. An elected member, other  
9 than the commissioner or his or her designee, may serve a  
10 maximum of 6 consecutive years in the representative assembly.

11           (g) A quorum of the representative assembly consists  
12 of one more than half of its members.

13           (h) The authority of the representative assembly is  
14 limited to its sole duty, which is to consider, adopt, or  
15 reject any proposed amendments to the organization's bylaws.

16           (i) The representative assembly shall meet as a body  
17 annually. A two-thirds majority of the votes cast by members  
18 present is required for passage of any proposal.

19           (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

20           (a) The organization shall establish, sustain, fund,  
21 and provide staff support to a public liaison advisory  
22 committee composed of the following:

23           1. The commissioner or his or her designee.

24           2. A member public school principal.

25           3. A member private school principal.

26           4. A member school principal who is a member of a  
27 racial minority.

28           5. An active athletic director.

29           6. An active coach, who is employed full time by a  
30 member school.

31           7. A student athlete.

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- 1           8. A district school superintendent.
- 2           9. A district school board member.
- 3           10. A member of the Florida House of Representatives.
- 4           11. A member of the Florida Senate.
- 5           12. A parent of a high school student.
- 6           13. A member of a home education association.
- 7           14. A representative of the business community.
- 8           15. A representative of the news media.

9           (b) No member of the board of directors, committee on  
 10 appeals, or representative assembly is eligible to serve on  
 11 the public liaison advisory committee.

12           (c) The public liaison advisory committee shall elect  
 13 a chairperson and vice chairperson from among its members.

14           (d) The authority and duties of the public liaison  
 15 advisory committee are as follows:

16           1. To act as a conduit through which the general  
 17 public may have input into the decisionmaking process of the  
 18 organization and to assist the organization in the development  
 19 of procedures regarding the receipt of public input and  
 20 disposition of complaints related to high school athletic and  
 21 competition programs.

22           2. To conduct public hearings annually in each of the  
 23 four administrative regions during which interested parties  
 24 may address issues regarding the effectiveness of the rules,  
 25 operation, and management of the organization.

26           3. To conduct an annual evaluation of the organization  
 27 as a whole and present a report of its findings, conclusion,  
 28 and recommendations to the board of directors, to the  
 29 commissioner, and to the respective education committees of  
 30 the Florida Senate and the Florida House of Representatives.

31 The recommendations must delineate policies and procedures



1 that will improve the implementation and oversight of high  
2 school athletic programs by the organization.

3 (e) The public liaison advisory committee shall meet  
4 four times annually. Additional meetings may be called by the  
5 committee chairperson, the organization president, or the  
6 organization commissioner.

7 (7) APPEALS.--

8 (a) The organization shall establish a procedure of  
9 due process which ensures each student the opportunity to  
10 appeal an unfavorable ruling with regard to his or her  
11 eligibility to compete. The initial appeal shall be made to a  
12 committee on appeals within the administrative region in which  
13 the student lives. The organization's bylaws shall establish  
14 the number, size, and composition of the committee on appeals.

15 (b) No member of the board of directors is eligible to  
16 serve on the committee on appeals.

17 (c) Members of the committee on appeals shall serve  
18 terms of 3 years and are eligible to succeed themselves only  
19 once. A member of the committee on appeals may serve a maximum  
20 of 6 consecutive years. The organization's bylaws shall  
21 establish a rotation of terms to ensure that a majority of the  
22 members' terms do not expire concurrently.

23 (d) The authority and duties of the committee on  
24 appeals shall be to consider requests by member schools  
25 seeking exceptions to bylaws and regulations, to hear undue  
26 hardship eligibility cases filed by member schools on behalf  
27 of student athletes, and to hear appeals filed by member  
28 schools.

29 (e) A student athlete or member school that receives  
30 an unfavorable ruling from a committee on appeals shall be  
31 entitled to appeal that decision to the board of directors at

1 its next regularly scheduled meeting or called meeting. The  
 2 board of directors shall have the authority to uphold,  
 3 reverse, or amend the decision of the committee on appeals. In  
 4 all such cases, the decision of the board of directors shall  
 5 be final.

6 (8) AMENDMENT OF BYLAWS.--Each member school  
 7 representative, the board of directors acting as a whole or as  
 8 members acting individually, any advisory committee acting as  
 9 a whole to be established by the organization, and the  
 10 organization's commissioner are empowered to propose  
 11 amendments to the bylaws. Any other individual may propose an  
 12 amendment by securing the sponsorship of any of the  
 13 mentioned individuals or bodies. All proposed amendments  
 14 must be submitted directly to the representative assembly for  
 15 its consideration. The representative assembly, while  
 16 empowered to adopt, reject, or revise proposed amendments, may  
 17 not, in and of itself, as a body be allowed to propose any  
 18 amendment for its own consideration.

19 (9) RULES ADOPTION.--The bylaws of the organization  
 20 shall require member schools to adopt rules for sports, which  
 21 have been established by a nationally recognized sanctioning  
 22 body, unless waived by at least a two-thirds vote of the board  
 23 of directors.

24 Section 290. Part I.e. of chapter 1006, Florida  
 25 Statutes, shall be entitled "Transportation of Public K-12  
 26 Students" and shall consist of ss. 1006.21-1006.27.

27 Section 291. Section 1006.21, Florida Statutes, is  
 28 created to read:

29 1006.21 Duties of district school superintendent and  
 30 district school board regarding transportation.--

31 (1) The district school superintendent shall ascertain

1 which students should be transported to school or to school  
 2 activities, determine the most effective arrangement of  
 3 transportation routes to accommodate these students; recommend  
 4 such routing to the district school board; recommend plans and  
 5 procedures for providing facilities for the economical and  
 6 safe transportation of students; recommend such rules and  
 7 regulations as may be necessary and see that all rules and  
 8 regulations relating to the transportation of students  
 9 approved by the district school board, as well as regulations  
 10 of the state board, are properly carried into effect, as  
 11 prescribed in this chapter.

12 (2) After considering recommendations of the district  
 13 school superintendent, the district school board shall make  
 14 provision for the transportation of students to the public  
 15 schools or school activities they are required or expected to  
 16 attend; authorize transportation routes arranged efficiently  
 17 and economically; provide the necessary transportation  
 18 facilities, and, when authorized under rules of the State  
 19 Board of Education and if more economical to do so, provide  
 20 limited subsistence in lieu thereof; and adopt the necessary  
 21 rules and regulations to ensure safety, economy, and  
 22 efficiency in the operation of all buses, as prescribed in  
 23 this chapter.

24 (3) District school boards, after considering  
 25 recommendations of the district school superintendent:

26 (a) Shall provide transportation for each student in  
 27 prekindergarten disability programs and in kindergarten  
 28 through grade 12 membership in a public school when, and only  
 29 when, transportation is necessary to provide adequate  
 30 educational facilities and opportunities which otherwise would  
 31 not be available and to transport students whose homes are

1 more than a reasonable walking distance, as defined by rules  
2 of the State Board of Education, from the nearest appropriate  
3 school.

4 (b) Shall provide transportation for public elementary  
5 school students in membership whose grade level does not  
6 exceed grade 6, and may provide transportation for public  
7 school students in membership in grades 7 through 12, if such  
8 students are subjected to hazardous walking conditions as  
9 provided in s. 1006.23 while en route to or from school.

10 (c) May provide transportation for public school  
11 migrant, exceptional, nursery, and other public school  
12 students in membership below kindergarten; kindergarten  
13 through grade 12 students in membership in a public school;  
14 and adult students in membership in adult career and  
15 technical, basic, and high school graduation programs in a  
16 public school when, and only when, transportation is necessary  
17 to provide adequate educational facilities and opportunities  
18 which otherwise would not be available.

19 (d) May provide transportation for the transportation  
20 disadvantaged as defined in s. 427.011 and for other  
21 school-age children as provided for in s. 1006.261.

22 (e) Shall provide necessary transportation to pregnant  
23 students or student parents, and the children of those  
24 students, when the district school board operates a teenage  
25 parent program pursuant to s. 1003.54.

26 (f) May provide transportation for other persons to  
27 events or activities in which the district school board or  
28 school has agreed to participate or cosponsor. The district  
29 school board shall adopt a policy to address liability for  
30 trips pursuant to this paragraph.

31 (g) May provide transportation for welfare transition

1 program participants as defined in s. 414.0252.

2 (4) In each case in which transportation of students  
3 is impracticable in the opinion of the district school board,  
4 the district school board may take steps for making available  
5 educational facilities as are authorized by law or rule of the  
6 State Board of Education and as, in the opinion of the  
7 district school board, are practical.

8 Section 292. Section 1006.22, Florida Statutes, is  
9 created to read:

10 1006.22 Safety and health of students being  
11 transported.--Maximum regard for safety and adequate  
12 protection of health are primary requirements that must be  
13 observed by district school boards in routing buses,  
14 appointing drivers, and providing and operating equipment, in  
15 accordance with all requirements of law and rules of the State  
16 Board of Education in providing transportation pursuant to s.  
17 1006.21:

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

28 (a) When the transportation is for physically  
29 handicapped or isolated students and the district school board  
30 has elected to provide for the transportation of the student  
31 through written or oral contracts or agreements.

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

5           (c) When the transportation is provided through a  
 6 public transit system.

7           (d) When the transportation of students is necessary  
 8 or practical in a motor vehicle owned or operated by a  
 9 district school board other than a school bus, such  
 10 transportation must be provided in designated seating  
 11 positions in a passenger car not to exceed 8 students or in a  
 12 multipurpose passenger vehicle designed to transport 10 or  
 13 fewer persons which meets all applicable federal motor vehicle  
 14 safety standards. Multipurpose passenger vehicles classified  
 15 as utility vehicles with a wheelbase of 110 inches or less  
 16 which are required by federal motor vehicle standards to  
 17 display a rollover warning label may not be used.

18  
 19 When students are transported in motor vehicles, the occupant  
 20 crash protection system provided by the vehicle manufacturer  
 21 must be used unless the student's physical condition prohibits  
 22 such use.

23           (2) Except as provided in subsection (1), district  
 24 school boards may authorize the transportation of students in  
 25 privately owned motor vehicles on a case-by-case basis only in  
 26 the following circumstances:

27           (a) When a student is ill or injured and must be taken  
 28 home or to a medical treatment facility under nonemergency  
 29 circumstances; and

30           1. The school has been unable to contact the student's  
 31 parent or the parent or responsible adult designated by the

1 parent is not available to provide the transportation;

2 2. Proper adult supervision of the student is  
3 available at the location to which the student is being  
4 transported;

5 3. The transportation is approved by the school  
6 principal, or a school administrator designated by the  
7 principal to grant or deny such approval, or in the absence of  
8 the principal and designee, by the highest ranking school  
9 administrator or teacher available under the circumstances;  
10 and

11 4. If the school has been unable to contact the parent  
12 prior to the transportation, the school shall continue to seek  
13 to contact the parent until the school is able to notify the  
14 parent of the transportation and the pertinent circumstances.

15 (b) When the transportation is in connection with a  
16 school function or event regarding which the district school  
17 board or school has undertaken to participate or to sponsor or  
18 provide the participation of students; and

19 1. The function or event is a single event that is not  
20 part of a scheduled series or sequence of events to the same  
21 location, such as, but not limited to, a field trip, a  
22 recreational outing, an interscholastic competition or  
23 cooperative event, an event connected with an extracurricular  
24 activity offered by the school, or an event connected to an  
25 educational program, such as, but not limited to, a job  
26 interview as part of a cooperative education program;

27 2. Transportation is not available, as a practical  
28 matter, using a school bus or school district passenger car;  
29 and

30 3. Each student's parent is notified, in writing,  
31 regarding the transportation arrangement and gives written

1 consent before a student is transported in a privately owned  
2 motor vehicle.

3 (c) When a district school board requires employees  
4 such as school social workers and attendance officers to use  
5 their own motor vehicles to perform duties of employment, and  
6 such duties include the occasional transportation of students.

7 (3) When approval is granted for the transportation of  
8 students in a privately owned vehicle, the provisions of s.  
9 1006.24 regarding liability for tort claims are applicable.  
10 District school board employees who provide approved  
11 transportation in privately owned vehicles are acting within  
12 the scope of their employment. Parents or other responsible  
13 adults who provide approved transportation in privately owned  
14 vehicles have the same exposure to, and protections from,  
15 risks of personal liability as do district school board  
16 employees acting within the scope of their employment.

17 (4) Each district school board may establish policies  
18 that restrict the use of privately owned motor vehicles to  
19 circumstances that are more limited than are described in this  
20 section or that prohibit such use. Each district school board  
21 may establish written policies that provide for more extensive  
22 requirements for approval, parental notification and consent  
23 procedures, insurance coverage, driver qualifications, or a  
24 combination of these.

25 (5) When transportation is authorized in privately  
26 owned vehicles, students may be transported only in designated  
27 seating positions and must use the occupant crash protection  
28 system provided by the vehicle manufacturer.

29 (6) District school boards may contract with a common  
30 carrier to transport students to and from in-season and  
31 postseason athletic contests and to and from a school function



1 or event in which the district school board or a school has  
2 undertaken to participate or to provide for or sponsor the  
3 participation of students.

4 (7) Transportation for adult students may be provided  
5 by any appropriate means as authorized by the district school  
6 board when the transportation is accepted as a responsibility  
7 by the district school board as provided in s. 1006.21.

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

13 (9) Except as provided in s. 1006.261, transportation  
14 is not the responsibility of the district school board in  
15 connection with any event or activity that is not an event or  
16 activity offered by the district school board or an event or  
17 an activity in which the district school board or school has  
18 agreed to participate, cosponsor, or require the participation  
19 of students, and the district school board has no liability  
20 for transportation arranged and provided by parents or other  
21 parties to such events or activities.

22 (10) Each district school board shall designate and  
23 adopt a specific plan for adequate examination, maintenance,  
24 and repair of transportation equipment. Examination of the  
25 mechanical and safety condition of each school bus must be  
26 made as required pursuant to rule of the State Board of  
27 Education. The State Board of Education shall base the rule on  
28 student safety considerations.

29 (11) The district school superintendent shall notify  
30 the district school board of any school bus that does not meet  
31 all requirements of law and rules of the State Board of

1 Education, and the district school board shall, if the school  
 2 bus is in an unsafe condition, withdraw it from use as a  
 3 school bus until the bus meets the requirements. The  
 4 department may inspect or have inspected any school bus to  
 5 determine whether the bus meets requirements of law and rules  
 6 of the State Board of Education. The department may, after due  
 7 notice to a district school board that any school bus does not  
 8 meet certain requirements of law and rules of the State Board  
 9 of Education, rule that the bus must be withdrawn from use as  
 10 a school bus, this ruling to be effective immediately or upon  
 11 a date specified in the ruling, whereupon the district school  
 12 board shall withdraw the school bus from use as a school bus  
 13 until it meets requirements of law and rules of the State  
 14 Board of Education and until the department has officially  
 15 revoked the pertinent ruling. Notwithstanding any other  
 16 provisions of this chapter, general purpose urban transit  
 17 systems are declared qualified to transport students to and  
 18 from school.

19 (12)(a) The routing and scheduling of school buses  
 20 must be planned to eliminate the necessity for students to  
 21 stand while a school bus is in motion. When circumstances of  
 22 an emergency nature, as defined by written district school  
 23 board policy, temporarily require transporting students on  
 24 school buses in excess of the rated seating capacity, the  
 25 buses must proceed at a reduced rate of speed to maximize  
 26 safety of the students, taking into account existing traffic  
 27 conditions. Each district school board is responsible for  
 28 prompt relief of the emergency condition by providing  
 29 additional equipment, bus rerouting, bus rescheduling, or  
 30 other appropriate remedial action, and must maintain written  
 31 district school board policies to address such situations.

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1           (b) Each district school board, after considering  
2 recommendations from the district school superintendent, shall  
3 designate, by map or otherwise, or shall provide by district  
4 school board rule for the designation of, nontransportation  
5 zones that are composed of all areas in the school district  
6 from which it is unnecessary or impracticable to furnish  
7 transportation. Nontransportation zones must be designated  
8 annually before the opening of school and the designation of  
9 bus routes for the succeeding school year. Each district  
10 school board, after considering recommendations from the  
11 district school superintendent, shall specifically designate,  
12 or shall provide by district school board rule for the  
13 designation of, specific routes to be traveled regularly by  
14 school buses, and each route must meet the requirements  
15 prescribed by rules of the State Board of Education.

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

25           (13) The State Board of Education may adopt rules to  
26 implement this section as are necessary or desirable in the  
27 interest of student health and safety.

28           Section 293. Section 1006.23, Florida Statutes, is  
29 created to read:

30           1006.23 Hazardous walking conditions.--

31           (1) DEFINITION.--As used in this section, "student"

1 means any public elementary school student whose grade level  
2 does not exceed grade 6.

3 (2) TRANSPORTATION; CORRECTION OF HAZARDS.--

4 (a) It is intended that district school boards and  
5 other governmental entities work cooperatively to identify  
6 conditions that are hazardous along student walking routes to  
7 school and that district school boards provide transportation  
8 to students who would be subjected to such conditions. It is  
9 further intended that state or local governmental entities  
10 having jurisdiction correct such hazardous conditions within a  
11 reasonable period of time.

12 (b) Upon a determination pursuant to this section that  
13 a condition is hazardous to students, the district school  
14 board shall request a determination from the state or local  
15 governmental entity having jurisdiction regarding whether the  
16 hazard will be corrected and, if so, regarding a projected  
17 completion date. State funds shall be allocated for the  
18 transportation of students subjected to such hazards, provided  
19 that such funding shall cease upon correction of the hazard or  
20 upon the projected completion date, whichever occurs first.

21 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a  
22 request for review is made to the district school  
23 superintendent or the district school superintendent's  
24 designee concerning a condition perceived to be hazardous to  
25 students in that district who live within the 2-mile limit and  
26 who walk to school, such condition shall be inspected by a  
27 representative of the school district and a representative of  
28 the state or local governmental entity that has jurisdiction  
29 over the perceived hazardous location. The district school  
30 superintendent or his or her designee and the state or local  
31 governmental entity or its representative shall then make a

1 final determination that is mutually agreed upon regarding  
 2 whether the hazardous condition meets the state criteria  
 3 pursuant to this section. The district school superintendent  
 4 or his or her designee shall report this final determination  
 5 to the department.

6 (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING  
 7 CONDITIONS.--

8 (a) Walkways parallel to the road.--

9 1. It shall be considered a hazardous walking  
 10 condition with respect to any road along which students must  
 11 walk in order to walk to and from school if there is not an  
 12 area at least 4 feet wide adjacent to the road, having a  
 13 surface upon which students may walk without being required to  
 14 walk on the road surface. In addition, whenever the road along  
 15 which students must walk is uncurbed and has a posted speed  
 16 limit of 55 miles per hour, the area as described above for  
 17 students to walk upon shall be set off the road by no less  
 18 than 3 feet from the edge of the road.

19 2. The provisions of subparagraph 1. do not apply when  
 20 the road along which students must walk:

21 a. Is in a residential area which has little or no  
 22 transient traffic;

23 b. Is a road on which the volume of traffic is less  
 24 than 180 vehicles per hour, per direction, during the time  
 25 students walk to and from school; or

26 c. Is located in a residential area and has a posted  
 27 speed limit of 30 miles per hour or less.

28 (b) Walkways perpendicular to the road.--It shall be  
 29 considered a hazardous walking condition with respect to any  
 30 road across which students must walk in order to walk to and  
 31 from school:

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1           1. If the traffic volume on the road exceeds the rate  
 2 of 360 vehicles per hour, per direction (including all lanes),  
 3 during the time students walk to and from school and if the  
 4 crossing site is uncontrolled. For purposes of this  
 5 subsection, an "uncontrolled crossing site" is an intersection  
 6 or other designated crossing site where no crossing guard,  
 7 traffic enforcement officer, or stop sign or other traffic  
 8 control signal is present during the times students walk to  
 9 and from school.

10           2. If the total traffic volume on the road exceeds  
 11 4,000 vehicles per hour through an intersection or other  
 12 crossing site controlled by a stop sign or other traffic  
 13 control signal, unless crossing guards or other traffic  
 14 enforcement officers are also present during the times  
 15 students walk to and from school.

16  
 17 Traffic volume shall be determined by the most current traffic  
 18 engineering study conducted by a state or local governmental  
 19 agency.

20           Section 294. Section 1006.24, Florida Statutes, is  
 21 created to read:

22           1006.24 Tort liability; liability insurance.--

23           (1) Each district school board shall be liable for  
 24 tort claims arising out of any incident or occurrence  
 25 involving a school bus or other motor vehicle owned,  
 26 maintained, operated, or used by the district school board to  
 27 transport persons, to the same extent and in the same manner  
 28 as the state or any of its agencies or subdivisions is liable  
 29 for tort claims under s. 768.28, except that the total  
 30 liability to persons being transported for all claims or  
 31 judgments of such persons arising out of the same incident or

1 occurrence shall not exceed an amount equal to \$5,000  
 2 multiplied by the rated seating capacity of the school bus or  
 3 other vehicle, as determined by rules of the State Board of  
 4 Education, or \$100,000, whichever is greater. The provisions  
 5 of s. 768.28 apply to all claims or actions brought against  
 6 district school boards, as authorized in this subsection.

7 (2) Each district school board may secure and keep in  
 8 force a medical payments plan or medical payments insurance on  
 9 school buses and other vehicles. If a medical payments plan or  
 10 insurance is provided, it shall be carried in a sum of no less  
 11 than \$500 per person.

12 (3) Expenses, costs, or premiums to protect against  
 13 liability for torts as provided in this section may be paid  
 14 from any available funds of the district school board.

15 (4) If vehicles used in transportation are not owned  
 16 by the district school board, the district school board may  
 17 require owners of such vehicles to show evidence of adequate  
 18 insurance during the time that such vehicles are in the  
 19 services of the district school board.

20 Section 295. Section 1006.25, Florida Statutes, is  
 21 created to read:

22 1006.25 School buses.--School buses shall be defined  
 23 and meet specifications as follows:

24 (1) DEFINITION.--For the purpose of this part, a  
 25 "school bus" is a motor vehicle regularly used for the  
 26 transportation of prekindergarten disability program and  
 27 kindergarten through grade 12 students of the public schools  
 28 to and from school or to and from school activities, and  
 29 owned, operated, rented, contracted, or leased by any district  
 30 school board, except:

31 (a) Passenger cars, multipurpose passenger vehicles,

1 and trucks as defined in 49 C.F.R. part 571.

2 (b) Motor vehicles subject to, and meeting all  
3 requirements of, the United States Department of  
4 Transportation, Federal Motor Carrier Safety Regulations under  
5 Title 49, Code of Federal Regulations and operated by carriers  
6 operating under the jurisdiction of these regulations but not  
7 used exclusively for the transportation of public school  
8 students.

9 (2) SPECIFICATIONS.--Each school bus as defined in 49  
10 C.F.R. part 571 and subsection (1) that is rented, leased,  
11 purchased, or contracted for must meet the applicable federal  
12 motor vehicle safety standards and other specifications as  
13 prescribed by rules of the State Board of Education.

14 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle  
15 owned and operated by a county or municipal transit authority  
16 that is leased by the district school board for transportation  
17 of public school students must meet such standards as the  
18 State Board of Education establishes by rule. A school bus  
19 authorized by a district school board to carry passengers  
20 other than school students must have the words "School Bus"  
21 and any other signs and insignia that mark or designate it as  
22 a school bus covered, removed, or otherwise concealed while  
23 such passengers are being transported.

24 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be  
25 transported only in designated seating positions, except as  
26 provided in s. 1006.22(12), and must use the occupant crash  
27 protection system provided by the manufacturer, which system  
28 must comply with the requirements of 49 C.F.R. part 571 or  
29 with specifications of the State Board of Education.

30 Section 296. Section 1006.261, Florida Statutes, is  
31 created to read:



1           1006.261 Use of school buses for public purposes.--  
2           (1)(a) Each district school board may enter into  
3 agreements with the governing body of a county or municipality  
4 in the school district or any state agency or agencies  
5 established or identified to assist the transportation  
6 disadvantaged, as defined in s. 427.011, including the  
7 elderly, pursuant to Pub. L. No. 89-73, as amended, for the  
8 use of the school buses of the school district by departments,  
9 boards, commissions, or officers of such county or  
10 municipality or of the state for county, municipal, or state  
11 purposes, including transportation of the transportation  
12 disadvantaged. Each such agreement shall provide for  
13 reimbursement of the district school board, in full or in  
14 part, for the proportionate share of fixed and operating costs  
15 incurred by the district school board attributable to the use  
16 of the buses pursuant to the agreement.

17           (b) Each district school board may enter into  
18 agreements with regional workforce boards for the provision of  
19 transportation services to participants in the welfare  
20 transition program. Agreements must provide for reimbursement  
21 in full or in part for the proportionate share of fixed and  
22 operating costs incurred by the district school board  
23 attributable to the use of buses in accordance with the  
24 agreement.

25           (c) Each district school board may enter into  
26 agreements with nonprofit corporations and nonprofit civic  
27 associations and groups to allow the use of school buses to  
28 transport school-age children for activities sponsored by such  
29 associations and groups, including, but not limited to, the  
30 Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and  
31 similar groups. The use of school buses for these activities

1 shall be pursuant to rules adopted by the district school  
2 board and with compensation to the district school board at  
3 least equal to the costs incurred by the board for such use.

4 (2)(a) The governing body or state agency or agencies  
5 established or identified pursuant to Pub. L. No. 89-73, or  
6 the nonprofit corporation or nonprofit civic organization or  
7 group, or an agency established or identified to assist the  
8 transportation disadvantaged as defined in s. 427.011, shall  
9 indemnify and hold harmless the district school board from any  
10 and all liability by virtue of the use of the buses pursuant  
11 to an agreement authorized by this section.

12 (b) For purposes of liability for negligence, state  
13 agencies or subdivisions as defined in s. 768.28(2) shall be  
14 covered by s. 768.28. Every other corporation or organization  
15 shall provide liability insurance coverage in the minimum  
16 amounts of \$100,000 on any claim or judgment and \$200,000 on  
17 all claims and judgments arising from the same incident or  
18 occurrence.

19 (3) When the buses are used for nonschool purposes  
20 other than the transportation of the transportation  
21 disadvantaged, the flashing red lights and white strobe lights  
22 shall not be used, and the "School Bus" inscriptions on the  
23 front and rear of the buses shall be covered or concealed.

24 Section 297. Section 1006.27, Florida Statutes, is  
25 created to read:

26 1006.27 Pooling of school buses and related purchases  
27 by district school boards; transportation services  
28 contracts.--

29 (1) The department shall assist district school boards  
30 in securing school buses, contractual needs, equipment, and  
31 supplies at as reasonable prices as possible by providing a

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1 plan under which district school boards may voluntarily pool  
 2 their bids for such purchases. The department shall prepare  
 3 bid forms and specifications, obtain quotations of prices and  
 4 make such information available to district school boards in  
 5 order to facilitate this service. District school boards from  
 6 time to time, as prescribed by State Board of Education rule,  
 7 shall furnish the department with information concerning the  
 8 prices paid for such items and the department shall furnish to  
 9 district school boards periodic information concerning the  
 10 lowest prices at which school buses, equipment, and related  
 11 supplies are available based upon comparable specifications.

12 (2) If a contract between any district school board  
 13 and any person, business, or entity to provide the district  
 14 school board with school bus service for the transportation of  
 15 students in the district provides that the person, business,  
 16 or entity shall own, operate, and maintain school buses for  
 17 such service, the district school board may purchase the  
 18 number of buses needed for the district through the department  
 19 and sell them to the person, business, or entity as a part of  
 20 the contract for such service.

21 Section 298. Part I.f. of chapter 1006, Florida  
 22 Statutes, shall be entitled "Instructional Materials for K-12  
 23 Public Education" and shall consist of ss. 1006.28-1006.43.

24 Section 299. Section 1006.28, Florida Statutes, is  
 25 created to read:

26 1006.28 Duties of district school board, district  
 27 school superintendent; and school principal regarding K-12  
 28 instructional materials.--

29 (1) DISTRICT SCHOOL BOARD.--The district school board  
 30 has the duty to provide adequate instructional materials for  
 31 all students in accordance with the requirements of this part.

1 The term "adequate instructional materials" means a sufficient  
 2 number of textbooks or sets of materials serving as the basis  
 3 for instruction for each student in the core courses of  
 4 mathematics, language arts, social studies, science, reading,  
 5 and literature, except for instruction for which the school  
 6 advisory council approves the use of a program that does not  
 7 include a textbook as a major tool of instruction. The  
 8 district school board has the following specific duties:

9       (a) Courses of study; adoption.--Adopt courses of  
 10 study for use in the schools of the district.

11       (b) Textbooks.--Provide for proper requisitioning,  
 12 distribution, accounting, storage, care, and use of all  
 13 instructional materials furnished by the state and furnish  
 14 such other instructional materials as may be needed. The  
 15 district school board shall assure that instructional  
 16 materials used in the district are consistent with the  
 17 district goals and objectives and the curriculum frameworks  
 18 adopted by rule of the State Board of Education, as well as  
 19 with the state and district performance standards provided for  
 20 in s. 1001.03(1).

21       (c) Other instructional materials.--Provide such other  
 22 teaching accessories and aids as are needed for the school  
 23 district's educational program.

24       (d) School library media services; establishment and  
 25 maintenance.--Establish and maintain a program of school  
 26 library media services for all public schools in the district,  
 27 including school library media centers, or school library  
 28 media centers open to the public, and, in addition such  
 29 traveling or circulating libraries as may be needed for the  
 30 proper operation of the district school system.

31       (2) DISTRICT SCHOOL SUPERINTENDENT.--

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1           (a) The district school superintendent has the duty to  
2 recommend such plans for improving, providing, distributing,  
3 accounting for, and caring for textbooks and other  
4 instructional aids as will result in general improvement of  
5 the district school system, as prescribed in this part, in  
6 accordance with adopted district school board rules  
7 prescribing the duties and responsibilities of the district  
8 school superintendent regarding the requisition, purchase,  
9 receipt, storage, distribution, use, conservation, records,  
10 and reports of, and management practices and property  
11 accountability concerning, instructional materials, and  
12 providing for an evaluation of any instructional materials to  
13 be requisitioned that have not been used previously in the  
14 district's schools. The district school superintendent must  
15 keep adequate records and accounts for all financial  
16 transactions for funds collected pursuant to subsection (3),  
17 as a component of the educational service delivery scope in a  
18 school district best financial management practices review  
19 under s. 1008.35.

20           (b) Each district school superintendent shall notify  
21 the department by April 1 of each year the state-adopted  
22 instructional materials that will be requisitioned for use in  
23 his or her school district. The notification shall include a  
24 district school board plan for instructional materials use to  
25 assist in determining if adequate instructional materials have  
26 been requisitioned.

27           (3) SCHOOL PRINCIPAL.--The school principal has the  
28 following duties for the management and care of instructional  
29 materials at the school:

30           (a) Proper use of instructional materials.--The  
31 principal shall assure that instructional materials are used

1 to provide instruction to students enrolled at the grade level  
2 or levels for which the materials are designed, pursuant to  
3 adopted district school board rule. The school principal shall  
4 communicate to parents the manner in which instructional  
5 materials are used to implement the curricular objectives of  
6 the school.

7 (b) Money collected for lost or damaged books;  
8 enforcement.--The school principal shall collect from each  
9 student or the student's parent the purchase price of any  
10 instructional material the student has lost, destroyed, or  
11 unnecessarily damaged and to report and transmit the money  
12 collected to the district school superintendent. If  
13 instructional materials lost, destroyed, or damaged have been  
14 in school use for more than 1 year, a sum ranging between 50  
15 and 75 percent of the purchase price of the book shall be  
16 collected, determined by the physical condition of the book.  
17 The failure to collect such sum upon reasonable effort by the  
18 school principal may result in the suspension of the student  
19 from participation in extracurricular activities or  
20 satisfaction of the debt by the student through community  
21 service activities at the school site as determined by the  
22 school principal, pursuant to policies adopted by district  
23 school board rule.

24 (c) Sale of instructional materials.--The school  
25 principal, upon request of the parent of a student in the  
26 school, shall sell to the parent any instructional materials  
27 used in the school. All such sales shall be made pursuant to  
28 rule adopted by the district school board, and the principal  
29 shall annually provide information to parents that they may  
30 purchase instructional materials and how to purchase the  
31 materials.

1           (d) Disposition of funds.--All money collected from  
 2 the sale, exchange, loss, or damage of instructional materials  
 3 shall be transmitted to the district school superintendent to  
 4 be deposited in the district school board fund and added to  
 5 the district appropriation for instructional materials.

6           (e) Accounting for textbooks.--Principals shall see  
 7 that all books are fully and properly accounted for as  
 8 prescribed by adopted rules of the district school board.

9           Section 300. Section 1006.29, Florida Statutes, is  
 10 created to read:

11           1006.29 State instructional materials committees.--

12           (1) Each school year, not later than April 15, the  
 13 commissioner shall appoint state instructional materials  
 14 committees composed of persons actively engaged in teaching or  
 15 in the supervision of teaching in the public elementary,  
 16 middle, or high schools and representing the major fields and  
 17 levels in which instructional materials are used in the public  
 18 schools and, in addition, lay citizens not professionally  
 19 connected with education. Committee members shall receive  
 20 training pursuant to subsection (5) in competencies related to  
 21 the evaluation and selection of instructional materials.

22           (a) There shall be ten or more members on each  
 23 committee: At least 50 percent of the members shall be  
 24 classroom teachers who are certified in an area directly  
 25 related to the academic area or level being considered for  
 26 adoption, two shall be laypersons, one shall be a district  
 27 school board member, and two shall be supervisors of teachers.  
 28 The committee must have the capacity or expertise to address  
 29 the broad racial, ethnic, socioeconomic, and cultural  
 30 diversity of the state's student population. Personnel  
 31 selected as teachers of the year at the school, district,

1 regional, or state level are encouraged to serve on  
2 instructional materials committees.

3 (b) The membership of each committee must reflect the  
4 broad racial, ethnic, socioeconomic, and cultural diversity of  
5 the state, including a balanced representation from the  
6 state's geographic regions.

7 (c) The commissioner shall determine annually the  
8 areas in which instructional materials shall be submitted for  
9 adoption, taking into consideration the desires of the  
10 district school boards. The commissioner shall also determine  
11 the number of titles to be adopted in each area.

12 (2)(a) All appointments shall be as prescribed in this  
13 section. No member shall serve more than two consecutive  
14 terms on any committee. All appointments shall be for  
15 18-month terms. All vacancies shall be filled in the manner  
16 of the original appointment for only the time remaining in the  
17 unexpired term. At no time may a district school board have  
18 more than one representative on a committee. The commissioner  
19 and a member of the department whom he or she shall designate  
20 shall be additional and ex officio members of each committee.

21 (b) The names and mailing addresses of the members of  
22 the state instructional materials committees shall be made  
23 public when appointments are made.

24 (c) The district school board shall be reimbursed for  
25 the actual cost of substitute teachers for each workday that a  
26 member of its instructional staff is absent from his or her  
27 assigned duties for the purpose of rendering service to the  
28 state instructional materials committee. In addition,  
29 committee members shall be reimbursed for travel expenses and  
30 per diem in accordance with s. 112.061 for actual service in  
31 meetings of committees called by the commissioner. Payment of



1 such travel expenses shall be made by the Treasurer from the  
2 appropriation for the administration of the instructional  
3 materials program, on warrants to be drawn by the Comptroller  
4 upon requisition approved by the commissioner.

5 (d) Any member of a committee may be removed by the  
6 commissioner for cause.

7 (3) All references in the law to the state  
8 instructional materials committee shall apply to each  
9 committee created by this section.

10 (4) For purposes of state adoption, "instructional  
11 materials" means items having intellectual content that by  
12 design serve as a major tool for assisting in the instruction  
13 of a subject or course. These items may be available in bound,  
14 unbound, kit, or package form and may consist of hardbacked or  
15 softbacked textbooks, consumables, learning laboratories,  
16 manipulatives, electronic media, and computer courseware or  
17 software. The term does not include electronic or computer  
18 hardware even if such hardware is bundled with software or  
19 other electronic media, nor does it include equipment or  
20 supplies.

21 (5) The department shall develop a training program  
22 for persons selected to serve on state instructional materials  
23 committees. The program shall be structured to assist  
24 committee members in developing the skills necessary to make  
25 valid, culturally sensitive, and objective decisions regarding  
26 the content and rigor of instructional materials. All persons  
27 serving on instructional materials committees must complete  
28 the training program prior to beginning the review and  
29 selection process.

30 Section 301. Section 1006.30, Florida Statutes, is  
31 created to read:

1           1006.30 Affidavit of state instructional materials  
2 committee members.--Before transacting any business, each  
3 member of a state committee shall make an affidavit, to be  
4 filed with the commissioner, that:

5           (1) The member will faithfully discharge the duties  
6 imposed upon him or her as a member of the committee.

7           (2) The member has no interest, and while a member of  
8 the committee he or she will assume no interest, in any  
9 publishing or manufacturing organization which produces or  
10 sells instructional materials.

11           (3) The member is in no way connected, and while a  
12 member of the committee he or she will assume no connection,  
13 with the distribution of the instructional materials.

14           (4) The member is not pecuniarily interested, and  
15 while a member of the committee he or she will assume no  
16 pecuniary interest, directly or indirectly, in the business or  
17 profits of any person engaged in manufacturing, publishing, or  
18 selling instructional materials designed for use in the public  
19 schools.

20           (5) The member will not accept any emolument or  
21 promise of future reward of any kind from any publisher or  
22 manufacturer of instructional materials or his or her agent or  
23 anyone interested in, or intending to bias his or her judgment  
24 in any way in, the selection of any materials to be adopted.

25           (6) It is unlawful for any member of a state  
26 instructional materials committee to discuss matters relating  
27 to instructional materials submitted for adoption with any  
28 agent of a publisher or manufacturer of instructional  
29 materials, either directly or indirectly, except during the  
30 period when the committee has been called into session for the  
31 purpose of evaluating instructional materials submitted for

1 adoption. Such discussions shall be limited to official  
2 meetings of the committee and in accordance with procedures  
3 prescribed by the commissioner for that purpose.

4 Section 302. Section 1006.31, Florida Statutes, is  
5 created to read:

6 1006.31 Duties of each state instructional materials  
7 committee.--The duties of each state instructional materials  
8 committee are:

9 (1) PLACE AND TIME OF MEETING.--To meet at the call of  
10 the commissioner, at a place in the state designated by him or  
11 her, for the purpose of evaluating and recommending  
12 instructional materials for adoption by the state. All  
13 meetings of state instructional materials committees shall be  
14 announced publicly in the Florida Administrative Weekly at  
15 least 2 weeks prior to the date of convening. All meetings of  
16 the committees shall be open to the public.

17 (2) ORGANIZATION.--To elect a chair and vice chair for  
18 each adoption. An employee of the department shall serve as  
19 secretary to the committee and keep an accurate record of its  
20 proceedings. All records of committee motions and votes, and  
21 summaries of committee debate shall be incorporated into a  
22 publishable document and shall be available for public  
23 inspection and duplication.

24 (3) PROCEDURES.--To adhere to procedures prescribed by  
25 the commissioner for evaluating instructional materials  
26 submitted by publishers and manufacturers in each adoption.

27 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To  
28 evaluate carefully all instructional materials submitted, to  
29 ascertain which instructional materials, if any, submitted for  
30 consideration best implement the selection criteria developed  
31 by the commissioner and those curricular objectives included

1 within applicable performance standards provided for in s.  
2 1001.03(1).  
3 (a) When recommending instructional materials for use  
4 in the schools, each committee shall include only  
5 instructional materials that accurately portray the ethnic,  
6 socioeconomic, cultural, and racial diversity of our society,  
7 including men and women in professional, career and technical,  
8 and executive roles, and the role and contributions of the  
9 entrepreneur and labor in the total development of this state  
10 and the United States.  
11 (b) When recommending instructional materials for use  
12 in the schools, each committee shall include only materials  
13 which accurately portray, whenever appropriate, humankind's  
14 place in ecological systems, including the necessity for the  
15 protection of our environment and conservation of our natural  
16 resources and the effects on the human system of the use of  
17 tobacco, alcohol, controlled substances, and other dangerous  
18 substances.  
19 (c) When recommending instructional materials for use  
20 in the schools, each committee shall require such materials as  
21 it deems necessary and proper to encourage thrift, fire  
22 prevention, and humane treatment of people and animals.  
23 (d) When recommending instructional materials for use  
24 in the schools, each committee shall require, when appropriate  
25 to the comprehension of students, that materials for social  
26 science, history, or civics classes contain the Declaration of  
27 Independence and the Constitution of the United States. No  
28 instructional materials shall be recommended by any committee  
29 for use in the schools which contain any matter reflecting  
30 unfairly upon persons because of their race, color, creed,  
31 national origin, ancestry, gender, or occupation.

1           (e) All instructional materials recommended by each  
 2 committee for use in the schools shall be, to the satisfaction  
 3 of each committee, accurate, objective, and current and suited  
 4 to the needs and comprehension of students at their respective  
 5 grade levels. Instructional materials committees shall  
 6 consider for adoption materials developed for academically  
 7 talented students such as those enrolled in advanced placement  
 8 courses.

9           (5) REPORT OF COMMITTEE.--Each committee, after a  
 10 thorough study of all data submitted on each instructional  
 11 material, and after each member has carefully evaluated each  
 12 instructional material, shall present a written report to the  
 13 commissioner. Such report shall be made public, and shall  
 14 include:

15           (a) A description of the procedures used in  
 16 determining the instructional materials to be recommended to  
 17 the commissioner.

18           (b) Recommendations of instructional materials for  
 19 each grade and subject field in the curriculum of public  
 20 elementary, middle, and high schools in which adoptions are to  
 21 be made. If deemed advisable, the committee may include such  
 22 other information, expression of opinion, or recommendation as  
 23 would be helpful to the commissioner. If there is a  
 24 difference of opinion among the members of the committee as to  
 25 the merits of any instructional materials, any member may file  
 26 an expression of his or her individual opinion.

27  
 28 The findings of the committees, including the evaluation of  
 29 instructional materials, shall be in sessions open to the  
 30 public. All decisions leading to determinations of the  
 31 committees shall be by roll call vote, and at no time will a

1 secret ballot be permitted.

2 Section 303. Section 1006.32, Florida Statutes, is  
3 created to read:

4 1006.32 Prohibited acts.--

5 (1) No publisher or manufacturer of instructional  
6 material, or any representative thereof, shall offer to give  
7 any emolument, money, or other valuable thing, or any  
8 inducement, to any district school board official or member of  
9 a state-level instructional materials committee to directly or  
10 indirectly introduce, recommend, vote for, or otherwise  
11 influence the adoption or purchase of any instructional  
12 materials.

13 (2) No district school board official or member of a  
14 state instructional materials committee shall solicit or  
15 accept any emolument, money, or other valuable thing, or any  
16 inducement, to directly or indirectly introduce, recommend,  
17 vote for, or otherwise influence the adoption or purchase of  
18 any instructional material.

19 (3) No district school board or publisher may  
20 participate in a pilot program of materials being considered  
21 for adoption during the 18-month period before the official  
22 adoption of the materials by the commissioner. Any pilot  
23 program during the first 2 years of the adoption period must  
24 have the prior approval of the commissioner.

25 (4) Any publisher or manufacturer of instructional  
26 materials or representative thereof or any district school  
27 board official or state instructional materials committee  
28 member, who violates any provision of this section commits a  
29 misdemeanor of the second degree, punishable as provided in s.  
30 775.082 or s. 775.083. Any representative of a publisher or  
31 manufacturer who violates any provision of this section, in

1 addition to any other penalty, shall be banned from practicing  
 2 business in the state for a period of 1 calendar year. Any  
 3 district school board official or state instructional  
 4 materials committee member who violates any provision of this  
 5 section, in addition to any other penalty, shall be removed  
 6 from his or her official position.

7       (5) Nothing in this section shall be construed to  
 8 prevent any publisher, manufacturer, or agent from supplying,  
 9 for purposes of examination, necessary sample copies of  
 10 instructional materials to any district school board official  
 11 or instructional materials committee member.

12       (6) Nothing in this section shall be construed to  
 13 prevent a district school board official or instructional  
 14 materials committee member from receiving sample copies of  
 15 instructional materials.

16       (7) Nothing contained in this section shall be  
 17 construed to prohibit or restrict a district school board  
 18 official from receiving royalties or other compensation, other  
 19 than compensation paid to him or her as commission for  
 20 negotiating sales to district school boards, from the  
 21 publisher or manufacturer of instructional materials written,  
 22 designed, or prepared by such district school board official,  
 23 and adopted by the commissioner or purchased by any district  
 24 school board. No district school board official shall be  
 25 allowed to receive royalties on any materials not on the  
 26 state-adopted list purchased for use by his or her district  
 27 school board.

28       (8) No district school superintendent, district school  
 29 board member, teacher, or other person officially connected  
 30 with the government or direction of public schools shall  
 31 receive during the months actually engaged in performing

1 duties under his or her contract any private fee, gratuity,  
 2 donation, or compensation, in any manner whatsoever, for  
 3 promoting the sale or exchange of any school book, map, or  
 4 chart in any public school, or be an agent for the sale or the  
 5 publisher of any school textbook or reference work, or be  
 6 directly or indirectly pecuniarily interested in the  
 7 introduction of any such textbook, and any such agency or  
 8 interest shall disqualify any person so acting or interested  
 9 from holding any district school board employment whatsoever,  
 10 and the person commits a misdemeanor of the second degree,  
 11 punishable as provided in s. 775.082 or s. 775.083; provided  
 12 that this subsection shall not be construed as preventing the  
 13 adoption of any book written in whole or in part by a Florida  
 14 author.

15 Section 304. Section 1006.33, Florida Statutes, is  
 16 created to read:

17 1006.33 Bids or proposals; advertisement and its  
 18 contents.--

19 (1)(a) Beginning on or before May 15 of any year in  
 20 which an instructional materials adoption is to be initiated,  
 21 the department shall advertise in the Florida Administrative  
 22 Weekly 4 weeks preceding the date on which the bids shall be  
 23 received, that at a certain designated time, not later than  
 24 June 15, sealed bids or proposals to be deposited with the  
 25 department will be received from publishers or manufacturers  
 26 for the furnishing of instructional materials proposed to be  
 27 adopted as listed in the advertisement beginning April 1  
 28 following the adoption.

29 (b) The advertisement shall state that each bidder  
 30 shall furnish specimen copies of all instructional materials  
 31 submitted, at a time designated by the department, which



1 specimen copies shall be identical with the copies approved  
 2 and accepted by the members of the state instructional  
 3 materials committee, as prescribed in this section, and with  
 4 the copies furnished to the department and district school  
 5 superintendents, as provided in this part.

6 (c) The advertisement shall state that a contract  
 7 covering the adoption of the instructional materials shall be  
 8 for a definite term.

9 (d) The advertisement shall fix the time within which  
 10 the required contract must be executed and shall state that  
 11 the department reserves the right to reject any or all bids.

12 (e) The advertisement shall give information as to how  
 13 specifications which have been adopted by the department in  
 14 regard to paper, binding, cover boards, and mechanical makeup  
 15 can be secured. In adopting specifications, the department  
 16 shall make an exception for instructional materials that are  
 17 college-level texts and that do not meet department physical  
 18 specifications for secondary materials, if the publisher  
 19 guarantees replacement during the term of the contract.

20 (2) The bids submitted shall be for furnishing the  
 21 designated materials in accordance with specifications of the  
 22 department. The bid shall state the lowest wholesale price at  
 23 which the materials will be furnished, at the time the  
 24 adoption period provided in the contract begins, delivered  
 25 f.o.b. to the Florida depository of the publisher,  
 26 manufacturer, or bidder.

27 (3) The department shall require each publisher or  
 28 manufacturer of instructional materials who submits a bid  
 29 under this part to deposit with the department such sum of  
 30 money or certified check as may be determined by the  
 31 department, the amount to be not less than \$500 and not more

1 than \$2,500, according to the number of instructional  
 2 materials covered by the bid, which deposit shall be forfeited  
 3 to the state and placed in the General Revenue Fund if the  
 4 bidder making the deposit fails or refuses to execute the  
 5 contract and bond within 30 days after receipt of the contract  
 6 in case his or her bid or proposal is accepted. The  
 7 commissioner shall, upon determining that the deposit is  
 8 correct and proper, transmit the deposit to the Treasurer, who  
 9 shall deposit the funds for credit to the Textbook Bid Trust  
 10 Fund and issue his or her official receipt.

11 (4) Specimen copies of all instructional materials  
 12 that have been made the bases of contracts under this part  
 13 shall, upon request for the purpose of public inspection, be  
 14 made available by the publisher to the department and the  
 15 district school superintendent of each district school board  
 16 that adopts the instructional materials from the state list  
 17 upon request for the purpose of public inspection. All  
 18 contracts and bonds executed under this part shall be signed  
 19 in triplicate. One copy of each contract and an original of  
 20 each bid, whether accepted or rejected, shall be preserved  
 21 with the department for at least 3 years after termination of  
 22 the contract.

23 Section 305. Section 1006.34, Florida Statutes, is  
 24 created to read:

25 1006.34 Powers and duties of the commissioner and the  
 26 department in selecting and adopting instructional  
 27 materials.--

28 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
 29 MATERIALS.--The commissioner shall prescribe the procedures by  
 30 which the department shall evaluate instructional materials  
 31 submitted by publishers and manufacturers in each adoption.

1 Included in these procedures shall be provisions which afford  
 2 each publisher or manufacturer or his or her representative an  
 3 opportunity to present to members of the state instructional  
 4 materials committees the merits of each instructional material  
 5 submitted in each adoption.

6 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL  
 7 MATERIALS.--

8 (a) The department shall notify all publishers and  
 9 manufacturers of instructional materials who have submitted  
 10 bids that within 3 weeks after the deadline for receiving  
 11 bids, at a designated time and place, it will open the bids  
 12 submitted and deposited with it. At the time and place  
 13 designated, the bids shall be opened, read, and tabulated in  
 14 the presence of the bidders or their representatives. No one  
 15 may revise his or her bid after the bids have been filed.  
 16 When all bids have been carefully considered, the commissioner  
 17 shall, from the list of suitable, usable, and desirable  
 18 instructional materials reported by the state instructional  
 19 materials committee, select and adopt instructional materials  
 20 for each grade and subject field in the curriculum of public  
 21 elementary, middle, and high schools in which adoptions are  
 22 made and in the subject areas designated in the advertisement.  
 23 The adoption shall continue for the period specified in the  
 24 advertisement, beginning on the ensuing April 1. The adoption  
 25 shall not prevent the extension of a contract as provided in  
 26 subsection (3). The commissioner shall always reserve the  
 27 right to reject any and all bids. The commissioner may ask for  
 28 new sealed bids from publishers or manufacturers whose  
 29 instructional materials were recommended by the state  
 30 instructional materials committee as suitable, usable, and  
 31 desirable; specify the dates for filing such bids and the date

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1 on which they shall be opened; and proceed in all matters  
 2 regarding the opening of bids and the awarding of contracts as  
 3 required by this part. In all cases, bids shall be accompanied  
 4 by a cash deposit or certified check of from \$500 to \$2,500,  
 5 as the commissioner may direct. The department, in adopting  
 6 instructional materials, shall give due consideration both to  
 7 the prices bid for furnishing instructional materials and to  
 8 the report and recommendations of the state instructional  
 9 materials committee. When the commissioner has finished with  
 10 the report of the state instructional materials committee, the  
 11 report shall be filed and preserved with the department and  
 12 shall be available at all times for public inspection.

13 (b) In the selection of instructional materials,  
 14 library books, and other reading material used in the public  
 15 school system, the standards used to determine the propriety  
 16 of the material shall include:

17 1. The age of the students who normally could be  
 18 expected to have access to the material.

19 2. The educational purpose to be served by the  
 20 material. In considering instructional materials for classroom  
 21 use, priority shall be given to the selection of materials  
 22 which encompass the state and district school board  
 23 performance standards provided for in s. 1001.03(1) and which  
 24 include the instructional objectives contained within the  
 25 curriculum frameworks approved by rule of the State Board of  
 26 Education.

27 3. The degree to which the material would be  
 28 supplemented and explained by mature classroom instruction as  
 29 part of a normal classroom instructional program.

30 4. The consideration of the broad racial, ethnic,  
 31 socioeconomic, and cultural diversity of the students of this

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1 state.

2

3 No book or other material containing hard-core pornography or  
4 otherwise prohibited by s. 847.012 shall be used or available  
5 within any public school district.

6 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;

7 BOND.--As soon as practicable after the commissioner has  
8 adopted any instructional materials and all bidders that have  
9 secured the adoption of any instructional materials have been  
10 notified thereof by registered letter, the Department of Legal  
11 Affairs shall prepare a contract in proper form with every  
12 bidder awarded the adoption of any instructional materials.  
13 Each contract shall be executed by the Governor and Secretary  
14 of State under the seal of the state, one copy to be kept by  
15 the contractor, one copy to be filed with the Department of  
16 State, and one copy to be filed with the department. After  
17 giving due consideration to comments by the district school  
18 boards, the commissioner, with the agreement of the publisher,  
19 may extend or shorten a contract period for a period not to  
20 exceed 2 years; and the terms of any such contract shall  
21 remain the same as in the original contract. Any publisher or  
22 manufacturer to whom any contract is let under this part must  
23 give bond in such amount as the commissioner requires, payable  
24 to the state, conditioned for the faithful, honest, and exact  
25 performance of the contract. The bond must provide for the  
26 payment of reasonable attorney's fees in case of recovery in  
27 any suit thereon. The surety on the bond must be a guaranty or  
28 surety company lawfully authorized to do business in the  
29 state; however, the bond shall not be exhausted by a single  
30 recovery but may be sued upon from time to time until the full  
31 amount thereof is recovered, and the department may at any

1 time, after giving 30 days' notice, require additional  
 2 security or additional bond. The form of any bond or bonds or  
 3 contract or contracts under this part shall be prepared and  
 4 approved by the Department of Legal Affairs. At the discretion  
 5 of the commissioner, a publisher or manufacturer to whom any  
 6 contract is let under this part may be allowed a cash deposit  
 7 in lieu of a bond, conditioned for the faithful, honest, and  
 8 exact performance of the contract. The cash deposit, payable  
 9 to the department, shall be placed in the Textbook Bid Trust  
 10 Fund. The department may recover damages on the cash deposit  
 11 given by the contractor for failure to furnish instructional  
 12 materials, the sum recovered to inure to the General Revenue  
 13 Fund.

14 (4) REGULATIONS GOVERNING THE CONTRACT.--The  
 15 department may, from time to time, take any necessary actions,  
 16 consistent with this part, to secure the prompt and faithful  
 17 performance of all instructional materials contracts; and if  
 18 any contractor fails or refuses to furnish instructional  
 19 materials as provided in this part or otherwise breaks his or  
 20 her contract, the department may sue on the required bond in  
 21 the name of the state, in the courts of the state having  
 22 jurisdiction, and recover damages on the bond given by the  
 23 contractor for failure to furnish instructional materials, the  
 24 sum recovered to inure to the General Revenue Fund.

25 (5) RETURN OF DEPOSITS.--

26 (a) The successful bidder shall be notified by  
 27 registered mail of the award of contract and shall, within 30  
 28 days after receipt of the contract, execute the proper  
 29 contract and post the required bond. When the bond and  
 30 contract have been executed, the department shall notify the  
 31 Comptroller and request that a warrant be issued against the

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1 Textbook Bid Trust Fund payable to the successful bidder in  
2 the amount deposited pursuant to this part. The Comptroller  
3 shall issue and forward the warrant to the department for  
4 distribution to the bidder.

5 (b) At the same time or prior thereto, the department  
6 shall inform the Comptroller of the names of the unsuccessful  
7 bidders. Upon receipt of such notice, the Comptroller shall  
8 issue warrants against the Textbook Bid Trust Fund payable to  
9 the unsuccessful bidders in the amounts deposited pursuant to  
10 this part and shall forward the warrants to the department for  
11 distribution to the unsuccessful bidders.

12 (c) One copy of each contract and an original of each  
13 bid, whether accepted or rejected, shall be preserved with the  
14 department for at least 3 years after the termination of the  
15 contract.

16 (6) DEPOSITS FORFEITED.--If any successful bidder  
17 fails or refuses to execute contract and bond within 30 days  
18 after receipt of the contract, the cash deposit shall be  
19 forfeited to the state and placed by the Treasurer in the  
20 General Revenue Fund.

21 (7) FORFEITURE OF CONTRACT AND BOND.--If any publisher  
22 or manufacturer of instructional materials fails or refuses to  
23 furnish a book, or books, or other instructional materials as  
24 provided in the contract, his or her bond is forfeited and the  
25 department shall make another contract on such terms as it may  
26 find desirable, after giving due consideration to the  
27 recommendations of the commissioner.

28 Section 306. Section 1006.35, Florida Statutes, is  
29 created to read:

30 1006.35 Accuracy of instructional materials.--

31 (1) In addition to relying on statements of publishers

1 or manufacturers of instructional materials, the commissioner  
2 may conduct or cause to be conducted an independent  
3 investigation to determine the accuracy of state-adopted  
4 instructional materials.

5 (2) When errors in state-adopted materials are  
6 confirmed, the publisher of the materials shall provide to  
7 each district school board that has purchased the materials  
8 the corrections in a format approved by the commissioner.

9 (3) The commissioner may remove materials from the  
10 list of state-adopted materials if he or she finds that the  
11 content is in error and the publisher refuses to correct the  
12 error when notified by the department.

13 (4) The commissioner may remove materials from the  
14 list of state-adopted materials at the request of the  
15 publisher if, in his or her opinion, there is no material  
16 impact on the state's education goals.

17 Section 307. Section 1006.36, Florida Statutes, is  
18 created to read:

19 1006.36 Term of adoption for instructional  
20 materials.--

21 (1) The term of adoption of any instructional  
22 materials must be a 6-year period beginning on April 1  
23 following the adoption, except that the commissioner may  
24 approve terms of adoption of less than 6 years for materials  
25 in content areas which require more frequent revision. Any  
26 contract for instructional materials may be extended as  
27 prescribed in s. 1006.34(3).

28 (2) The department shall publish annually an official  
29 schedule of subject areas to be called for adoption for each  
30 of the succeeding 2 years, and a tentative schedule for years  
31 3, 4, 5, and 6. If extenuating circumstances warrant, the



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1 commissioner may order the department to add one or more  
 2 subject areas to the official schedule, in which event the  
 3 commissioner shall develop criteria for such additional  
 4 subject area or areas and make them available to publishers as  
 5 soon as practicable before the date on which bids are due. The  
 6 schedule shall be developed so as to promote balance among the  
 7 subject areas so that the required expenditure for new  
 8 instructional materials is approximately the same each year in  
 9 order to maintain curricular consistency.

10 Section 308. Section 1006.37, Florida Statutes, is  
 11 created to read:

12 1006.37 Requisition of instructional materials from  
 13 publisher's depository.--

14 (1) The district school superintendent shall  
 15 requisition adopted instructional materials from the  
 16 depository of the publisher with whom a contract has been  
 17 made. However, the superintendent shall requisition current  
 18 instructional materials to provide each student with a  
 19 textbook or other materials as a major tool of instruction in  
 20 core courses of the subject areas specified in s. 1006.40(2).  
 21 These materials must be requisitioned within the first 2 years  
 22 of the adoption cycle, except for instructional materials  
 23 related to growth of student membership or instructional  
 24 materials maintenance needs. The superintendent may  
 25 requisition instructional materials in the core subject areas  
 26 specified in s. 1006.40(2) that are related to growth of  
 27 student membership or instructional materials maintenance  
 28 needs during the 3rd, 4th, 5th, and 6th years of the original  
 29 contract period.

30 (2) The district school superintendent shall verify  
 31 that the requisition is complete and accurate and order the

1 depository to forward to him or her the adopted instructional  
 2 materials shown by the requisition. The depository shall  
 3 prepare an invoice of the materials shipped, including  
 4 shipping charges, and mail it to the superintendent to whom  
 5 the shipment is being made. The superintendent shall pay the  
 6 depository within 60 days after receipt of the requisitioned  
 7 materials from the appropriation for the purchase of adopted  
 8 instructional materials.

9 Section 309. Section 1006.38, Florida Statutes, is  
 10 created to read:

11 1006.38 Duties, responsibilities, and requirements of  
 12 instructional materials publishers and  
 13 manufacturers.--Publishers and manufacturers of instructional  
 14 materials, or their representatives, shall:

15 (1) Comply with all provisions of this part.

16 (2) Deliver fully developed specimen copies of all  
 17 instructional materials upon which bids are based to each  
 18 member of a state instructional materials committee. At the  
 19 conclusion of the review process, manufacturers submitting  
 20 samples of instructional materials are entitled to the return  
 21 thereof, at the expense of the manufacturers; or, in the  
 22 alternative, the manufacturers are entitled to reimbursement  
 23 by the individual committee members for the retail value of  
 24 the samples.

25 (3) Submit, at a time designated in s. 1006.33, the  
 26 following information:

27 (a) Detailed specifications of the physical  
 28 characteristics of the instructional materials. The publisher  
 29 or manufacturer shall comply with these specifications if the  
 30 instructional materials are adopted and purchased in completed  
 31 form.

1           (b) Written proof that the publisher has provided  
2 written correlations to appropriate curricular objectives  
3 included within applicable performance standards provided for  
4 in s. 1001.03(1).

5           (4) Make available for purchase by any district school  
6 board any diagnostic, criterion-referenced, or other tests  
7 that they may develop.

8           (5) Furnish the instructional materials offered by  
9 them at a price in the state which, including all costs of  
10 transportation to their depositories, shall not exceed the  
11 lowest price at which they offer such instructional materials  
12 for adoption or sale to any state or school district in the  
13 United States.

14           (6) Reduce automatically the price of the  
15 instructional materials to any district school board to the  
16 extent that reductions are made elsewhere in the United  
17 States.

18           (7) Provide any instructional materials free of charge  
19 in the state to the same extent as they are provided free of  
20 charge to any state or school district in the United States.

21           (8) Guarantee that all copies of any instructional  
22 materials sold in this state will be at least equal in quality  
23 to the copies of such instructional materials that are sold  
24 elsewhere in the United States and will be kept revised, free  
25 from all errors, and up-to-date as may be required by the  
26 department.

27           (9) Agree that any supplementary material developed at  
28 the district or state level does not violate the author's or  
29 publisher's copyright, provided such material is developed in  
30 accordance with the doctrine of fair use.

31           (10) Not in any way, directly or indirectly, become

1 associated or connected with any combination in restraint of  
2 trade in instructional materials, nor enter into any  
3 understanding, agreement, or combination to control prices or  
4 restrict competition in the sale of instructional materials  
5 for use in the state.

6 (11) Maintain or contract with a depository in the  
7 state.

8 (12) For the core subject areas specified in s.  
9 1006.40(2), maintain in the depository for the first 2 years  
10 of the contract an inventory of instructional materials  
11 sufficient to receive and fill orders.

12 (13) For the core subject areas specified in s.  
13 1006.40(2), ensure the availability of an inventory sufficient  
14 to receive and fill orders for instructional materials for  
15 growth, including the opening of a new school, and replacement  
16 during the 3rd and subsequent years of the original contract  
17 period.

18 (14) For all other subject areas, maintain in the  
19 depository an inventory of instructional materials sufficient  
20 to receive and fill orders.

21 (15) Accurately and fully disclose only the names of  
22 those persons who actually authored the instructional  
23 materials. In addition to the penalties provided in  
24 subsection (17), the commissioner may remove from the list of  
25 state-adopted instructional materials those instructional  
26 materials whose publisher or manufacturer misleads the  
27 purchaser by falsely representing genuine authorship.

28 (16) Grant, without prior written request, for any  
29 copyright held by the publisher or its agencies automatic  
30 permission to the department or its agencies for the  
31 reproduction of textbooks and supplementary materials in

1 braille or large print or in the form of sound recordings, for  
2 use by visually impaired students or other students with  
3 disabilities that would benefit from use of the materials.

4 (17) Upon the willful failure of the publisher or  
5 manufacturer to comply with the requirements of this section,  
6 be liable to the department in the amount of 3 times the total  
7 sum which the publisher or manufacturer was paid in excess of  
8 the price required under subsections (5) and (6) and in the  
9 amount of 3 times the total value of the instructional  
10 materials and services which the district school board is  
11 entitled to receive free of charge under subsection (7).

12 Section 310. Section 1006.39, Florida Statutes, is  
13 created to read:

14 1006.39 Production and dissemination of educational  
15 materials and products by department.--

16 (1) Educational materials and products developed by or  
17 under the direction of the department, through research and  
18 development or other efforts, including those subject to  
19 copyright, patent, or trademark, shall be made available for  
20 use by teachers, students, administrators, and other  
21 appropriate persons in the state system of education at the  
22 earliest practicable date and in the most economical and  
23 efficient manner possible.

24 (2) To accomplish this objective the department may  
25 publish, produce, or have produced educational materials and  
26 products and make them readily available for appropriate use  
27 in the state system of education. The department may charge  
28 an amount adequate to cover the essential cost of producing  
29 and disseminating such materials and products in the state  
30 system of education and may sell copies for educational use to  
31 private schools in the state and to the public.

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1           (3) All proceeds from the sale of educational  
 2 materials and products shall be remitted to the Treasurer and  
 3 shall be kept in a separate fund to be known as the  
 4 "Educational Media and Technology Trust Fund" and, when  
 5 properly budgeted as approved by the Legislature and the  
 6 Executive Office of the Governor, used to pay the cost of  
 7 producing and disseminating educational materials and  
 8 products.

9           (4) In cases in which the educational materials or  
 10 products are of such nature, or the circumstances are such,  
 11 that it is not practicable or feasible for the department to  
 12 produce or have produced materials and products so developed,  
 13 it may, after review and approval by the Department of State,  
 14 license, lease, assign, sell, or otherwise give written  
 15 consent to any person, firm or corporation for the manufacture  
 16 or use thereof, on a royalty basis, or for such other  
 17 consideration as the department finds proper and in the best  
 18 interest of the state. The department shall protect  
 19 educational materials and products against improper or  
 20 unlawful use or infringement and enforce the collection of any  
 21 sums due for the manufacture or use thereof by any other  
 22 party.

23           (5) The department shall not enter into the business  
 24 of producing or publishing textbooks, or the contents therein,  
 25 for general use in classrooms.

26           Section 311. Section 1006.40, Florida Statutes, is  
 27 created to read:

28           1006.40 Use of instructional materials allocation;  
 29 instructional materials, library books, and reference books;  
 30 repair of books.--

31           (1) On or before July 1 each year, the commissioner

1 shall certify to each district school superintendent the  
2 estimated allocation of state funds for instructional  
3 materials, computed pursuant to the provisions of s. 1011.67  
4 for the ensuing fiscal year.

5 (2)(a) Each district school board must purchase  
6 current instructional materials to provide each student with a  
7 textbook or other instructional materials as a major tool of  
8 instruction in core courses of the appropriate subject areas  
9 of mathematics, language arts, science, social studies,  
10 reading, and literature for kindergarten through grade 12.  
11 Such purchase must be made within the first 2 years of the  
12 effective date of the adoption cycle. Unless specifically  
13 provided for in the General Appropriations Act, the cost of  
14 instructional materials purchases required by this paragraph  
15 shall not exceed the amount of the district's allocation for  
16 instructional materials, pursuant to s. 1011.67, for the  
17 previous 2 years.

18 (b) The requirement in paragraph (a) does not apply to  
19 contracts in existence before April 1, 2000, or to a purchase  
20 related to growth of student membership in the district or for  
21 instructional materials maintenance needs.

22 (3)(a) Each district school board shall use the annual  
23 allocation for the purchase of instructional materials  
24 included on the state-adopted list, except as otherwise  
25 authorized in paragraphs (b) and (c). No less than 50 percent  
26 of the annual allocation shall be used to purchase items which  
27 will be used to provide instruction to students at the level  
28 or levels for which the materials are designed.

29 (b) Up to 50 percent of the annual allocation may be  
30 used for the purchase of instructional materials, including  
31 library and reference books and nonprint materials, not

1 included on the state-adopted list and for the repair and  
2 renovation of textbooks and library books.

3 (c) District school boards may use 100 percent of that  
4 portion of the annual allocation designated for the purchase  
5 of instructional materials for kindergarten, and 75 percent of  
6 that portion of the annual allocation designated for the  
7 purchase of instructional materials for first grade, to  
8 purchase materials not on the state-adopted list.

9 (4) The funds described in subsection (3) which  
10 district school boards may use to purchase materials not on  
11 the state-adopted list shall be used for the purchase of  
12 instructional materials or other items having intellectual  
13 content which assist in the instruction of a subject or  
14 course. These items may be available in bound, unbound, kit,  
15 or package form and may consist of hardbacked or softbacked  
16 textbooks, replacements for items which were part of  
17 previously purchased instructional materials, consumables,  
18 learning laboratories, manipulatives, electronic media,  
19 computer courseware or software, and other commonly accepted  
20 instructional tools as prescribed by district school board  
21 rule. The funds available to district school boards for the  
22 purchase of materials not on the state-adopted list may not be  
23 used to purchase electronic or computer hardware even if such  
24 hardware is bundled with software or other electronic media,  
25 nor may such funds be used to purchase equipment or supplies.  
26 However, when authorized to do so in the General  
27 Appropriations Act, a school or district school board may use  
28 a portion of the funds available to it for the purchase of  
29 materials not on the state-adopted list to purchase science  
30 laboratory materials and supplies.

31 (5) Each district school board shall adopt rules, and



1 each district school superintendent shall implement  
2 procedures, that will assure the maximum use by the students  
3 of the authorized instructional materials.

4 (6) District school boards may issue purchase orders  
5 subsequent to February 1 in an aggregate amount which does not  
6 exceed 20 percent of the current year's allocation, and  
7 subsequent to April 1 in an aggregate amount which does not  
8 exceed 90 percent of the current year's allocation, for the  
9 purpose of expediting the delivery of instructional materials  
10 which are to be paid for from the ensuing year's allocation.

11 (7) In any year in which the total instructional  
12 materials allocation for a school district has not been  
13 expended or obligated prior to June 30, the district school  
14 board shall carry forward the unobligated amount and shall add  
15 it to the next year's allocation.

16 Section 312. Section 1006.41, Florida Statutes, is  
17 created to read:

18 1006.41 Disposal of instructional materials.--

19 (1) Instructional materials that have become  
20 unserviceable or surplus or are no longer on state contract  
21 may be disposed of, under adopted rule of the district school  
22 board, by:

23 (a) Giving or lending the materials to other public  
24 education programs within the district or state, to the  
25 teachers to use in developing supplementary teaching  
26 materials, to students or others, or to any charitable  
27 organization, governmental agency, home education students,  
28 private school, or state.

29 (b) Selling the materials to used book dealers,  
30 recycling plants, pulp mills, or other persons, firms, or  
31 corporations upon such terms as are most economically

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1 advantageous to the district school board.

2 (2) The district school board may prescribe by rule  
3 the manner for destroying instructional materials that cannot  
4 be disposed of as provided in subsection (1).

5 (3) All moneys received for the sale, exchange, or  
6 other disposition of instructional materials shall be  
7 deposited in the district school fund and added to the  
8 district appropriation for instructional materials.

9 (4) Instructional materials which have been sold,  
10 exchanged, lost, destroyed, or damaged and for which proper  
11 charges have been assessed and collected, and instructional  
12 materials which have been destroyed by fire or storm damage or  
13 by order of a competent health officer or the district school  
14 superintendent, shall be dropped from the record of  
15 instructional materials for which, as provided by law,  
16 district school boards are held responsible.

17 Section 313. Section 1006.42, Florida Statutes, is  
18 created to read:

19 1006.42 Responsibility of students and parents for  
20 instructional materials.--

21 (1) All instructional materials purchased under the  
22 provisions of this part are the property of the district  
23 school board. When distributed to the students, these  
24 instructional materials are on loan to the students while they  
25 are pursuing their courses of study and are to be returned at  
26 the direction of the school principal or the teacher in  
27 charge. Each parent of a student to whom or for whom  
28 instructional materials have been issued, is liable for any  
29 loss or destruction of, or unnecessary damage to, the  
30 instructional materials or for failure of the student to  
31 return the instructional materials when directed by the school

1 principal or the teacher in charge, and shall pay for such  
2 loss, destruction, or unnecessary damage as provided by law.

3 (2) Nothing in this part shall be construed to  
4 prohibit parents from exercising their right to purchase  
5 instructional materials from the district school board.

6 Section 314. Section 1006.43, Florida Statutes, is  
7 created to read:

8 1006.43 Expenses; budget request.--

9 (1) The commissioner shall include in the department's  
10 annual legislative budget a request for funds in an amount  
11 sufficient to provide the necessary expense for:

12 (a) The instructional materials committees.

13 (b) Instructional materials for use by partially  
14 sighted students.

15 (c) Other specific and necessary state expenses with  
16 regard to the instructional materials program.

17 (2) The department may arrange for distribution  
18 adopted textbooks which are prepared in various media for the  
19 use of partially sighted children enrolled in the Florida  
20 schools.

21 Section 315. Part II of chapter 1006, Florida  
22 Statutes, shall be entitled "Public Postsecondary Education  
23 Support for Learning and Student Services" and shall consist  
24 of ss. 1006.50-1006.71.

25 Section 316. Section 1006.50, Florida Statutes, is  
26 created to read:

27 1006.50 Student handbooks.--

28 (1) Each community college and state university shall  
29 compile and update annually a student handbook that includes,  
30 but is not limited to, a comprehensive calendar that  
31 emphasizes important dates and deadlines, student rights and

1 responsibilities, appeals processes available to students, and  
2 a roster of contact persons within the administrative staff  
3 available to respond to student inquiries.

4 (2) Each student handbook shall list the legal and  
5 institution-specific sanctions that will be imposed upon  
6 students who violate the law or institutional policies  
7 regarding controlled substances and alcoholic beverages.

8 (3) Each student handbook shall provide information  
9 related to acquired immune deficiency syndrome (AIDS)  
10 education or identify sites from which AIDS education  
11 information may be obtained.

12 Section 317. Section 1006.51, Florida Statutes, is  
13 created to read:

14 1006.51 Student ombudsman office.--

15 (1) There is created at each community college and  
16 state university a student ombudsman office, which is  
17 accountable to the president.

18 (2) Each institution must have an established  
19 procedure by which a student may appeal to the office of the  
20 ombudsman a decision that is related to the student's access  
21 to courses and credit granted toward the degree. Detailed  
22 information concerning this procedure must be included in the  
23 institution's catalog.

24 (3) Each community college and state university shall  
25 develop minimum standards for the role of ombudsman or student  
26 advocate. The standards shall address the issue of  
27 notification of students of opportunities for assistance or  
28 appeal.

29 Section 318. Section 1006.52, Florida Statutes, is  
30 created to read:

31 1006.52 Student records.--

1           (1) Each university may prescribe the content and  
 2 custody of records and reports which the university may  
 3 maintain on its students. Such records are confidential and  
 4 exempt from the provisions of s. 119.07(1) and are open to  
 5 inspection only as provided in s. 1002.22.

6           (2) Rules of the State Board of Education may  
 7 prescribe the content and custody of records and reports which  
 8 a community college may maintain on its students. Such records  
 9 are confidential and exempt from s. 119.07(1) and are open to  
 10 inspection only as provided in s. 1002.22.

11           Section 319. Section 1006.53, Florida Statutes, is  
 12 created to read:

13           1006.53 Religious observances.--Each public  
 14 postsecondary educational institution shall adopt a policy in  
 15 accordance with rules of the State Board of Education which  
 16 reasonably accommodates the religious observance, practice,  
 17 and belief of individual students in regard to admissions,  
 18 class attendance, and the scheduling of examinations and work  
 19 assignments. Each policy shall include a grievance procedure  
 20 by which a student who believes that he or she has been  
 21 unreasonably denied an educational benefit due to his or her  
 22 religious belief or practices may seek redress. Such policy  
 23 shall be made known to faculty and students annually in  
 24 inclusion in the institution's handbook, manual, or other  
 25 similar document regularly provided to faculty and students.

26           Section 320. Section 1006.54, Florida Statutes, is  
 27 created to read:

28           1006.54 Universities; public documents distributed to  
 29 libraries.--The general library of each state university may  
 30 receive copies of reports of state officials, departments, and  
 31 institutions and all other state documents published by the

1 state. Each officer of the state empowered by law to  
 2 distribute such public documents may transmit without charge,  
 3 except for payment of shipping costs, the number of copies of  
 4 each public document desired upon requisition from the  
 5 librarian. It is the duty of the library to keep public  
 6 documents in a convenient form accessible to the public. The  
 7 library, under rules formulated by the university board of  
 8 trustees, is authorized to exchange documents for those of  
 9 other states, territories, and countries.

10 Section 321. Section 1006.55, Florida Statutes, is  
 11 created to read:

12 1006.55 Law libraries of certain institutions of  
 13 higher learning designated as state legal depositories.--

14 (1) The law libraries of the University of Florida,  
 15 Florida State University, Florida International University,  
 16 Florida Agricultural and Mechanical University, Stetson  
 17 University, Nova University, and the University of Miami are  
 18 designated as state legal depositories.

19 (2) Each officer of the state empowered by law to  
 20 distribute legal publications may transmit, upon payment of  
 21 shipping costs or cash on delivery, to the state legal  
 22 depositories copies of such publications as requested.  
 23 However, the number of copies transmitted shall be limited to:

24 (a) Eight copies of each volume of General Acts and  
 25 each volume of Special Acts to each of the state legal  
 26 depositories;

27 (b) Up to a maximum number of each volume of the  
 28 Florida Statutes and each supplement volume, computed on the  
 29 basis of one set for every 10 students enrolled during the  
 30 school year, based upon the average enrollment as certified by  
 31 the registrar; and

1           (c) One copy of each journal of the House of  
2 Representatives and each journal of the Senate to each state  
3 legal depository.

4           (3) It is the duty of the librarian of any depository  
5 to keep all public documents in a convenient form accessible  
6 to the public.

7           (4) The libraries of all community colleges are  
8 designated as state depositories for the Florida Statutes and  
9 supplements published by or under the authority of the state;  
10 these depositories each may receive upon request one copy of  
11 each volume without charge, except for payment of shipping  
12 costs.

13           Section 322. Section 1006.56, Florida Statutes, is  
14 created to read:

15           1006.56 Specified university publications; activities;  
16 trust funds.--

17           (1) Subject to the approval of the appropriate  
18 university, the Florida Law Review, the Florida State  
19 University Law Review, the Florida State University Journal of  
20 Land Use and Environmental Law, the University of Florida  
21 Journal of Law and Public Policy, and the Florida  
22 International Law Journal of the University of Florida are  
23 authorized to engage in the following activities relating to  
24 their respective publications, notwithstanding the contrary  
25 provision of any statute, rule, or regulation of the state or  
26 its subdivisions or agencies:

27           (a) The grant of reprint rights relating to any or all  
28 issues of the Florida Law Review, the Florida State University  
29 Law Review, the Florida State University Journal of Land Use  
30 and Environmental Law, the University of Florida Journal of  
31 Law and Public Policy, or the Florida International Law

1 Journal of the University of Florida, or any of the materials,  
2 articles, or ideas contained therein;

3 (b) The sale for adequate consideration of any or all  
4 past or future stock and inventory of published issues of the  
5 Florida Law Review, the Florida State University Law Review,  
6 the Florida State University Journal of Land Use and  
7 Environmental Law, the University of Florida Journal of Law  
8 and Public Policy, or the Florida International Law Journal of  
9 the University of Florida, or portions thereof; and

10 (c) The retention of the proceeds obtained under  
11 paragraph (a) or paragraph (b) together with all moneys  
12 received by the Florida Law Review or the Florida State  
13 University Law Review from current or future subscriptions,  
14 sale of individual issues, sale of advertising, binding  
15 service, royalties, donations, and all other sources except  
16 direct or indirect appropriations from the state, its  
17 subdivisions, or agencies.

18 (2) Moneys retained by the Florida Law Review pursuant  
19 to this section shall be placed in a trust fund to be known as  
20 the Florida Law Review Trust Fund. Moneys retained by the  
21 Florida State University Law Review pursuant to this section  
22 shall be placed in a trust fund to be known as the Florida  
23 State University Law Review Trust Fund. Moneys retained by the  
24 Florida State University Journal of Land Use and Environmental  
25 Law pursuant to this section shall be placed in a trust fund  
26 to be known as the Florida State University Journal of Land  
27 Use and Environmental Law Trust Fund. Moneys retained by the  
28 University of Florida Journal of Law and Public Policy  
29 pursuant to this section shall be placed in a trust fund to be  
30 known as the University of Florida Journal of Law and Public  
31 Policy Trust Fund. Moneys retained by the Florida



1 International Law Journal of the University of Florida  
 2 pursuant to this section shall be placed in a trust fund to be  
 3 known as the Florida International Law Journal of the  
 4 University of Florida Trust Fund. Such trust funds shall be  
 5 used to pay or supplement the payment of printing costs or  
 6 other costs incident to the publication of the respective law  
 7 reviews and law journals and shall be administered by the dean  
 8 of each college of law or his or her faculty designee.

9 (3) Printing of such publications shall be let upon  
 10 contract to the lowest responsive bidder, in accordance with  
 11 s. 283.33, except when the additional costs incurred in  
 12 changing from the current printer to the new low bidder exceed  
 13 the savings reflected in the bid prices. Such additional costs  
 14 shall not exceed 10 percent of the lowest bid price.

15 Section 323. Section 1006.57, Florida Statutes, is  
 16 created to read:

17 1006.57 Certain books furnished by Clerk of Supreme  
 18 Court.--

19 (1) The Clerk of the Supreme Court of the state shall  
 20 furnish the State Board of Education three bound copies of  
 21 each volume of the Florida Supreme Court Reports as the same  
 22 are issued and published for the use of the schools of law of  
 23 the University of Florida, the Florida State University,  
 24 Florida International University, and Florida Agricultural and  
 25 Mechanical University.

26 (2) The Clerk of the Supreme Court shall transmit to  
 27 said schools of law any law books coming into his or her  
 28 possession for the Supreme Court which are not necessary for  
 29 said court. The clerk of said court shall furnish said Supreme  
 30 Court Reports and said surplus law books without cost to said  
 31 law schools.

1           Section 324. Section 1006.58, Florida Statutes, is  
2 created to read:

3           1006.58 Collections management for museums and  
4 galleries of state universities.--

5           (1) State universities may enter into contracts or  
6 agreements with or without competitive bidding, as  
7 appropriate, for the restoration of objects of art, art  
8 history, or natural history in their collections or for the  
9 purchase of objects of art, art history, or natural history  
10 which are to be added to their collections.

11           (2) State universities may sell any art, art history,  
12 or natural history object in their museum or gallery  
13 collections if the university determines that it is no longer  
14 appropriate for the collection. The proceeds of the sale shall  
15 be deposited in the Acquisition, Restoration, and Conservation  
16 Trust Fund or other appropriate trust fund of the university.  
17 Each state university museum or gallery shall function  
18 entirely separate from every state university museum or  
19 gallery. State universities also may exchange any art, art  
20 history, or natural history object which the university  
21 museums or galleries judge is of equivalent or greater value  
22 to their museums or galleries.

23           (3) No employee, representative, or agent of a  
24 university shall receive a commission, fee, or financial  
25 benefit in connection with the sale or exchange of a work of  
26 art, art history, or natural history, nor may he or she be a  
27 business associate of any individual, firm, or organization  
28 involved in the sale or exchange.

29           (4)(a) Each university may establish an Acquisition,  
30 Restoration, and Conservation Trust Fund or utilize an  
31 appropriate existing trust fund.

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1           (b) The president of each university may delegate the  
2 following authority to the museum or gallery directors and  
3 governing bodies of the museums or galleries:

4           1. To enter into contracts for the restoration or  
5 purchase of art, art history, or natural history objects, with  
6 or without competitive bidding, as appropriate.

7           2. To sell art, art history, or natural history  
8 objects in museum or gallery collections, the proceeds of  
9 which shall be deposited in the Acquisition, Restoration, and  
10 Conservation Trust Fund or other appropriate existing trust  
11 fund.

12           3. To exchange art, art history, or natural history  
13 objects of equal or greater value with any other state  
14 university.

15           Section 325. Section 1006.59, Florida Statutes, is  
16 created to read:

17           1006.59 The Historically Black College and University  
18 Library Improvement Program.--

19           (1) It is the intent of the Legislature to enhance the  
20 quality of the libraries at Florida Agricultural and  
21 Mechanical University, Bethune-Cookman College, Edward Waters  
22 College, and Florida Memorial College.

23           (2) There is created the Historically Black College  
24 and University Library Improvement Program to be administered  
25 by the Department of Education. The primary objectives of the  
26 program shall be to increase each library's holdings by 500 to  
27 1,000 books per year, to increase library use by students and  
28 faculty, and to enhance the professional growth of librarians  
29 by providing inservice training. At least 50 percent of  
30 library acquisitions shall be in the humanities, with the  
31 balance to be in all other disciplines. It is the intent of

1 the Legislature to provide general revenue funds each year to  
2 support this program.

3 (3) Each institution shall submit to the State Board  
4 of Education a plan for enhancing its library through the  
5 following activities:

6 (a) Each institution shall increase the number of  
7 volumes by purchasing replacement books and new titles. Funds  
8 shall not be used to purchase periodicals or nonprint media.  
9 The goal of these purchases is to meet the needs of students  
10 and faculty in disciplines that have recently been added to  
11 the curriculum, in traditional academic fields that have been  
12 expanded, or in academic fields in which rapid changes in  
13 technology result in accelerated obsolescence of related  
14 library holdings.

15 (b) A committee composed of librarians and faculty at  
16 each institution shall assess the adequacy of library holdings  
17 in all academic areas. The committee shall develop a list of  
18 resources that need to be replaced. Based on its assessment of  
19 the current collection, the committee shall develop a  
20 prioritized list of recommended acquisitions and shall submit  
21 such list to the college or university president.

22 Section 326. Section 1006.60, Florida Statutes, is  
23 created to read:

24 1006.60 Codes of conduct; disciplinary measures;  
25 rulemaking authority.--

26 (1) Each community college and state university may  
27 adopt, by rule, codes of conduct and appropriate penalties for  
28 violations of rules by students, to be administered by the  
29 institution. Such penalties, unless otherwise provided by law,  
30 may include: reprimand; restitution; fines; withholding of  
31 diplomas or transcripts pending compliance with rules,

1 completion of any student judicial process or sanction, or  
2 payment of fines; restrictions on the use of or removal from  
3 campus facilities; community service; educational  
4 requirements; and the imposition of probation, suspension,  
5 dismissal, or expulsion.

6 (2) Each community college and state university may  
7 adopt, by rule, a code of conduct and appropriate penalties  
8 for violations of rules by student organizations, to be  
9 administered by the institution. Such penalties, unless  
10 otherwise provided by law, may include: reprimand;  
11 restitution; suspension, cancellation, or revocation of the  
12 registration or official recognition of a student  
13 organization; and restrictions on the use of, or removal from,  
14 campus facilities.

15 (3) Sanctions authorized by such codes of conduct may  
16 be imposed only for acts or omissions in violation of rules  
17 adopted by the institution, including rules adopted under this  
18 section, rules of the State Board of Education, county and  
19 municipal ordinances, and the laws of this state, the United  
20 States, or any other state.

21 (4) Each community college and state university may  
22 establish and adopt, by rule, codes of appropriate penalties  
23 for violations of rules governing student academic honesty.  
24 Such penalties, unless otherwise provided by law, may include:  
25 reprimand; reduction of grade; denial of academic credit;  
26 invalidation of university credit or of the degree based upon  
27 such credit; probation; suspension; dismissal; or expulsion.  
28 In addition to any other penalties that may be imposed, an  
29 individual may be denied admission or further registration,  
30 and the institution may invalidate academic credit for work  
31 done by a student and may invalidate or revoke the degree

1 based upon such credit if it is determined that the student  
 2 has made false, fraudulent, or incomplete statements in the  
 3 application, residence affidavit, or accompanying documents or  
 4 statements in connection with, or supplemental to, the  
 5 application for admission to or graduation from the  
 6 institution.

7       (5) Each community college and state university shall  
 8 adopt rules for the lawful discipline of any student who  
 9 intentionally acts to impair, interfere with, or obstruct the  
 10 orderly conduct, processes, and functions of the institution.  
 11 Said rules may apply to acts conducted on or off campus when  
 12 relevant to such orderly conduct, processes, and functions.

13       Section 327. Section 1006.61, Florida Statutes, is  
 14 created to read:

15       1006.61 Participation by students in disruptive  
 16 activities at public postsecondary educational institution;  
 17 penalties.--

18       (1) Any person who accepts the privilege extended by  
 19 the laws of this state of attendance at any public  
 20 postsecondary educational institution shall, by attending such  
 21 institution, be deemed to have given his or her consent to the  
 22 policies of that institution, the State Board of Education,  
 23 and the laws of this state. Such policies shall include  
 24 prohibition against disruptive activities at public  
 25 postsecondary educational institutions.

26       (2) After it has been determined that a student of a  
 27 state institution of higher learning has participated in  
 28 disruptive activities, such student may be immediately  
 29 expelled from the institution for a minimum of 2 years.

30       Section 328. Section 1006.62, Florida Statutes, is  
 31 created to read:

1           1006.62 Expulsion and discipline of students of  
2 community colleges and state universities.--

3           (1) Each student in a community college or state  
4 university is subject to federal and state law, respective  
5 county and municipal ordinances, and all rules and regulations  
6 of the State Board of Education or board of trustees of the  
7 institution.

8           (2) Violation of these published laws, ordinances, or  
9 rules and regulations may subject the violator to appropriate  
10 action by the institution's authorities.

11           (3) Each president of a community college or state  
12 university may, after notice to the student of the charges and  
13 after a hearing thereon, to expel, suspend, or otherwise  
14 discipline any student who is found to have violated any law,  
15 ordinance, or rule or regulation of the State Board of  
16 Education or of the board of trustees of the institution. A  
17 student may be entitled to waiver of expulsion:

18           (a) If the student provides substantial assistance in  
19 the identification, arrest, or conviction of any of his or her  
20 accomplices, accessories, coconspirators, or principals or of  
21 any other person engaged in violations of chapter 893 within a  
22 state university or community college;

23           (b) If the student voluntarily discloses his or her  
24 violations of chapter 893 prior to his or her arrest; or

25           (c) If the student commits himself or herself, or is  
26 referred by the court in lieu of sentence, to a state-licensed  
27 drug abuse program and successfully completes the program.

28           Section 329. Section 1006.63, Florida Statutes, is  
29 created to read:

30           1006.63 Hazing prohibited.--

31           (1) As used in this section, "hazing" means any action

1 or situation that recklessly or intentionally endangers the  
 2 mental or physical health or safety of a student for the  
 3 purpose of initiation or admission into or affiliation with  
 4 any organization operating under the sanction of a  
 5 postsecondary institution. Such term includes, but is not  
 6 limited to, any brutality of a physical nature, such as  
 7 whipping, beating, branding, forced calisthenics, exposure to  
 8 the elements, forced consumption of any food, liquor, drug, or  
 9 other substance, or other forced physical activity which could  
 10 adversely affect the physical health or safety of the student,  
 11 and also includes any activity which would subject the student  
 12 to extreme mental stress, such as sleep deprivation, forced  
 13 exclusion from social contact, forced conduct which could  
 14 result in extreme embarrassment, or other forced activity  
 15 which could adversely affect the mental health or dignity of  
 16 the student.

17       (2) Public and nonpublic postsecondary educational  
 18 institutions whose students receive state student financial  
 19 assistance must adopt a written antihazing policy and under  
 20 such policy must adopt rules prohibiting students or other  
 21 persons associated with any student organization from engaging  
 22 in hazing.

23       (3) Public and nonpublic postsecondary educational  
 24 institutions must provide a program for the enforcement of  
 25 such rules and must adopt appropriate penalties for violations  
 26 of such rules, to be administered by the person at the  
 27 institution responsible for the sanctioning of such  
 28 organizations.

29       (a) Such penalties at community colleges and state  
 30 universities may include the imposition of fines; the  
 31 withholding of diplomas or transcripts pending compliance with



1 the rules or pending payment of fines; and the imposition of  
2 probation, suspension, or dismissal.

3 (b) In the case of an organization at a community  
4 college or state university which authorizes hazing in blatant  
5 disregard of such rules, penalties may also include rescission  
6 of permission for that organization to operate on campus  
7 property or to otherwise operate under the sanction of the  
8 institution.

9 (c) All penalties imposed under the authority of this  
10 subsection shall be in addition to any penalty imposed for  
11 violation of any of the criminal laws of this state or for  
12 violation of any other rule of the institution to which the  
13 violator may be subject.

14 (4) Rules adopted pursuant hereto shall apply to acts  
15 conducted on or off campus whenever such acts are deemed to  
16 constitute hazing.

17 (5) Upon approval of the antihazing policy of a  
18 community college or state university and of the rules and  
19 penalties adopted pursuant thereto, the institution shall  
20 provide a copy of such policy, rules, and penalties to each  
21 student enrolled in that institution and shall require the  
22 inclusion of such policy, rules, and penalties in the bylaws  
23 of every organization operating under the sanction of the  
24 institution.

25 Section 330. Section 1006.64, Florida Statutes, is  
26 created to read:

27 1006.64 Suspension and removal from office of elected  
28 student government officials; referendum.--The student  
29 government association of each community college and state  
30 university shall establish a process to provide for the  
31 removal from office of any elected student government official

1 who has been convicted of a violation of criminal law or has  
 2 been found civilly liable for an act of moral turpitude, after  
 3 all available rights of judicial appeal have been exercised or  
 4 waived or have expired. The process shall include a procedure  
 5 for the immediate suspension of the student government  
 6 official from elected office following the conviction or civil  
 7 finding and during any appeal, and shall provide for the  
 8 temporary successor to the subject office pending completion  
 9 of any appeal. The process must also include a procedure for  
 10 registered students to petition for a referendum recommending  
 11 to the student government association the removal of a student  
 12 official from elected office. The referendum must be held  
 13 within 60 days of filing of the petition. The recommendation  
 14 to remove the subject official from elected office shall be  
 15 made by majority vote of the students participating in the  
 16 referendum. The action of a student government association  
 17 under this section shall be subject to an appeal to the  
 18 university or community college president or designee.

19 Section 331. Section 1006.65, Florida Statutes, is  
 20 created to read:

21 1006.65 Safety issues in courses offered by public  
 22 postsecondary educational institutions.--

23 (1) The State Board of Education shall adopt rules to  
 24 ensure that policies and procedures are in place to protect  
 25 the health and safety of students, instructional personnel,  
 26 and visitors who participate in courses offered by a public  
 27 postsecondary educational institution.

28 (2) Such policies and procedures shall be guided by  
 29 industry standards for practices in the course content area  
 30 and shall conform with all related and relevant state and  
 31 federal health and safety requirements.

1           Section 332. Section 1006.66, Florida Statutes, is  
2 created to read:

3           1006.66 Regulation of traffic at universities.--

4           (1) As defined under this section:

5           (a) "Traffic," when used as a noun, means the use or  
6 occupancy of, and the movement in, on, or over, streets, ways,  
7 walks, roads, alleys, and parking areas by vehicles,  
8 pedestrians, or ridden or herded animals.

9           (b) "Adjacent municipality" means a municipality which  
10 is contiguous or adjacent to, or which contains within its  
11 boundaries all or part of the grounds of, a university; except  
12 that, if the grounds of a university are not within or  
13 contiguous to a municipality, "adjacent municipality" means  
14 the county seat of the county which contains within its  
15 boundaries all or part of the grounds of the university.

16           (c) "Grounds" includes all of the campus and grounds  
17 of the university, whether it be the campus proper or outlying  
18 or noncontiguous land of the university within the county.

19           (d) "Law enforcement officers" include municipal  
20 police, patrol officers, traffic officers, sheriffs, deputies,  
21 highway patrol officers, and county traffic officers assigned  
22 to duty on the grounds of the university, as well as campus  
23 police, traffic officers, guards, parking patrollers, and  
24 other noncommissioned personnel designated for traffic  
25 purposes by the university.

26           (e) "University traffic infraction" means a  
27 noncriminal violation of university parking and traffic rules  
28 which is not included under s. 318.14 or s. 318.17 or any  
29 municipal ordinance, which is not punishable by incarceration,  
30 and for which there is no right to trial by jury or to  
31 court-appointed counsel.

1           (f) "Traffic authority" means an individual or a group  
 2 of individuals at each university, authorized and appointed by  
 3 the president of the university to adjudicate university  
 4 traffic infractions.

5           (2) Each university board of trustees shall adopt  
 6 rules that govern traffic on the grounds of the university;  
 7 that provide penalties for the infraction of such traffic  
 8 rules; and that the university finds necessary, convenient, or  
 9 advisable for the safety or welfare of the students, faculty  
 10 members, or other persons. Copies of the rules shall be posted  
 11 at the university on public bulletin boards where notices are  
 12 customarily posted, filed with the city clerk or corresponding  
 13 municipal or county officer, and made available to any person  
 14 requesting same. When adopted, the rules shall be enforceable  
 15 as herein provided. All ordinances of the adjacent  
 16 municipality relating to traffic that are not in conflict or  
 17 inconsistent with the traffic rules adopted by the individual  
 18 university shall extend and be applicable to the grounds of  
 19 the university. The provisions of chapter 316 shall extend and  
 20 be applicable to the grounds of the university, and the rules  
 21 adopted by the individual university shall not conflict with  
 22 any section of that chapter.

23           (3) Any person who violates any of those rules adopted  
 24 by the individual institution shall be deemed to have  
 25 committed a university traffic infraction and shall be fined  
 26 or penalized as provided by the rules adopted by the  
 27 institution. Any person who violates any traffic regulation  
 28 enumerated in chapter 316 shall be charged, and the cause  
 29 shall proceed, in accordance with chapters 316 and 318.

30           (4) A person charged with a university traffic  
 31 infraction shall elect the option prescribed in paragraph (a)

1 or the option prescribed in paragraph (b). If neither option  
 2 is exercised within the prescribed time by the person charged  
 3 with a university traffic infraction, an additional fine or  
 4 penalty may be assessed, and shall be payable, in accordance  
 5 with the rules of the university.

6 (a) The person charged may pay the applicable  
 7 infraction fine, either by mail or in person, within the time  
 8 period specified in the rules of the individual university. A  
 9 schedule of infraction fines applicable to each university  
 10 shall be adopted by the university.

11 (b) The person charged may elect to appear before the  
 12 university traffic authority for administrative determination  
 13 pursuant to procedures enumerated in the rules of such  
 14 university.

15 (5) Each university is authorized to approve the  
 16 establishment of a university traffic authority to hear  
 17 violations of traffic rules. In such cases as come before the  
 18 authority, the university traffic authority shall determine  
 19 whether the person is guilty or not guilty of the charge. In  
 20 the case of a finding of guilt, the authority shall, in its  
 21 discretion, impose an appropriate penalty pursuant to  
 22 subsection (3).

23 (6) This section shall provide the exclusive  
 24 procedures for the adjudication of university traffic  
 25 infractions.

26 (7) Moneys collected from parking assessments and  
 27 infraction fines shall be deposited in appropriate funds and  
 28 shall be used to defray the administrative and operating costs  
 29 of the traffic and parking program at the institution, to  
 30 provide for additional parking facilities on campus, or for  
 31 student loan purposes.

1 Section 333. Section 1006.67, Florida Statutes, is  
2 created to read:

3 1006.67 Report of campus crime statistics and  
4 assessment of physical plant safety.--

5 (1) Each postsecondary educational institution shall  
6 prepare an annual report of campus crime statistics for  
7 submission to the Department of Education. The data for these  
8 reports may be taken from the Florida Department of Law  
9 Enforcement Annual Report. The Department of Education shall  
10 prescribe the format for institutional submission.

11 (2) Each postsecondary institution shall prepare a  
12 report of crime statistics as reported under subsection (1)  
13 for the most recent 3-year period. The report shall be updated  
14 annually. The institution shall give notice that this report  
15 is available upon request.

16 (3) The Commissioner of Education shall convey the  
17 reports required by this section to the President of the  
18 Senate and the Speaker of the House of Representatives no  
19 later than March 1 of each year.

20 Section 334. Section 1006.68, Florida Statutes, is  
21 created to read:

22 1006.68 HIV and AIDS policy.--Each community college  
23 and state university shall develop a comprehensive policy that  
24 addresses the provision of instruction, information, and  
25 activities regarding human immunodeficiency virus infection  
26 and acquired immune deficiency syndrome. Such instruction,  
27 information, or activities shall emphasize the known modes of  
28 transmission of human immunodeficiency virus infection and  
29 acquired immune deficiency syndrome, signs and symptoms,  
30 associated risk factors, appropriate behavior and attitude  
31 change, and means used to control the spread of human

1 immunodeficiency virus infection and acquired immune  
2 deficiency syndrome.

3 Section 335. Section 1006.70, Florida Statutes, is  
4 created to read:

5 1006.70 Sponsorship of athletic activities similar to  
6 those for which scholarships offered; rulemaking.--

7 (1) If a district school board sponsors an athletic  
8 activity or sport that is similar to a sport for which a  
9 community college or state university offers an athletic  
10 scholarship, it must sponsor the athletic activity or sport  
11 for which a scholarship is offered. This section does not  
12 affect academic requirements for participation or prevent the  
13 districts or community colleges from sponsoring activities in  
14 addition to those for which scholarships are provided.

15 (2) If a community college sponsors an athletic  
16 activity or sport that is similar to a sport for which a state  
17 university offers an athletic scholarship, it must sponsor the  
18 athletic activity or sport for which a scholarship is offered.

19 (3) Two athletic activities or sports that are similar  
20 may be offered simultaneously.

21 (4) If the level of participation is insufficient to  
22 warrant continuation of an athletic activity or sport, the  
23 school may offer an alternative athletic activity or sport.

24 (5) The State Board of Education shall adopt rules to  
25 administer this section, including rules that determine which  
26 athletic activities are similar to sports for which public  
27 postsecondary educational institutions offer scholarships.

28 Section 336. Section 1006.71, Florida Statutes, is  
29 created to read:

30 1006.71 Gender equity in intercollegiate athletics.--

31 (1) GENDER EQUITY PLAN.--

1           (a) Each community college and state university shall  
2 develop a gender equity plan pursuant to s. 1000.05.

3           (b) The plan shall include consideration of equity in  
4 sports offerings, participation, availability of facilities,  
5 scholarship offerings, and funds allocated for administration,  
6 recruitment, comparable coaching, publicity and promotion, and  
7 other support costs.

8           (c) The Commissioner of Education shall annually  
9 assess the progress of each institution's plan and advise the  
10 State Board of Education regarding compliance.

11           (d) Each board of trustees of a public community  
12 college or state university shall annually evaluate the  
13 presidents on the extent to which the gender equity goals have  
14 been achieved.

15           (e) To determine the proper level of support for  
16 women's athletic scholarships, an equity plan may determine,  
17 where appropriate, that support for women's scholarships may  
18 be disproportionate to the support of scholarships for men.

19           (f) If a community college or state university is not  
20 in compliance with Title IX of the Education Amendments of  
21 1972 and the Florida Educational Equity Act, the State Board  
22 of Education shall:

23           1. Declare the institution ineligible for competitive  
24 state grants.

25           2. Withhold funds sufficient to obtain compliance.

26  
27 The institution shall remain ineligible and the funds shall  
28 not be paid until the institution comes into compliance or the  
29 Commissioner of Education approves a plan for compliance.

30           (2) FUNDING.--

31           (a) An equitable portion of all separate athletic fees



1 shall be designated for women's intercollegiate athletics.

2 (b) The level of funding and percentage share of  
3 support for women's intercollegiate athletics shall be  
4 determined by the State Board of Education. The level of  
5 funding and percentage share attained in the 1980-1981 fiscal  
6 year shall be the minimum level and percentage maintained by  
7 each institution, except as the State Board of Education  
8 otherwise directs for the purpose of assuring equity.  
9 Consideration shall be given by the State Board of Education  
10 to emerging athletic programs at institutions which may not  
11 have the resources to secure external funds to provide  
12 athletic opportunities for women. It is the intent that the  
13 effect of any redistribution of funds among institutions shall  
14 not negate the requirements as set forth in this section.

15 (c) In addition to the above amount, an amount equal  
16 to the sales taxes collected from admission to athletic events  
17 sponsored by a state university shall be retained and utilized  
18 by each university to support women's athletics.

19 (3) STATE BOARD OF EDUCATION.--The State Board of  
20 Education shall assure equal opportunity for female athletes  
21 and establish:

22 (a) Guidelines for reporting of intercollegiate  
23 athletics data concerning financial, program, and facilities  
24 information for review by the State Board of Education  
25 annually.

26 (b) Systematic audits for the evaluation of such data.

27 (c) Criteria for determining and assuring equity.

28 Section 337. Chapter 1007, Florida Statutes, shall be  
29 entitled "Articulation and Access" and shall consist of ss.  
30 1007.01-1007.34.

31 Section 338. Part I of chapter 1007, Florida Statutes,

1 shall be entitled "General Provisions" and shall consist of s.  
2 1007.01.

3 Section 339. Section 1007.01, Florida Statutes, is  
4 created to read:

5 1007.01 Articulation; legislative intent; purpose;  
6 role of the State Board of Education.--

7 (1) It is the intent of the Legislature to facilitate  
8 articulation and seamless integration of the K-20 education  
9 system by building and sustaining relationships among K-20  
10 public organizations, between public and private  
11 organizations, and between the education system as a whole and  
12 Florida's communities. The purpose of building and sustaining  
13 these relationships is to provide for the efficient and  
14 effective progression and transfer of students within the  
15 education system and to allow students to proceed toward their  
16 educational objectives as rapidly as their circumstances  
17 permit.

18 (2) To improve and facilitate articulation systemwide,  
19 the State Board of Education shall develop policies and  
20 guidelines with input from statewide K-20 advisory groups  
21 established by the Commissioner of Education relating to:

22 (a) The alignment between the exit requirements of one  
23 system and the admissions requirements of another system into  
24 which students typically transfer.

25 (b) The identification of common courses, the level of  
26 courses, institutional participation in a statewide course  
27 numbering system, and the transferability of credits among  
28 such institutions.

29 (c) Identification of courses that meet general  
30 education or common degree program prerequisite requirements  
31 at public postsecondary educational institutions.

1           (d) Dual enrollment course equivalencies.

2           (e) Articulation agreements.

3           Section 340. Part II of chapter 1007, Florida  
4 Statutes, shall be entitled "Articulation" and shall consist  
5 of ss. 1007.21-1007.28.

6           Section 341. Section 1007.21, Florida Statutes, is  
7 created to read:

8           1007.21 Readiness for postsecondary education and the  
9 workplace.--

10           (1) It is the intent of the Legislature that students  
11 and parents set early achievement and career goals for the  
12 student's post-high school experience. This section sets forth  
13 a model which schools, through their school advisory councils,  
14 may choose to implement to ensure that students are ready for  
15 postsecondary education and the workplace. If such a program  
16 is adopted, students and their parents shall have the option  
17 of participating in this model to plan the student's secondary  
18 level course of study. Parents and students are to become  
19 partners with school personnel in educational choice. Clear  
20 academic course expectations shall be made available to all  
21 students by allowing both student and parent or guardian  
22 choice.

23           (2)(a) Students entering the 9th grade and their  
24 parents shall be active participants in choosing an  
25 end-of-high-school student destination based upon both student  
26 and parent or guardian goals. Four or more destinations should  
27 be available with bridges between destinations to enable  
28 students to shift destinations should they choose to change  
29 goals. The destinations shall accommodate the needs of  
30 students served in exceptional education programs to the  
31 extent appropriate for individual students. Exceptional

1 education students may continue to follow the courses outlined  
2 in the district school board student progression plan.

3 Participating students and their parents shall choose among  
4 destinations, which must include:

5 1. Four-year college or university, community college  
6 plus university, or military academy.

7 2. Two-year postsecondary degree.

8 3. Postsecondary career and technical certificate.

9 4. Immediate employment or entry-level military.

10 (b) The student progression model toward a chosen  
11 destination shall include:

12 1. A "path" of core courses leading to each of the  
13 destinations provided in paragraph (a).

14 2. A recommended group of electives which shall help  
15 define each path.

16 3. Provisions for a teacher, school administrator,  
17 other school staff member, or community volunteer to be  
18 assigned to a student as an "academic advocate" if parental or  
19 guardian involvement is lacking.

20 (c) The common placement test authorized in ss.  
21 1001.03(10) and 1008.30 or a similar test may be administered  
22 to all high school second semester sophomores who have chosen  
23 one of the four destinations. The results of the placement  
24 test shall be used to target additional instructional needs in  
25 reading, writing, and mathematics prior to graduation.

26 (d) Ample opportunity shall be provided for students  
27 to move from one destination to another, and some latitude  
28 shall exist within each destination, to meet the individual  
29 needs of students.

30 (e) Destinations specified in subparagraphs (a)1., 2.,  
31 and 3. shall support the goals of the Tech Prep program.

1 Students participating in Tech Prep shall be enrolled in  
2 articulated, sequential programs of study that include a  
3 technical component and at least a minimum of a postsecondary  
4 certificate or 2-year degree.

5 (f) In order for these destinations to be attainable,  
6 the business community shall be encouraged to support  
7 real-world internships and apprenticeships.

8 (g) All students shall be encouraged to take part in  
9 service learning opportunities.

10 (h) High school equivalency diploma preparation  
11 programs shall not be a choice for high school students  
12 leading to any of the four destinations provided in paragraph

13 (a) since the appropriate coursework, counseling component,  
14 and career preparation cannot be ensured.

15 (i) Schools shall ensure that students and parents are  
16 made aware of the destinations available and provide the  
17 necessary coursework to assist the student in reaching the  
18 chosen destination. Students and parents shall be made aware  
19 of the student's progress toward the chosen destination.

20 (j) The Department of Education shall offer technical  
21 assistance to school districts to ensure that the destinations  
22 offered also meet the academic standards adopted by the state.

23 (3)(a) Access to Level I courses for graduation credit  
24 and for pursuit of a declared destination shall be limited to  
25 only those students for whom assessment indicates a more  
26 rigorous course of study would be inappropriate.

27 (b) The school principal shall:

28 1. Designate a member of the existing instructional or  
29 administrative staff to serve as a specialist to help  
30 coordinate the use of student achievement strategies to help  
31 students succeed in their coursework. The specialist shall

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1 also assist teachers in integrating the academic and career  
2 and technical curricula, utilizing technology, providing  
3 feedback regarding student achievement, and implementing the  
4 Blueprint for Career Preparation and Tech Prep programs.

5 2. Institute strategies to eliminate reading, writing,  
6 and mathematics deficiencies of secondary students.

7 Section 342. Section 1007.22, Florida Statutes, is  
8 created to read:

9 1007.22 Articulation; postsecondary institution  
10 coordination and collaboration.--

11 (1) The university boards of trustees, community  
12 college boards of trustees, and district school boards may  
13 establish intrainstitutional and interinstitutional programs  
14 to maximize articulation. Programs may include  
15 upper-division-level courses offered at the community college,  
16 distance learning, transfer agreements that facilitate the  
17 transfer of credits between public and nonpublic postsecondary  
18 institutions, and the concurrent enrollment of students at a  
19 community college and a state university to enable students to  
20 take any level of baccalaureate degree coursework.

21 (2) The levels of postsecondary education shall  
22 collaborate in further developing and providing articulated  
23 programs in which students can proceed toward their  
24 educational objectives as rapidly as their circumstances  
25 permit. Time-shortened educational programs, as well as the  
26 use of acceleration mechanisms, shall include, but not be  
27 limited to, the International Baccalaureate, credit by  
28 examination or demonstration of competency, advanced  
29 placement, early admissions, and dual enrollment.

30 (3) Public postsecondary educational institutions  
31 servicing the same students in a geographic and service area are

1 encouraged to establish appropriate interinstitutional  
 2 mechanisms to achieve cooperative planning and delivery of  
 3 academic programs and related services, share a high-cost  
 4 instructional facility and equipment, coordinate credit and  
 5 noncredit outreach activities, have access to each other's  
 6 library and media holdings and services, and provide  
 7 cooperative campus activities and consultative relationships  
 8 for the discussion and resolution of interinstitutional issues  
 9 and problems which discourage student access or transfer.

10 (4) Public postsecondary education institutions are  
 11 encouraged to include independent colleges and universities  
 12 and industries within their service areas in mutual planning  
 13 of a comprehensive, complementary, cost-effective array of  
 14 undergraduate and beginning graduate programs of study to  
 15 serve that geographic area.

16 Section 343. Section 1007.23, Florida Statutes, is  
 17 created to read:

18 1007.23 Statewide articulation agreement.--

19 (1) The State Board of Education shall establish in  
 20 rule a statewide articulation agreement that governs:

21 (a) Articulation between secondary and postsecondary  
 22 education;

23 (b) Admission of associate in arts degree graduates  
 24 from community colleges and state universities;

25 (c) Admission of applied technology diploma program  
 26 graduates from community colleges or technical centers;

27 (d) Admission of associate in science degree and  
 28 associate in applied science degree graduates from community  
 29 colleges;

30 (e) The use of acceleration mechanisms, including  
 31 nationally standardized examinations through which students

1 may earn credit;  
2       (f) General education requirements and statewide  
3 course numbers as provided for in ss. 1007.24 and 1007.25; and  
4       (g) Articulation among programs in nursing.  
5       (2) The articulation agreement must specifically  
6 provide that every associate in arts graduate of a community  
7 college shall have met all general education requirements and  
8 must be granted admission to the upper division of a state  
9 university except to a limited access or teacher certification  
10 program or a major program requiring an audition. After  
11 admission has been granted to students under provisions of  
12 this section and to university students who have successfully  
13 completed 60 credit hours of coursework, including 36 hours of  
14 general education, and met the requirements of s. 1008.29,  
15 admission shall be granted to state university and community  
16 college students who have successfully completed 60 credit  
17 hours of work, including 36 hours of general education.  
18 Community college associate in arts graduates shall receive  
19 priority for admission to a state university over out-of-state  
20 students. Orientation programs and student handbooks provided  
21 to freshman enrollees and transfer students at state  
22 universities must include an explanation of this provision of  
23 the articulation agreement.  
24       (3) The articulation agreement must guarantee the  
25 statewide articulation of appropriate workforce development  
26 programs and courses between school districts and community  
27 colleges and specifically provide that every applied  
28 technology diploma graduate must be granted the same amount of  
29 credit upon admission to an associate in science degree or  
30 associate in applied science degree program unless it is a  
31 limited access program. Preference for admission must be given



1 to graduates who are residents of Florida.

2 (4) The articulation agreement must guarantee the  
3 statewide articulation of appropriate courses within associate  
4 in science degree programs to baccalaureate degree programs.  
5 Courses within an associate in applied science degree program  
6 may articulate into a baccalaureate degree program on an  
7 individual or block basis as authorized in local  
8 interinstitutional articulation agreements.

9 Section 344. Section 1007.235, Florida Statutes, is  
10 created to read:

11 1007.235 District interinstitutional articulation  
12 agreements.--

13 (1) District school superintendents and community  
14 college presidents shall jointly develop and implement a  
15 comprehensive articulated acceleration program for the  
16 students enrolled in their respective school districts and  
17 service areas. Within this general responsibility, each  
18 superintendent and president shall develop a comprehensive  
19 interinstitutional articulation agreement for the school  
20 district and community college that serves the school  
21 district. The district school superintendent and president  
22 shall establish an articulation committee for the purpose of  
23 developing this agreement. Each state university president is  
24 encouraged to designate a university representative to  
25 participate in the development of the interinstitutional  
26 articulation agreements for each school district within the  
27 university service area.

28 (2) The district interinstitutional articulation  
29 agreement for each school year must be completed before high  
30 school registration for the fall term of the following school  
31 year. The agreement must include, but is not limited to, the

1 following components:

2       (a) A ratification or modification of all existing  
3 articulation agreements.

4       (b)1. A delineation of courses and programs available  
5 to students eligible to participate in dual enrollment. This  
6 delineation must include a plan for the community college to  
7 provide guidance services to participating students on the  
8 selection of courses in the dual enrollment program. The  
9 process of community college guidance should make maximum use  
10 of the automated advisement system for community colleges. The  
11 plan must assure that each dual enrollment student is  
12 encouraged to identify a postsecondary education objective  
13 with which to guide the course selection. At a minimum, each  
14 student's plan should include a list of courses that will  
15 result in an Applied Technology Diploma, an Associate in  
16 Science degree, or an Associate in Arts degree. If the student  
17 identifies a baccalaureate degree as the objective, the plan  
18 must include courses that will meet the general education  
19 requirements and any prerequisite requirements for entrance  
20 into a selected baccalaureate degree program.

21       2. A delineation of the process by which students and  
22 their parents are informed about opportunities to participate  
23 in articulated acceleration programs.

24       3. A delineation of the process by which students and  
25 their parents exercise their option to participate in an  
26 articulated acceleration program.

27       4. A delineation of high school credits earned for  
28 completion of each dual enrollment course.

29       5. Provision for postsecondary courses that meet the  
30 criteria for inclusion in a district articulated acceleration  
31 program to be counted toward meeting the graduation

1 requirements of s. 1003.43.

2 6. An identification of eligibility criteria for  
3 student participation in dual enrollment courses and programs.

4 7. A delineation of institutional responsibilities  
5 regarding student screening prior to enrollment and monitoring  
6 student performance subsequent to enrollment in dual  
7 enrollment courses and programs.

8 8. An identification of the criteria by which the  
9 quality of dual enrollment courses and programs are to be  
10 judged and a delineation of institutional responsibilities for  
11 the maintenance of instructional quality.

12 9. A delineation of institutional responsibilities for  
13 assuming the cost of dual enrollment courses and programs that  
14 includes such responsibilities for student instructional  
15 materials.

16 10. An identification of responsibility for providing  
17 student transportation if the dual enrollment instruction is  
18 conducted at a facility other than the high school campus.

19 11. A delineation of the process for converting  
20 college credit hours earned through dual enrollment and early  
21 admission programs to high school credit based on mastery of  
22 course outcomes as determined by the Department of Education  
23 in accordance with s. 1007.271(6).

24 (c) Mechanisms and strategies for reducing the  
25 incidence of postsecondary remediation in math, reading, and  
26 writing for first-time-enrolled recent high school graduates,  
27 based upon the findings in the postsecondary  
28 readiness-for-college report produced pursuant to s. 1008.37.  
29 Each articulation committee shall annually analyze and assess  
30 the effectiveness of the mechanisms toward meeting the goal of  
31 reducing postsecondary remediation needs. Results of the

1 assessment shall be annually presented to participating  
2 district school boards and community college boards of  
3 trustees and shall include, but not be limited to:

- 4 1. Mechanisms currently being initiated.
- 5 2. An analysis of problems and corrective actions.
- 6 3. Anticipated outcomes.
- 7 4. Strategies for the better preparation of students  
8 upon graduation from high school.

9 5. An analysis of costs associated with the  
10 implementation of postsecondary remedial education and  
11 secondary-level corrective actions.

12 6. The identification of strategies for reducing costs  
13 of the delivery of postsecondary remediation for recent high  
14 school graduates, including the consideration and assessment  
15 of alternative instructional methods and services such as  
16 those produced by private providers.

17  
18 Wherever possible, public schools and community colleges are  
19 encouraged to share resources, form partnerships with private  
20 industries, and implement innovative strategies and mechanisms  
21 such as distance learning, summer student and faculty  
22 workshops, parental involvement activities, and the  
23 distribution of information over the Internet.

24 (d) Mechanisms and strategies for promoting "tech  
25 prep" programs of study. Such mechanisms should raise  
26 awareness about the programs, promote enrollment in the  
27 programs, and articulate students from a secondary portion  
28 into a planned, related postsecondary portion of a sequential  
29 program of study that leads to a terminal postsecondary career  
30 or technical education degree or certificate.

31 (3) The district interinstitutional articulation

1 agreement shall include a plan that outlines the mechanisms  
 2 and strategies for improving the preparation of elementary,  
 3 middle, and high school teachers. Effective collaboration  
 4 among school districts, postsecondary institutions, and  
 5 practicing educators is essential to improving teaching in  
 6 Florida's elementary and secondary schools and consequently,  
 7 the retention and success of students through high school  
 8 graduation and into postsecondary education. Professional  
 9 development programs shall be developed cooperatively and  
 10 include curricular content which focuses upon local and state  
 11 needs and responds to state, national, and district policy and  
 12 program priorities. School districts and community colleges  
 13 are encouraged to develop plans which utilize new  
 14 technologies, address critical needs in their implementation,  
 15 and include both preservice and inservice initiatives.

16       (4) The district school superintendent is responsible  
 17 for incorporating, either directly or by reference, all dual  
 18 enrollment courses contained within the district  
 19 interinstitutional articulation agreement within the district  
 20 school board's student progression plan.

21       (5) The Department of Education shall review each  
 22 articulation agreement and certify the statewide course number  
 23 of postsecondary courses that meet each district's graduation  
 24 requirements.

25       (6) District school boards and community colleges may  
 26 enter into additional interinstitutional articulation  
 27 agreements with state universities for the purposes of this  
 28 section. School districts may also enter into  
 29 interinstitutional articulation agreements with eligible  
 30 independent colleges and universities pursuant to s.  
 31 1011.62(1)(i).

1           (7) State universities and community colleges may  
2 enter into interinstitutional articulation agreements with  
3 nonpublic secondary schools pursuant to s. 1007.271(2).

4           Section 345. Section 1007.24, Florida Statutes, is  
5 created to read:

6           1007.24 Statewide course numbering system.--

7           (1) The Department of Education shall develop,  
8 coordinate, and maintain a statewide course numbering system  
9 for postsecondary and dual enrollment education in school  
10 districts, public postsecondary educational institutions, and  
11 participating nonpublic postsecondary educational institutions  
12 that will improve program planning, increase communication  
13 among all delivery systems, and facilitate student  
14 acceleration and the transfer of students and credits between  
15 public school districts, public postsecondary educational  
16 institutions, and participating nonpublic educational  
17 institutions. The continuing maintenance of the system shall  
18 be accomplished with the assistance of appropriate faculty  
19 committees representing public and participating nonpublic  
20 educational institutions.

21           (2) The Commissioner of Education shall appoint  
22 faculty committees representing faculties of participating  
23 institutions to recommend a single level for each course,  
24 including postsecondary career and technical education  
25 courses, included in the statewide course numbering system.

26           (a) Any course designated as an upper-division-level  
27 course must be characterized by a need for advanced academic  
28 preparation and skills that a student would be unlikely to  
29 achieve without significant prior coursework.

30           (b) A course that is offered as part of an associate  
31 in science degree program and as an upper-division course for

1 a baccalaureate degree shall be designated for both the lower  
2 and upper division.

3 (c) A course designated as lower-division may be  
4 offered by any community college.

5 (3) The Commissioner of Education shall recommend to  
6 the State Board of Education the levels for the courses.

7 (4) The statewide course numbering system shall  
8 include the courses at the recommended levels.

9 (5) The registration process at each state university  
10 and community college shall include the courses at their  
11 designated levels and statewide course number.

12 (6) Nonpublic colleges and schools that are fully  
13 accredited by a regional or national accrediting agency  
14 recognized by the United States Department of Education and  
15 are either eligible to participate in the William L. Boyd, IV,  
16 Florida Resident Access Grant or have been issued a regular  
17 license pursuant to s. 1005.31, may participate in the  
18 statewide course numbering system pursuant to s. 1007.24.

19 Participating colleges and schools shall bear the costs  
20 associated with inclusion in the system and shall meet the  
21 terms and conditions for institutional participation in the  
22 system. The department shall adopt a fee schedule that  
23 includes the expenses incurred through data processing,  
24 faculty task force travel and per diem, and staff and clerical  
25 support time. Such fee schedule may differentiate between the  
26 costs associated with initial course inclusion in the system  
27 and costs associated with subsequent course maintenance in the  
28 system. Decisions regarding initial course inclusion and  
29 subsequent course maintenance must be made within 360 days  
30 after submission of the required materials and fees by the  
31 institution. The Department of Education may select a date by

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1 which colleges must submit requests for new courses to be  
2 included, and may delay review of courses submitted after that  
3 date until the next year's cycle. Any college that currently  
4 participates in the system, and that participated in the  
5 system prior to July 1, 1986, shall not be required to pay the  
6 costs associated with initial course inclusion in the system.  
7 Fees collected for participation in the statewide course  
8 numbering system pursuant to the provisions of this section  
9 shall be deposited in the Institutional Assessment Trust Fund.  
10 Any nonpublic, nonprofit college or university that is  
11 eligible to participate in the statewide course numbering  
12 system shall not be required to pay the costs associated with  
13 participation in the system. No college or school shall  
14 record student transcripts or document courses offered by the  
15 college or school in accordance with this subsection unless  
16 the college or school is actually participating in the system  
17 pursuant to rules of the State Board of Education. Any  
18 college or school deemed to be in violation of this section  
19 shall be subject to the provisions of s. 1005.38.

20       (7) Any student who transfers among postsecondary  
21 institutions that are fully accredited by a regional or  
22 national accrediting agency recognized by the United States  
23 Department of Education and that participate in the statewide  
24 course numbering system shall be awarded credit by the  
25 receiving institution for courses satisfactorily completed by  
26 the student at the previous institutions. Credit shall be  
27 awarded if the courses are judged by the appropriate statewide  
28 course numbering system faculty committees representing school  
29 districts, public postsecondary educational institutions, and  
30 participating nonpublic postsecondary educational institutions  
31 to be academically equivalent to courses offered at the



1 receiving institution, including equivalency of faculty  
 2 credentials, regardless of the public or nonpublic control of  
 3 the previous institution. The Department of Education shall  
 4 ensure that credits to be accepted by a receiving institution  
 5 are generated in courses for which the faculty possess  
 6 credentials that are comparable to those required by the  
 7 accrediting association of the receiving institution. The  
 8 award of credit may be limited to courses that are entered in  
 9 the statewide course numbering system. Credits awarded  
 10 pursuant to this subsection shall satisfy institutional  
 11 requirements on the same basis as credits awarded to native  
 12 students.

13 (8) The State Board of Education shall adopt rules  
 14 that provide for the conduct of regularly scheduled purges of  
 15 courses that are listed in the statewide course numbering  
 16 system but have not been taught at an institution for the  
 17 preceding 5 years. These rules must include waiver provisions  
 18 that allow course continuation if an institution has  
 19 reasonable cause for having not offered a course within the  
 20 5-year limit and an expectation that the course will be  
 21 offered again within the following 5 years.

22 Section 346. Section 1007.25, Florida Statutes, is  
 23 created to read:

24 1007.25 General education courses; common  
 25 prerequisites; and other degree requirements.--

26 (1) The department shall identify the degree programs  
 27 offered by public postsecondary educational institutions.

28 (2) The department shall identify postsecondary career  
 29 and technical education programs offered by community colleges  
 30 and district school boards. The department shall also identify  
 31 career and technical courses designated as college credit

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1 courses applicable toward a career and technical education  
2 diploma or degree. Such courses must be identified within the  
3 statewide course numbering system.

4 (3) The department shall identify those courses that  
5 meet general education requirements within the subject areas  
6 of communication, mathematics, social sciences, humanities,  
7 and natural sciences. The courses shall be identified by their  
8 statewide course code number. All public postsecondary  
9 educational institutions shall accept these general education  
10 courses.

11 (4) The department shall identify those courses  
12 offered by universities and accepted for credit toward a  
13 degree. The department shall identify courses designated as  
14 either general education or required as a prerequisite for a  
15 degree. The courses shall be identified by their statewide  
16 course number.

17 (5) The department shall identify common prerequisite  
18 courses and course substitutions for degree programs across  
19 all institutions. Common degree program prerequisites shall be  
20 offered and accepted by all state universities and community  
21 colleges, except in cases approved by the State Board of  
22 Education pursuant to s. 1001.02(2)(x). The department shall  
23 develop a centralized database containing the list of courses  
24 and course substitutions that meet the prerequisite  
25 requirements for each baccalaureate degree program.

26 (6) The boards of trustees of the community colleges  
27 and state universities shall identify their core curricula,  
28 which shall include courses required by the State Board of  
29 Education. The universities and community colleges shall work  
30 with their school districts to assure that high school  
31 curricula coordinate with the core curricula and to prepare

1 students for college-level work. Core curricula for associate  
 2 in arts programs shall be adopted in rule by the State Board  
 3 of Education and shall include 36 semester hours of general  
 4 education courses in the subject areas of communication,  
 5 mathematics, social sciences, humanities, and natural  
 6 sciences.

7       (7) An associate in arts degree shall require no more  
 8 than 60 semester hours of college credit, including 36  
 9 semester hours of general education coursework. Except for  
 10 college-preparatory coursework required pursuant to s.  
 11 1008.30, all required coursework shall count toward the  
 12 associate in arts degree or the baccalaureate degree.

13       (8) A baccalaureate degree program shall require no  
 14 more than 120 semester hours of college credit, including 36  
 15 semester hours of general education coursework, unless prior  
 16 approval has been granted by the State Board of Education.

17       (9) A student who received an associate in arts degree  
 18 for successfully completing 60 semester credit hours may  
 19 continue to earn additional credits at a community college.  
 20 The university must provide credit toward the student's  
 21 baccalaureate degree for an additional community college  
 22 course if, according to the statewide course numbering, the  
 23 community college course is a course listed in the university  
 24 catalog as required for the degree or as prerequisite to a  
 25 course required for the degree. Of the courses required for  
 26 the degree, at least half of the credit hours required for the  
 27 degree shall be achievable through courses designated as lower  
 28 division, except in degree programs approved by the State  
 29 Board of Education.

30       (10) Students at state universities may request  
 31 associate in arts certificates if they have successfully

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1 completed the minimum requirements for the degree of associate  
 2 in arts (A.A.). The university must grant the student an  
 3 associate in arts degree if the student has successfully  
 4 completed minimum requirements for college-level communication  
 5 and computation skills adopted by the State Board of Education  
 6 and 60 academic semester hours or the equivalent within a  
 7 degree program area, with 36 semester hours in general  
 8 education courses in the subject areas of communication,  
 9 mathematics, social sciences, humanities, and natural  
 10 sciences, consistent with the general education requirements  
 11 specified in the articulation agreement pursuant to s.  
 12 1007.23.

13 (11) The Commissioner of Education shall appoint  
 14 faculty committees representing both community college and  
 15 public school faculties to recommend to the commissioner for  
 16 approval by the State Board of Education a standard program  
 17 length and appropriate occupational completion points for each  
 18 postsecondary career and technical certificate program,  
 19 diploma, and degree.

20 Section 347. Section 1007.261, Florida Statutes, is  
 21 created to read:

22 1007.261 State universities; admissions of  
 23 students.--Each university board of trustees is authorized to  
 24 adopt rules governing the admission of students, subject to  
 25 this section and rules of the State Board of Education.

26 (1) Minimum academic standards for undergraduate  
 27 admission to a university include:

28 (a) Each student must have received a high school  
 29 diploma pursuant to s. 1003.43, or its equivalent, except as  
 30 provided in s. 1007.271(2)-(5) or completed a home education  
 31 program according to s. 1002.41.

1           (b) Each student must have successfully completed a  
2 college-preparatory curriculum of 19 credits, as defined in  
3 rules of the State Board of Education, including at least 2  
4 credits of sequential foreign language at the secondary level  
5 or the equivalent of such instruction at the postsecondary  
6 level. A student who completes a home education program  
7 according to s. 1002.41 is not required to document completion  
8 of the 19 credits required by this paragraph. A student whose  
9 native language is not English is exempt from the foreign  
10 language requirement, provided that the student demonstrates  
11 proficiency in the native language. If a standardized test is  
12 not available in the student's native language for the  
13 demonstration of proficiency, the university may provide an  
14 alternative method of assessment. The State Board of Education  
15 shall adopt rules for the articulation of foreign language  
16 competency and equivalency between secondary and postsecondary  
17 institutions. A student who received an associate in arts  
18 degree prior to September 1, 1989, or who enrolled in a  
19 program of studies leading to an associate degree from a  
20 community college prior to August 1, 1989, and maintains  
21 continuous enrollment shall be exempt from this admissions  
22 requirement.

23           (c) Each student must have submitted a test score from  
24 the Scholastic Assessment Test of the College Entrance  
25 Examination Board or the American College Testing Program.

26           (2) The minimum admission standards adopted by the  
27 State Board of Education or a university board of trustees  
28 must permit a student to earn at least 4 of the 19 credits  
29 constituting the college-preparatory curriculum required for  
30 admission as electives in any one of the following manners:

31           (a) Successful completion of any course identified in

1 the Department of Education course code directory as level two  
 2 or higher in one or more of the following subject areas:  
 3 English, mathematics, natural science, social science, and  
 4 foreign language;

5 (b) Successful completion of any course identified in  
 6 the Department of Education course code directory as level  
 7 three in the same or related disciplines;

8 (c) Any combination of the courses identified in  
 9 paragraphs (a) and (b); or

10 (d) Successful completion of two credits from the  
 11 courses identified in paragraph (a), plus no more than two  
 12 total credits from the following categories of courses:

13 1. Courses identified in the Department of Education  
 14 course code directory as ROTC and military training;

15 2. Courses identified in the Department of Education  
 16 course code directory as level two in art-visual arts, dance,  
 17 drama-theatre arts, language arts, or music; or

18 3. Any additional courses determined to be equivalent  
 19 by the Department of Education.

20 (3) Each university may admit a limited number of  
 21 students notwithstanding the admission requirements of  
 22 paragraph (1)(b) relating to credits in foreign language, if  
 23 there is evidence that the applicant is expected to do  
 24 successful academic work at the admitting university. The  
 25 percent of applicants admitted under this subsection may not  
 26 exceed a level established for the university by the State  
 27 Board of Education. Any lower-division student admitted  
 28 without meeting the foreign language requirement must earn  
 29 such credits prior to admission to the upper division of a  
 30 state university. Any associate in arts degree graduate from a  
 31 community college or university in Florida, or other

1 upper-division transfer student, admitted without meeting the  
 2 foreign language requirement, must earn such credits prior to  
 3 graduation from a state university. Students shall be exempt  
 4 from the provisions of this subsection if they can demonstrate  
 5 proficiency in American sign language equivalent to that of  
 6 students who have completed two credits of such instruction in  
 7 high school.

8       (4) Nonresident students may be admitted to the  
 9 university upon such terms as the university may establish.  
 10 However, such terms shall include, but shall not be limited  
 11 to: completion of a secondary school curriculum which  
 12 includes 4 years of English; 3 years each of mathematics,  
 13 science, and social sciences; and 2 years of a foreign  
 14 language.

15       (5) Within the admission standards provided for in  
 16 subsection (1), the State Board of Education shall develop  
 17 procedures for weighting courses which are necessary to meet  
 18 the requirements of a college-preparatory curriculum at a  
 19 higher value than less rigorous courses. Credits received in  
 20 such courses shall be given greater value in determining  
 21 admission by universities than cumulative grade point averages  
 22 in high school.

23       (6) Consideration shall be given to the past actions  
 24 of any person applying for admission as a student to any state  
 25 university, either as a new applicant, an applicant for  
 26 continuation of studies, or a transfer student, when such  
 27 actions have been found to disrupt or interfere with the  
 28 orderly conduct, processes, functions, or programs of any  
 29 other university, college, or community college.

30       (7) In any application for admission by a student as a  
 31 citizen of the state, the applicant, if 18 years of age, or,

1 if a minor, his or her parents or guardian shall make and file  
 2 with such application a written statement under oath that such  
 3 applicant is a citizen and resident of the state and entitled,  
 4 as such, to admission upon the terms and conditions prescribed  
 5 for citizens and residents of the state.

6 (8) Rules of the State Board of Education shall  
 7 require the use of scores on tests of college-level  
 8 communication and computation skills provided in s. 1008.29 as  
 9 a condition for admission of students to upper-division  
 10 instructional programs from community colleges, including  
 11 those who have been awarded associate in arts degrees. Use of  
 12 such test scores as an admission requirement shall extend  
 13 equally and uniformly to students enrolled in lower divisions  
 14 in a state university and to transfer students from other  
 15 colleges and universities. The tests shall be required for  
 16 community college students seeking associate in arts degrees  
 17 and students seeking admission to upper-division instructional  
 18 programs in a state university. The use of test scores prior  
 19 to August 1, 1984, shall be limited to student counseling and  
 20 curriculum improvement.

21 (9) For the purposes of this section, American sign  
 22 language constitutes a foreign language. Florida high schools  
 23 may offer American sign language as a for-credit elective or  
 24 as a substitute for any already authorized foreign language  
 25 requirement.

26 (10) A Florida resident who is denied admission as an  
 27 undergraduate to a state university for failure to meet the  
 28 high school grade point average requirement may appeal the  
 29 decision to the university and request a recalculation of the  
 30 grade point average including in the revised calculation the  
 31 grades earned in up to three credits of advanced fine arts



1 courses. The university shall provide the student with a  
 2 description of the appeals process at the same time as  
 3 notification of the admissions decision. The university shall  
 4 recalculate the student's grade point average using the  
 5 additional courses and advise the student of any changes in  
 6 the student's admission status. For purposes of this section,  
 7 fine arts courses include courses in music, drama, painting,  
 8 sculpture, speech, debate, or a course in any art form that  
 9 requires manual dexterity. Advanced level fine arts courses  
 10 include fine arts courses identified in the course code  
 11 directory as Advanced Placement, pre-International  
 12 Baccalaureate, or International Baccalaureate, or fine arts  
 13 courses taken in the third or fourth year of a fine arts  
 14 curriculum.

15 Section 348. Section 1007.262, Florida Statutes, is  
 16 created to read:

17 1007.262 Foreign language competence; equivalence  
 18 determinations.--The Department of Education shall identify  
 19 the competencies demonstrated by students upon the successful  
 20 completion of 2 credits of sequential high school foreign  
 21 language instruction. For the purpose of determining  
 22 postsecondary equivalence pursuant to s. 1007.261(1)(b), the  
 23 department shall develop rules through which community  
 24 colleges correlate such competencies to the competencies  
 25 required of students in the colleges' respective courses.  
 26 Based on this correlation, each community college shall  
 27 identify the minimum number of postsecondary credits that  
 28 students must earn in order to demonstrate a level of  
 29 competence in a foreign language at least equivalent to that  
 30 of students who have completed 2 credits of such instruction  
 31 in high school. The department may also specify alternative

1 means by which students can demonstrate equivalent foreign  
 2 language competence, including means by which a student whose  
 3 native language is not English may demonstrate proficiency in  
 4 the native language. A student who demonstrates proficiency in  
 5 a native language other than English is exempt from the  
 6 requirement of completing foreign language courses at the  
 7 secondary or postsecondary level.

8 Section 349. Section 1007.263, Florida Statutes, is  
 9 created to read:

10 1007.263 Community colleges; admissions of  
 11 students.--Each community college board of trustees is  
 12 authorized to adopt rules governing admissions of students  
 13 subject to this section and rules of the State Board of  
 14 Education. These rules shall include the following:

15 (1) Admissions counseling shall be provided to all  
 16 students entering college credit programs, which counseling  
 17 shall utilize tests to measure achievement of college-level  
 18 communication and computation competencies by all students  
 19 entering college credit programs.

20 (2) Admission to associate degree programs is subject  
 21 to minimum standards adopted by the State Board of Education  
 22 and shall require:

23 (a) A standard high school diploma, a high school  
 24 equivalency diploma as prescribed in s. 1003.435, previously  
 25 demonstrated competency in college credit postsecondary  
 26 coursework, or, in the case of a student who is home educated,  
 27 a signed affidavit submitted by the student's parent or legal  
 28 guardian attesting that the student has completed a home  
 29 education program pursuant to the requirements of s. 1002.41.

30 Students who are enrolled in a dual enrollment or early  
 31 admission program pursuant to ss. 1007.27 and 1007.271 and

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1 secondary students enrolled in college-level instruction  
2 creditable toward the associate degree, but not toward the  
3 high school diploma, shall be exempt from this requirement.

4 (b) A demonstrated level of achievement of  
5 college-level communication and computation skills.

6 (c) Any other requirements established by the board of  
7 trustees.

8 (3) Admission to other programs within the community  
9 college shall include education requirements as established by  
10 the board of trustees.

11  
12 Each board of trustees shall establish policies that notify  
13 students about, and place students into, adult basic  
14 education, adult secondary education, or other instructional  
15 programs that provide students with alternatives to  
16 traditional college-preparatory instruction, including private  
17 provider instruction. A student is prohibited from enrolling  
18 in additional college-level courses until the student scores  
19 above the cut-score on all sections of the common placement  
20 test.

21 Section 350. Section 1007.264, Florida Statutes, is  
22 created to read:

23 1007.264 Impaired and learning disabled persons;  
24 admission and graduation, substitute requirements; rules.--Any  
25 person who is hearing impaired, visually impaired, or  
26 dyslexic, or who has a specific learning disability, shall be  
27 eligible for reasonable substitution for any requirement for  
28 admission into a public postsecondary educational institution,  
29 admission into a program of study, or graduation, where  
30 documentation can be provided that the person's failure to  
31 meet the requirement is related to the disability and where

1 the failure to meet the graduation requirement or program  
 2 admission requirement does not constitute a fundamental  
 3 alteration in the nature of the program. The State Board of  
 4 Education shall adopt rules to implement this section and  
 5 shall develop substitute requirements where appropriate.

6 Section 351. Section 1007.27, Florida Statutes, is  
 7 created to read:

8 1007.27 Articulated acceleration mechanisms.--

9 (1) It is the intent of the Legislature that a variety  
 10 of articulated acceleration mechanisms be available for  
 11 secondary and postsecondary students attending public  
 12 educational institutions. It is intended that articulated  
 13 acceleration serve to shorten the time necessary for a student  
 14 to complete the requirements associated with the conference of  
 15 a high school diploma and a postsecondary degree, broaden the  
 16 scope of curricular options available to students, or increase  
 17 the depth of study available for a particular subject.

18 Articulated acceleration mechanisms shall include, but not be  
 19 limited to, dual enrollment as provided for in s. 1007.271,  
 20 early admission, advanced placement, credit by examination,  
 21 the International Baccalaureate Program, and the Advanced  
 22 International Certificate of Education Program.

23 (2) The Department of Education shall identify the  
 24 minimum scores, maximum credit, and course or courses for  
 25 which credit is to be awarded for each College Level  
 26 Examination Program (CLEP) general examination, CLEP subject  
 27 examination, College Board Advanced Placement Program  
 28 examination, and International Baccalaureate examination. In  
 29 addition, the department shall identify such courses in the  
 30 general education core curriculum of each state university and  
 31 community college.

1           (3) Each community college and state university must  
 2 award credit for specific courses for which competency has  
 3 been demonstrated by successful passage of one of the  
 4 examinations in subsection (2) unless the award of credit  
 5 duplicates credit already awarded. Community colleges and  
 6 state universities may not exempt students from courses  
 7 without the award of credit if competencies have been so  
 8 demonstrated.

9           (4) It is the intent of the Legislature to provide  
 10 articulated acceleration mechanisms for students who are in  
 11 home education programs, as defined in s. 1003.01(11),  
 12 consistent with the educational opportunities available to  
 13 public and private secondary school students. Home education  
 14 students may participate in dual enrollment, career and  
 15 technical dual enrollment, early admission, and credit by  
 16 examination. Credit earned by home education students through  
 17 dual enrollment shall apply toward the completion of a home  
 18 education program that meets the requirements of s. 1002.41.

19           (5) Early admission shall be a form of dual enrollment  
 20 through which eligible secondary students enroll in a  
 21 postsecondary institution on a full-time basis in courses that  
 22 are creditable toward the high school diploma and the  
 23 associate or baccalaureate degree. Students enrolled pursuant  
 24 to this subsection shall be exempt from the payment of  
 25 registration, matriculation, and laboratory fees.

26           (6) Advanced placement shall be the enrollment of an  
 27 eligible secondary student in a course offered through the  
 28 Advanced Placement Program administered by the College Board.  
 29 Postsecondary credit for an advanced placement course shall be  
 30 limited to students who score a minimum of 3, on a 5-point  
 31 scale, on the corresponding Advanced Placement Examination.

1 The specific courses for which students receive such credit  
 2 shall be determined by the department. Students of Florida  
 3 public secondary schools enrolled pursuant to this subsection  
 4 shall be exempt from the payment of any fees for  
 5 administration of the examination regardless of whether or not  
 6 the student achieves a passing score on the examination.

7       (7) Credit by examination shall be the program through  
 8 which secondary and postsecondary students generate  
 9 postsecondary credit based on the receipt of a specified  
 10 minimum score on nationally standardized general or  
 11 subject-area examinations. For the purpose of statewide  
 12 application, such examinations and the corresponding minimum  
 13 scores required for an award of credit shall be delineated by  
 14 the State Board of Education in the statewide articulation  
 15 agreement. The maximum credit generated by a student pursuant  
 16 to this subsection shall be mitigated by any related  
 17 postsecondary credit earned by the student prior to the  
 18 administration of the examination. This subsection shall not  
 19 preclude community colleges and universities from awarding  
 20 credit by examination based on student performance on  
 21 examinations developed within and recognized by the individual  
 22 postsecondary institutions.

23       (8) The International Baccalaureate Program shall be  
 24 the curriculum in which eligible secondary students are  
 25 enrolled in a program of studies offered through the  
 26 International Baccalaureate Program administered by the  
 27 International Baccalaureate Office. The State Board of  
 28 Education shall establish rules which specify the cutoff  
 29 scores and International Baccalaureate Examinations which will  
 30 be used to grant postsecondary credit at community colleges  
 31 and universities. Any such rules, which have the effect of

1 raising the required cutoff score or of changing the  
 2 International Baccalaureate Examinations which will be used to  
 3 grant postsecondary credit, shall only apply to students  
 4 taking International Baccalaureate Examinations after such  
 5 rules are adopted by the State Board of Education. Students  
 6 shall be awarded a maximum of 30 semester credit hours  
 7 pursuant to this subsection. The specific course for which a  
 8 student receives such credit shall be determined by the  
 9 department. Students enrolled pursuant to this subsection  
 10 shall be exempt from the payment of any fees for  
 11 administration of the examinations regardless of whether or  
 12 not the student achieves a passing score on the examination.

13 (9) The Advanced International Certificate of  
 14 Education Program shall be the curriculum in which eligible  
 15 secondary students are enrolled in a program of studies  
 16 offered through the Advanced International Certificate of  
 17 Education Program administered by the University of Cambridge  
 18 Local Examinations Syndicate. The State Board of Education  
 19 shall establish rules which specify the cutoff scores and  
 20 Advanced International Certificate of Education examinations  
 21 which will be used to grant postsecondary credit at community  
 22 colleges and universities. Any such rules, which have the  
 23 effect of raising the required cutoff score or of changing the  
 24 Advanced International Certification of Education examinations  
 25 which will be used to grant postsecondary credit, shall apply  
 26 to students taking Advanced International Certificate of  
 27 Education Examinations after such rules are adopted by the  
 28 State Board of Education. Students shall be awarded a maximum  
 29 of 30 semester credit hours pursuant to this subsection. The  
 30 specific course for which a student receives such credit shall  
 31 be determined by the community college or university that

1 accepts the student for admission. Students enrolled pursuant  
2 to this subsection shall be exempt from the payment of any  
3 fees for administration of the examinations regardless of  
4 whether or not the student achieves a passing score on the  
5 examination.

6 (10) Any student who earns 9 or more credits from one  
7 or more of the acceleration mechanisms provided for in this  
8 section is exempt from any requirement of a public  
9 postsecondary educational institution mandating enrollment  
10 during a summer term.

11 Section 352. Section 1007.271, Florida Statutes, is  
12 created to read:

13 1007.271 Dual enrollment programs.--

14 (1) The dual enrollment program is the enrollment of  
15 an eligible secondary student or home education student in a  
16 postsecondary course creditable toward a career and technical  
17 certificate or an associate or baccalaureate degree.

18 (2) For the purpose of this section, an eligible  
19 secondary student is a student who is enrolled in a Florida  
20 public secondary school or in a Florida private secondary  
21 school which is in compliance with s. 1002.42(2) and conducts  
22 a secondary curriculum pursuant to s. 1003.43. Students  
23 enrolled in postsecondary instruction that is not creditable  
24 toward the high school diploma shall not be classified as dual  
25 enrollments. Students who are eligible for dual enrollment  
26 pursuant to this section shall be permitted to enroll in dual  
27 enrollment courses conducted during school hours, after school  
28 hours, and during the summer term. Instructional time for such  
29 enrollment may exceed 900 hours; however, the school district  
30 may only report the student for a maximum of 1.0 FTE, as  
31 provided in s. 1011.61(4). Any student so enrolled is exempt



1 from the payment of registration, matriculation, and  
 2 laboratory fees. Vocational-preparatory instruction,  
 3 college-preparatory instruction and other forms of  
 4 precollegiate instruction, as well as physical education  
 5 courses that focus on the physical execution of a skill rather  
 6 than the intellectual attributes of the activity, are  
 7 ineligible for inclusion in the dual enrollment program.  
 8 Recreation and leisure studies courses shall be evaluated  
 9 individually in the same manner as physical education courses  
 10 for potential inclusion in the program.

11 (3) The Department of Education shall adopt guidelines  
 12 designed to achieve comparability across school districts of  
 13 both student qualifications and teacher qualifications for  
 14 dual enrollment courses. Student qualifications must  
 15 demonstrate readiness for college-level coursework if the  
 16 student is to be enrolled in college courses. Student  
 17 qualifications must demonstrate readiness for career and  
 18 technical-level coursework if the student is to be enrolled in  
 19 career and technical courses. In addition to the common  
 20 placement examination, student qualifications for enrollment  
 21 in college credit dual enrollment courses must include a 3.0  
 22 unweighted grade point average, and student qualifications for  
 23 enrollment in career and technical certificate dual enrollment  
 24 courses must include a 2.0 unweighted grade point average.  
 25 Exceptions to the required grade point averages may be granted  
 26 if the educational entities agree and the terms of the  
 27 agreement are contained within the dual enrollment  
 28 interinstitutional articulation agreement. Community college  
 29 boards of trustees may establish additional admissions  
 30 criteria, which shall be included in the district  
 31 interinstitutional articulation agreement developed according

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1 to s. 1007.235, to ensure student readiness for postsecondary  
 2 instruction. Additional requirements included in the agreement  
 3 shall not arbitrarily prohibit students who have demonstrated  
 4 the ability to master advanced courses from participating in  
 5 dual enrollment courses. District school boards may not refuse  
 6 to enter into an agreement with a local community college if  
 7 that community college has the capacity to offer dual  
 8 enrollment courses.

9       (4) Career and technical dual enrollment shall be  
 10 provided as a curricular option for secondary students to  
 11 pursue in order to earn a series of elective credits toward  
 12 the high school diploma. However, career and technical dual  
 13 enrollment shall not supplant student acquisition of the  
 14 diploma. Career and technical dual enrollment shall be  
 15 available for secondary students seeking a degree or  
 16 certificate from a complete job-preparatory program, but shall  
 17 not sustain student enrollment in isolated career and  
 18 technical courses. It is the intent of the Legislature that  
 19 career and technical dual enrollment reflect the interests and  
 20 aptitudes of the student. The provision of a comprehensive  
 21 academic and career and technical dual enrollment program  
 22 within the area technical center or community college is  
 23 supportive of legislative intent; however, such provision is  
 24 not mandatory.

25       (5) Each district school board shall inform all  
 26 secondary students of dual enrollment as an educational option  
 27 and mechanism for acceleration. Students shall be informed of  
 28 eligibility criteria, the option for taking dual enrollment  
 29 courses beyond the regular school year, and the 24 minimum  
 30 academic credits required for graduation. District school  
 31 boards shall annually assess the demand for dual enrollment

1 and other advanced courses, and the district school board  
2 shall consider strategies and programs to meet that demand.

3 (6) The Commissioner of Education shall appoint  
4 faculty committees representing public school, community  
5 college, and university faculties to identify postsecondary  
6 courses that meet the high school graduation requirements of  
7 s. 1003.43, and to establish the number of postsecondary  
8 semester credit hours of instruction and equivalent high  
9 school credits earned through dual enrollment pursuant to s.  
10 1007.271 that are necessary to meet high school graduation  
11 requirements. Such equivalencies shall be determined solely on  
12 comparable course content and not on seat time traditionally  
13 allocated to such courses in high school. The Commissioner of  
14 Education shall recommend to the State Board of Education  
15 those courses identified to meet high school graduation  
16 requirements, based on mastery of course outcomes, by their  
17 statewide course number, and all high schools shall accept  
18 these postsecondary education courses toward meeting the  
19 requirements of s. 1003.43.

20 (7) Early admission shall be a form of dual enrollment  
21 through which eligible secondary students enroll in a  
22 postsecondary institution on a full-time basis in courses that  
23 are creditable toward the high school diploma and the  
24 associate or baccalaureate degree. Students enrolled pursuant  
25 to this subsection shall be exempt from the payment of  
26 registration, matriculation, and laboratory fees.

27 (8) Career and technical early admission is a form of  
28 career and technical dual enrollment through which eligible  
29 secondary students enroll full time in an area technical  
30 center or a community college in courses that are creditable  
31 toward the high school diploma and the certificate or

1 associate degree. Participation in the career and technical  
 2 early admission program shall be limited to students who have  
 3 completed a minimum of 6 semesters of full-time secondary  
 4 enrollment, including studies undertaken in the ninth grade.  
 5 Students enrolled pursuant to this section are exempt from the  
 6 payment of registration, matriculation, and laboratory fees.

7 (9) The State Board of Education shall adopt rules for  
 8 any dual enrollment programs involving requirements for high  
 9 school graduation.

10 (10)(a) The dual enrollment program for home education  
 11 students consists of the enrollment of an eligible home  
 12 education secondary student in a postsecondary course  
 13 creditable toward an associate degree, a career or technical  
 14 certificate, or a baccalaureate degree. To participate in the  
 15 dual enrollment program, an eligible home education secondary  
 16 student must:

17 1. Provide proof of enrollment in a home education  
 18 program pursuant to s. 1002.41.

19 2. Be responsible for his or her own instructional  
 20 materials and transportation unless provided for otherwise.

21 (b) Each technical center, community college, and  
 22 state university shall:

23 1. Delineate courses and programs for dually enrolled  
 24 home education students. Courses and programs may be added,  
 25 revised, or deleted at any time.

26 2. Identify eligibility criteria for home education  
 27 student participation, not to exceed those required of other  
 28 dually enrolled students.

29 (11) The Department of Education shall approve any  
 30 course for inclusion in the dual enrollment program that is  
 31 contained within the statewide course numbering system.

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1 However, college-preparatory and other forms of precollegiate  
 2 instruction, and physical education and other courses that  
 3 focus on the physical execution of a skill rather than the  
 4 intellectual attributes of the activity, may not be so  
 5 approved, but must be evaluated individually for potential  
 6 inclusion in the dual enrollment program.

7       (12) The Department of Education shall develop a  
 8 statement on transfer guarantees which will inform students,  
 9 prior to enrollment in a dual enrollment course, of the  
 10 potential for the dual enrollment course to articulate as an  
 11 elective or a general education course into a postsecondary  
 12 education certificate or degree program. The statement shall  
 13 be provided to each district school superintendent, who shall  
 14 include the statement in the information provided to all  
 15 secondary students as required pursuant to this subsection.  
 16 The statement may also include additional information,  
 17 including, but not limited to, dual enrollment options,  
 18 guarantees, privileges, and responsibilities.

19       (13) It is the intent of the Legislature that students  
 20 who meet the eligibility requirements of this subsection and  
 21 who choose to participate in dual enrollment programs be  
 22 exempt from the payment of registration, matriculation, and  
 23 laboratory fees.

24       (14) Instructional materials assigned for use within  
 25 dual enrollment courses shall be made available to dual  
 26 enrollment students from Florida public high schools free of  
 27 charge. This subsection shall not be construed to prohibit a  
 28 community college from providing instructional materials at no  
 29 cost to a home education student or student from a private  
 30 school. Students enrolled in postsecondary instruction not  
 31 creditable toward a high school diploma shall not be

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1 considered dual enrollments and shall be required to assume  
2 the cost of instructional materials necessary for such  
3 instruction.

4 (15) Instructional materials purchased by a district  
5 school board or community college board of trustees on behalf  
6 of dual enrollment students shall be the property of the board  
7 against which the purchase is charged.

8 (16) School districts and community colleges must  
9 weigh college-level dual enrollment courses the same as honors  
10 courses and advanced placement courses when grade point  
11 averages are calculated. Alternative grade calculation or  
12 weighting systems that discriminate against dual enrollment  
13 courses are prohibited.

14 (17) The Commissioner of Education may approve dual  
15 enrollment agreements for limited course offerings that have  
16 statewide appeal. Such programs shall be limited to a single  
17 site with multiple county participation.

18 Section 353. Section 1007.272, Florida Statutes, is  
19 created to read:

20 1007.272 Joint dual enrollment and advanced placement  
21 instruction.--

22 (1) Each school district, community college, and state  
23 university may conduct advanced placement instruction within  
24 dual enrollment courses. Each joint dual enrollment and  
25 advanced placement course shall be incorporated within and  
26 subject to the provisions of the district interinstitutional  
27 articulation agreement pursuant to s. 1007.235. Such agreement  
28 shall certify that each joint dual enrollment and advanced  
29 placement course integrates, at a minimum, the course  
30 structure recommended by the College Board and the structure  
31 that corresponds to the common course number.

1           (2) Each student enrolled in a joint dual enrollment  
 2 and advanced placement course may be funded pursuant to either  
 3 the dual enrollment or advanced placement formula specified in  
 4 s. 1011.62; however, no student shall be funded through both  
 5 programs for enrollment in a course provided through this  
 6 section. The district school board reporting enrollments for  
 7 such courses shall utilize the funding formula that more  
 8 closely approximates the cost of conducting the course. No  
 9 student shall be reported for advanced placement funding who  
 10 fails to meet the examination requirement for such funding.

11           (3) Postsecondary credit for student completion of a  
 12 joint dual enrollment and advanced placement course shall be  
 13 awarded, based on the stated preference of the student, as  
 14 either dual enrollment or advanced placement credit; however,  
 15 an award of advanced placement credit shall be limited to  
 16 students who score a minimum of 3, on a 5-point scale, on the  
 17 Advanced Placement Examination. No student shall claim double  
 18 credit based on the completion of a single joint dual  
 19 enrollment and advanced placement course, nor shall any  
 20 student enrolled pursuant to this section be required to  
 21 complete the Advanced Placement Examination.

22           Section 354. Section 1007.28, Florida Statutes, is  
 23 created to read:

24           1007.28 Computer-assisted student advising  
 25 system.--The State Board of Education shall establish and  
 26 maintain within the Department of Education a single,  
 27 statewide computer-assisted student advising system, which  
 28 must be an integral part of the process of advising,  
 29 registering, and certifying students for graduation. It is  
 30 intended that an advising system be the primary advising and  
 31 tracking tool for students enrolled in public postsecondary

1 educational institutions and be accessible to all Florida  
2 students. The system shall consist of a degree audit and an  
3 articulation component that includes the following  
4 characteristics:

5 (1) The system shall constitute an integral part of  
6 the process of advising students and assisting them in course  
7 selection. The system shall be accessible to students in the  
8 following ways:

9 (a) A student must be able to access the system, at  
10 any time, to identify course options that will meet the  
11 requirements of a selected path toward a degree.

12 (b) A status report from the system shall be generated  
13 and sent with each grade report to each student enrolled in  
14 public postsecondary educational institutions with a declared  
15 major.

16 (2) The system shall be an integral part of the  
17 registration process at public postsecondary educational  
18 institutions. As part of the process, the system shall:

19 (a) Provide reports that document each student's  
20 status toward completion of a degree.

21 (b) Verify that a student has completed requirements  
22 for graduation.

23 (3) The system must provide students information  
24 related to career descriptions and corresponding educational  
25 requirements, admissions requirements, and available sources  
26 of student financial assistance. Such advising must enable  
27 students to examine their interests and aptitudes for the  
28 purpose of curricular and career planning.

29 (4) The system must provide management information to  
30 decisionmakers, including information relating student  
31 enrollment patterns and course demands to plans for



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1 corresponding course offerings and information useful in  
2 planning the student registration process.

3 Section 355. Part III of chapter 1007, Florida  
4 Statutes, shall be entitled "Access to Postsecondary  
5 Education" and shall consist of ss. 1007.31-1007.34.

6 Section 356. Section 1007.31, Florida Statutes, is  
7 created to read:

8 1007.31 Limited access programs.--

9 (1) The State Board of Education shall establish  
10 criteria for assigning limited access status to an educational  
11 program and a process for the periodic review of such programs  
12 so that a university board of trustees can determine the need  
13 for retention or removal of limited access status.

14 (2) Each university board of trustees shall monitor  
15 limited access programs within the university and conduct  
16 periodic reviews of such programs to determine the need for  
17 retention or removal of the limited access status.

18 Section 357. Section 1007.32, Florida Statutes, is  
19 created to read:

20 1007.32 Transfer students.--

21 (1) Each university shall provide registration  
22 opportunities for transfer students that allow such students  
23 access to high demand courses comparable to that provided  
24 native students.

25 (2) Each university that provides an orientation  
26 program for freshman enrollees shall also provide orientation  
27 programs for transfer students.

28 Section 358. Section 1007.33, Florida Statutes, is  
29 created to read:

30 1007.33 Site-determined baccalaureate degree access.--

31 (1) The Legislature recognizes that public and private

1 postsecondary educational institutions play essential roles in  
 2 improving the quality of life and economic well-being of the  
 3 state and its residents. The Legislature also recognizes that  
 4 economic development needs and the educational needs of  
 5 place-bound, nontraditional students have increased the demand  
 6 for local access to baccalaureate degree programs. In some,  
 7 but not all, geographic regions, baccalaureate degree programs  
 8 are being delivered successfully at the local community  
 9 college through agreements between the community college and  
 10 4-year postsecondary institutions within or outside of the  
 11 state. It is therefore the intent of the Legislature to  
 12 further expand access to baccalaureate degree programs through  
 13 the use of community colleges.

14 (2) A community college may enter into a formal  
 15 agreement pursuant to the provisions of s. 1007.22 for the  
 16 delivery of specified baccalaureate degree programs.

17 (3) A community college may develop a proposal to  
 18 deliver specified baccalaureate degree programs in its  
 19 district to meet local workforce needs. The proposal must be  
 20 submitted to the State Board of Education for approval. The  
 21 community college's proposal must include the following  
 22 information:

23 (a) Demand for the baccalaureate degree program is  
 24 identified by the workforce development board, local  
 25 businesses and industry, local chambers of commerce, and  
 26 potential students.

27 (b) Substantiation of the unmet need for graduates of  
 28 the proposed degree program is substantiated.

29 (c) Evidence that the community college has the  
 30 facilities and academic resources to deliver the program.

31 (d) Documentation of any efforts to offer the

1 specified baccalaureate program through cooperative  
2 arrangements with other institutions.

3 (e) Documentation of any formal agreements with  
4 institutions to deliver specified baccalaureate programs.

5  
6 The proposal must be submitted to the Council for Education  
7 Policy Research and Improvement for review and comment. Upon  
8 approval of the State Board of Education for the specific  
9 degree program or programs, the community college shall pursue  
10 regional accreditation by the Commission on Colleges of the  
11 Southern Association of Colleges and Schools. Any additional  
12 baccalaureate degree programs the community college wishes to  
13 offer must be approved by the State Board of Education.

14 (4) A community college may not terminate its  
15 associate in arts or associate in science degree programs as a  
16 result of the authorization provided in subsection (3). The  
17 Legislature intends that the primary mission of a community  
18 college, including a community college that offers  
19 baccalaureate degree programs, continues to be the provision  
20 of associate degrees that provide access to a university.

21 Section 359. Section 1007.34, Florida Statutes, is  
22 created to read:

23 1007.34 College reach-out program.--

24 (1) There is established a college reach-out program  
25 to increase the number of low-income educationally  
26 disadvantaged students in grades 6-12 who, upon high school  
27 graduation, are admitted to and successfully complete  
28 postsecondary education. Participants should be students who  
29 otherwise would be unlikely to seek admission to a community  
30 college, state university, or independent postsecondary  
31 institution without special support and recruitment efforts.

1 The State Board of Education shall adopt rules that provide  
2 for the following:

3 (a) Definition of "low-income educationally  
4 disadvantaged student."

5 (b) Specific criteria and guidelines for selection of  
6 college reach-out participants.

7 (2) In developing the definition for "low-income  
8 educationally disadvantaged student," the State Board of  
9 Education shall include such factors as: the family's taxable  
10 income; family receipt of temporary cash assistance in the  
11 preceding year; family receipt of public assistance in the  
12 preceding year; the student's cumulative grade point average;  
13 the student's promotion and attendance patterns; the student's  
14 performance on state standardized tests; the student's  
15 enrollment in mathematics and science courses; and the  
16 student's participation in a dropout prevention program.

17 (3) To participate in the college reach-out program, a  
18 postsecondary educational institution may submit a proposal to  
19 the Department of Education. The State Board of Education  
20 shall consider the proposals and determine which proposals to  
21 implement as programs that will strengthen the educational  
22 motivation and preparation of low-income educationally  
23 disadvantaged students.

24 (4) Postsecondary educational institutions that  
25 participate in the program must provide procedures for  
26 continuous contact with students from the point at which they  
27 are selected for participation until they enroll in a  
28 postsecondary educational institution. These procedures must  
29 assist students in selecting courses required for graduation  
30 from high school and admission to a postsecondary educational  
31 institution and ensure that students continue to participate

1 in program activities. Institutions that participate must  
 2 provide on-campus academic and advisory activities during  
 3 summer vacation and provide opportunities for interacting with  
 4 college and university students as mentors, tutors, or role  
 5 models. Proposals submitted by universities and consortia  
 6 involving universities must provide students with an  
 7 opportunity to live on campus.

8 (5) In selecting proposals for approval, the State  
 9 Board of Education shall give preference to:

10 (a) Proposals submitted jointly by two or more  
 11 eligible postsecondary educational institutions.

12 (b) A program that will use institutional, federal, or  
 13 private resources to supplement state appropriations.

14 (c) An applicant that has demonstrated success in  
 15 conducting similar programs.

16 (d) A program that includes innovative approaches,  
 17 provides a great variety of activities, and includes a large  
 18 percentage of low-income educationally disadvantaged minority  
 19 students in the college reach-out program.

20 (e) An applicant that demonstrates commitment to the  
 21 program by proposing to match the grant funds at least  
 22 one-to-one in cash or services, with cash being the preferred  
 23 match.

24 (f) An applicant that demonstrates an interest in  
 25 cultural diversity and that addresses the unmet regional needs  
 26 of varying communities.

27 (6) A participating postsecondary educational  
 28 institution is encouraged to use its resources to meet program  
 29 objectives. A participating postsecondary educational  
 30 institution must establish an advisory committee composed of  
 31 high school and middle school personnel, as well as community

1 leaders, to provide advice and assistance in implementing its  
2 program.

3 (7) A proposal must contain the following information:

4 (a) A statement of purpose that includes a description  
5 of the need for, and the results expected from, the proposed  
6 program.

7 (b) An identification of the service area that names  
8 the schools to be served, provides community and school  
9 demographics, and sets forth the postsecondary enrollment  
10 rates of high school graduates within the area.

11 (c) An identification of existing programs for  
12 enhancing the academic performance of minority and low-income  
13 educationally disadvantaged students for enrollment in  
14 postsecondary education.

15 (d) A description of the proposed program that  
16 describes criteria to be used to identify schools for  
17 participation in the program. At least 60 percent of the  
18 students recruited in any one year must be in grades 6-9.

19 (e) A description of the program activities that must  
20 support the following goals:

21 1. Motivate students to pursue a postsecondary  
22 education.

23 2. Enhance students' basic learning skills and  
24 performance.

25 3. Strengthen students' and parents' understanding of  
26 the benefits of postsecondary education.

27 4. Foster academic, personal, and career development  
28 through supplemental instruction.

29 (f) An evaluation component that provides for the  
30 collection, maintenance, retrieval, and analysis of the data  
31 required by this paragraph. The data must be used to assess

1 the extent to which programs have accomplished specific  
 2 objectives and achieved the goals of the college reach-out  
 3 program. The Department of Education shall develop  
 4 specifications and procedures for the collection and  
 5 transmission of the data. The annual project evaluation  
 6 component must contain:

7       1. The student identification number and social  
 8 security number, if available; the name of the public school  
 9 attended; gender; ethnicity; grade level; and grade point  
 10 average of each participant at the time of entry into the  
 11 program.

12       2. The grade point average, grade, and promotion  
 13 status of each of the participants in the program at the end  
 14 of the academic year and any suspension or expulsion of a  
 15 participant, if applicable.

16       3. The number and percentage of high school  
 17 participants who satisfactorily complete 2 sequential years of  
 18 a foreign language and Level 2 and 3 mathematics and science  
 19 courses.

20       4. The number and percentage of participants eligible  
 21 for high school graduation who receive a standard high school  
 22 diploma or a high school equivalency diploma, pursuant to s.  
 23 229.814.

24       5. The number and percentage of 12th grade  
 25 participants who are accepted for enrollment and who enroll in  
 26 a postsecondary educational institution.

27       6. The number of participants who receive  
 28 scholarships, grant aid, and work-study awards.

29       7. The number and percentage of participants who  
 30 enroll in a public postsecondary educational institution and  
 31 who fail to achieve a passing score, as defined in State Board

1 of Education rule, on college placement tests pursuant to s.  
2 1008.30.

3 8. The number and percentage of participants who  
4 enroll in a postsecondary educational institution and have a  
5 minimum cumulative 2.0 grade point average on a 4.0 scale by  
6 the end of the second semester.

7 9. The number of disabled students participating in  
8 the project and the nature of their disabilities.

9 (8) Proposals must be funded competitively in  
10 accordance with the following methodology:

11 (a) The funds appropriated must be distributed to  
12 projects on the basis of minimum standards that include:

13 1. A summer residency program of at least 1 week in  
14 duration.

15 2. A minimum number of hours of academic instructional  
16 and developmental activities, career counseling, and personal  
17 counseling.

18 (b) Subject to legislative appropriations,  
19 continuation projects that satisfy the minimum requirements  
20 should have their funds increased each year by the same  
21 percentage as the rate of inflation. Projects funded for 3  
22 consecutive years should have a cumulative institutional cash  
23 match of not less than 50 percent of the total cost of the  
24 project over the 3-year period. Any college reach-out program  
25 project operating for 3 years which does not provide the  
26 minimum 50-percent institutional cash match must not be  
27 considered for continued funding.

28 (9) The Commissioner of Education shall appoint an  
29 advisory council to review the proposals and recommend to the  
30 State Board of Education an order of priority for funding the  
31 proposals.



1           (10) On or before February 15 of each year, each  
2 participating institution shall submit to the Department of  
3 Education an interim report containing program expenditures  
4 and participant information as required in State Board of  
5 Education rules.

6           (11) On or before November 1 of each year,  
7 postsecondary educational institutions participating in the  
8 program shall submit to the Department of Education an  
9 end-of-the-year report on the effectiveness of their  
10 participation in the program. The end-of-the-year report must  
11 include, without limitation:

12           (a) A copy of the certificate-of-expenditures form  
13 showing expenditures by category, state grant funds, and  
14 institutional matching in cash and in-kind services.

15           (b) A listing of students participating in the program  
16 by grade level, gender, and race.

17           (c) A statement of how the program addresses the four  
18 program goals identified in paragraph (7)(e).

19           (d) A brief description and analysis of program  
20 characteristics and activities critical to program success.

21           (e) A description of the cooperation received from  
22 other units or organizations.

23           (f) An explanation of the program's outcomes,  
24 including data related to student performance on the measures  
25 provided for in paragraph (7)(f).

26           (12) By February 15 of each year, the Department of  
27 Education shall submit to the President of the Senate, the  
28 Speaker of the House of Representatives, the Commissioner of  
29 Education, and the Governor a report that evaluates the  
30 effectiveness of the college reach-out program. To the extent  
31 feasible, the performance of college reach-out program

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1 participants must be compared to the performance of comparable  
2 cohorts of students in public school and postsecondary  
3 education.

4 (13) Funding for the college reach-out program shall  
5 be provided in the General Appropriations Act.

6 Section 360. Chapter 1008, Florida Statutes, shall be  
7 entitled "Assessment and Accountability" and shall consist of  
8 ss. 1008.01-1008.51.

9 Section 361. Part I of chapter 1008, Florida Statutes,  
10 shall be entitled "Assessment, K-20" and shall consist of ss.  
11 1008.21-1008.30.

12 Section 362. Effective upon this act becoming a law,  
13 section 1008.21, Florida Statutes, is created to read:

14 1008.21 School readiness uniform screening  
15 (kindergarten).--

16 (1) The Department of Education shall implement the  
17 school readiness uniform screening developed by the Florida  
18 Partnership for School Readiness, and shall require that all  
19 school districts administer the kindergarten uniform screening  
20 to each kindergarten student in the district school system  
21 upon the student's entry into kindergarten.

22 (2)(a) The Department of Education shall implement the  
23 school readiness uniform screening to validate the system  
24 recommended by the Florida Partnership for School Readiness as  
25 part of a comprehensive evaluation design. Beginning with the  
26 2002-2003 school year, the department shall require that all  
27 school districts administer the school readiness uniform  
28 screening to each kindergarten student in the district school  
29 system upon the student's entry into kindergarten. Children  
30 who enter public school for the first time in first grade must  
31 be administered the school readiness uniform screening adopted

1 for use in first grade. The department shall incorporate  
2 school readiness data into the K-20 data warehouse for  
3 longitudinal tracking.

4 (b) The uniform screening shall provide objective data  
5 regarding the following expectations for school readiness  
6 which shall include, at a minimum:

7 1. The child's immunizations and other health  
8 requirements as necessary, including appropriate vision and  
9 hearing screening and examinations.

10 2. The child's physical development.

11 3. The child's compliance with rules, limitations, and  
12 routines.

13 4. The child's ability to perform tasks.

14 5. The child's interactions with adults.

15 6. The child's interactions with peers.

16 7. The child's ability to cope with challenges.

17 8. The child's self-help skills.

18 9. The child's ability to express his or her needs.

19 10. The child's verbal communication skills.

20 11. The child's problem-solving skills.

21 12. The child's ability to follow verbal directions.

22 13. The child's demonstration of curiosity,

23 persistence, and exploratory behavior.

24 14. The child's interest in books and other printed  
25 materials.

26 15. The child's ability to pay attention to stories.

27 16. The child's participation in art and music  
28 activities.

29 17. The child's ability to identify colors, geometric  
30 shapes, letters of the alphabet, numbers, and spatial and  
31 temporal relationships.

1           Section 363. Section 1008.22, Florida Statutes, is  
2 created to read:

3           1008.22 Student assessment program for public  
4 schools.--

5           (1) PURPOSE.--The primary purposes of the student  
6 assessment program are to provide information needed to  
7 improve the public schools by enhancing the learning gains of  
8 all students and to inform parents of the educational progress  
9 of their public school children. The program must be designed  
10 to:

11           (a) Assess the annual learning gains of each student  
12 toward achieving the Sunshine State Standards appropriate for  
13 the student's grade level.

14           (b) Provide data for making decisions regarding school  
15 accountability and recognition.

16           (c) Identify the educational strengths and needs of  
17 students and the readiness of students to be promoted to the  
18 next grade level or to graduate from high school with a  
19 standard high school diploma.

20           (d) Assess how well educational goals and performance  
21 standards are met at the school, district, and state levels.

22           (e) Provide information to aid in the evaluation and  
23 development of educational programs and policies.

24           (f) Provide information on the performance of Florida  
25 students compared with others across the United States.

26           (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
27 intent to participate in the measurement of national  
28 educational goals. The Commissioner of Education shall direct  
29 Florida school districts to participate in the administration  
30 of the National Assessment of Educational Progress, or a  
31 similar national assessment program, both for the national

1 sample and for any state-by-state comparison programs which  
 2 may be initiated. Such assessments must be conducted using  
 3 the data collection procedures, the student surveys, the  
 4 educator surveys, and other instruments included in the  
 5 National Assessment of Educational Progress or similar program  
 6 being administered in Florida. The results of these  
 7 assessments shall be included in the annual report of the  
 8 Commissioner of Education specified in this section. The  
 9 administration of the National Assessment of Educational  
 10 Progress or similar program shall be in addition to and  
 11 separate from the administration of the statewide assessment  
 12 program.

13 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
 14 shall design and implement a statewide program of educational  
 15 assessment that provides information for the improvement of  
 16 the operation and management of the public schools, including  
 17 schools operating for the purpose of providing educational  
 18 services to youth in Department of Juvenile Justice programs.  
 19 Pursuant to the statewide assessment program, the commissioner  
 20 shall:

21 (a) Submit to the State Board of Education a list that  
 22 specifies student skills and competencies to which the goals  
 23 for education specified in the state plan apply, including,  
 24 but not limited to, reading, writing, science, and  
 25 mathematics. The skills and competencies must include  
 26 problem-solving and higher-order skills as appropriate and  
 27 shall be known as the Sunshine State Standards as defined in  
 28 s. 1000.21. The commissioner shall select such skills and  
 29 competencies after receiving recommendations from educators,  
 30 citizens, and members of the business community. The  
 31 commissioner shall submit to the State Board of Education

1 revisions to the list of student skills and competencies in  
2 order to maintain continuous progress toward improvements in  
3 student proficiency.

4 (b) Develop and implement a uniform system of  
5 indicators to describe the performance of public school  
6 students and the characteristics of the public school  
7 districts and the public schools. These indicators must  
8 include, without limitation, information gathered by the  
9 comprehensive management information system created pursuant  
10 to s. 1008.385 and student achievement information obtained  
11 pursuant to this section.

12 (c) Develop and implement a student achievement  
13 testing program known as the Florida Comprehensive Assessment  
14 Test (FCAT) as part of the statewide assessment program, to be  
15 administered annually in grades 3 through 10 to measure  
16 reading, writing, science, and mathematics. Other content  
17 areas may be included as directed by the commissioner. The  
18 testing program must be designed so that:

19 1. The tests measure student skills and competencies  
20 adopted by the State Board of Education as specified in  
21 paragraph (a). The tests must measure and report student  
22 proficiency levels in reading, writing, mathematics, and  
23 science. The commissioner shall provide for the tests to be  
24 developed or obtained, as appropriate, through contracts and  
25 project agreements with private vendors, public vendors,  
26 public agencies, postsecondary educational institutions, or  
27 school districts. The commissioner shall obtain input with  
28 respect to the design and implementation of the testing  
29 program from state educators and the public.

30 2. The testing program will include a combination of  
31 norm-referenced and criterion-referenced tests and include, to

1 the extent determined by the commissioner, questions that  
2 require the student to produce information or perform tasks in  
3 such a way that the skills and competencies he or she uses can  
4 be measured.

5 3. Each testing program, whether at the elementary,  
6 middle, or high school level, includes a test of writing in  
7 which students are required to produce writings that are then  
8 scored by appropriate methods.

9 4. A score is designated for each subject area tested,  
10 below which score a student's performance is deemed  
11 inadequate. The school districts shall provide appropriate  
12 remedial instruction to students who score below these levels.

13 5. Students must earn a passing score on the grade 10  
14 assessment test described in this paragraph in reading,  
15 writing, and mathematics to qualify for a regular high school  
16 diploma. The State Board of Education shall designate a  
17 passing score for each part of the grade 10 assessment test.  
18 In establishing passing scores, the state board shall consider  
19 any possible negative impact of the test on minority students.

20 6. Participation in the testing program is mandatory  
21 for all students attending public school, including students  
22 served in Department of Juvenile Justice programs, except as  
23 otherwise prescribed by the commissioner. The State Board of  
24 Education shall adopt rules, based upon recommendations of the  
25 commissioner, for the provision of test accommodations and  
26 modifications of procedures as necessary for students in  
27 exceptional education programs and for students who have  
28 limited English proficiency.

29 7. A student seeking an adult high school diploma must  
30 meet the same testing requirements that a regular high school  
31 student must meet.

1           8. District school boards must provide instruction to  
 2 prepare students to demonstrate proficiency in the skills and  
 3 competencies necessary for successful grade-to-grade  
 4 progression and high school graduation. The commissioner shall  
 5 conduct studies as necessary to verify that the required  
 6 skills and competencies are part of the district instructional  
 7 programs.

8           9. The Department of Education must develop, or  
 9 select, and implement a common battery of assessment tools  
 10 that will be used in all juvenile justice programs in the  
 11 state. These tools must accurately measure the skills and  
 12 competencies established in the Florida Sunshine State  
 13 Standards.

14  
 15 The commissioner may design and implement student testing  
 16 programs, for any grade level and subject area, necessary to  
 17 effectively monitor educational achievement in the state.

18           (d) Conduct ongoing research to develop improved  
 19 methods of assessing student performance, including, without  
 20 limitation, the use of technology to administer tests, score,  
 21 or report the results of, the use of electronic transfer of  
 22 data, the development of work-product assessments, and the  
 23 development of process assessments.

24           (e) Conduct ongoing research and analysis of student  
 25 achievement data, including, without limitation, monitoring  
 26 trends in student achievement, identifying school programs  
 27 that are successful, and analyzing correlates of school  
 28 achievement.

29           (f) Provide technical assistance to school districts  
 30 in the implementation of state and district testing programs  
 31 and the use of the data produced pursuant to such programs.



1           (4) DISTRICT TESTING PROGRAMS.--Each district school  
 2 board shall periodically assess student performance and  
 3 achievement within each school of the district. The assessment  
 4 programs must be based upon local goals and objectives that  
 5 are compatible with the state plan for education and that  
 6 supplement the skills and competencies adopted by the State  
 7 Board of Education. All school districts must participate in  
 8 the statewide assessment program designed to measure annual  
 9 student learning and school performance. All district school  
 10 boards shall report assessment results as required by the  
 11 state management information system.

12           (5) SCHOOL TESTING PROGRAMS.--Each public school shall  
 13 participate in the statewide assessment program, unless  
 14 specifically exempted by state board rule based on serving a  
 15 specialized population for which standardized testing is not  
 16 appropriate. Student performance data shall be analyzed and  
 17 reported to parents, the community, and the state. Student  
 18 performance data shall be used in developing objectives of the  
 19 school improvement plan, evaluation of instructional  
 20 personnel, evaluation of administrative personnel, assignment  
 21 of staff, allocation of resources, acquisition of  
 22 instructional materials and technology, performance-based  
 23 budgeting, and promotion and assignment of students into  
 24 educational programs. The analysis of student performance data  
 25 also must identify strengths and needs in the educational  
 26 program and trends over time. The analysis must be used in  
 27 conjunction with the budgetary planning processes developed  
 28 pursuant to s. 1008.385 and the development of the programs of  
 29 remediation.

30           (6) REQUIRED ANALYSES.--The commissioner shall  
 31 provide, at a minimum, for the following analyses of data

1 produced by the student achievement testing program:

2 (a) The statistical system for the annual assessments  
3 shall use measures of student learning, such as the FCAT, to  
4 determine teacher, school, and school district statistical  
5 distributions, which shall be determined using available data  
6 from the FCAT, and other data collection as deemed appropriate  
7 by the Department of Education, to measure the differences in  
8 student prior year achievement compared to the current year  
9 achievement for the purposes of accountability and  
10 recognition.

11 (b) The statistical system shall provide the best  
12 estimates of teacher, school, and school district effects on  
13 student progress. The approach used by the department shall be  
14 approved by the commissioner before implementation.

15 (c) The annual testing program shall be administered  
16 to provide for valid statewide comparisons of learning gains  
17 to be made for purposes of accountability and recognition. The  
18 commissioner shall establish a schedule for the administration  
19 of the statewide assessments. In establishing such schedule,  
20 the commissioner is charged with the duty to accomplish the  
21 latest possible administration of the statewide assessments  
22 and the earliest possible provision of the results to the  
23 school districts feasible within available technology and  
24 specific appropriation. District school boards shall not  
25 establish school calendars that jeopardize or limit the valid  
26 testing and comparison of student learning gains.

27 (7) LOCAL ASSESSMENTS.--Measurement of the learning  
28 gains of students in all subjects and grade levels other than  
29 subjects and grade levels required for the state student  
30 achievement testing program is the responsibility of the  
31 school districts.

1           (8) APPLICABILITY OF TESTING STANDARDS.--A student  
 2 must meet the testing requirements for high school graduation  
 3 that were in effect at the time the student entered 9th grade,  
 4 provided the student's enrollment was continuous.

5           (9) RULES.--The State Board of Education shall adopt  
 6 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 7 provisions of this section.

8           Section 364. Section 1008.23, Florida Statutes, is  
 9 created to read:

10           1008.23 Confidentiality of assessment  
 11 instruments.--All examination and assessment instruments,  
 12 including developmental materials and workpapers directly  
 13 related thereto, which are prepared, prescribed, or  
 14 administered pursuant to ss. 1003.43, 1008.22, and 1008.25  
 15 shall be confidential and exempt from the provisions of s.  
 16 119.07(1) and from s. 1001.52. Provisions governing access,  
 17 maintenance, and destruction of such instruments and related  
 18 materials shall be prescribed by rules of the State Board of  
 19 Education.

20           Section 365. Section 1008.24, Florida Statutes, is  
 21 created to read:

22           1008.24 Test security.--

23           (1) It is unlawful for anyone knowingly and willfully  
 24 to violate test security rules adopted by the State Board of  
 25 Education for mandatory tests administered by or through the  
 26 State Board of Education or the Commissioner of Education to  
 27 students, educators, or applicants for certification or  
 28 administered by school districts pursuant to s. 1008.22, or,  
 29 with respect to any such test, knowingly and willfully to:

30           (a) Give examinees access to test questions prior to  
 31 testing;

1           (b) Copy, reproduce, or use in any manner inconsistent  
2 with test security rules all or any portion of any secure test  
3 booklet;

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

6           (d) Make answer keys available to examinees;

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

10           (f) Fail to follow test administration directions  
11 specified in the test administration manuals; or

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

14           (2) Any person who violates this section commits a  
15 misdemeanor of the first degree, punishable as provided in s.  
16 775.082 or s. 775.083.

17           (3) A district school superintendent, a president of a  
18 public postsecondary educational institution, or a president  
19 of a nonpublic postsecondary educational institution shall  
20 cooperate with the Commissioner of Education in any  
21 investigation concerning the administration of a test  
22 administered pursuant to state statute or rule.

23           Section 366. Section 1008.25, Florida Statutes, is  
24 created to read:

25           1008.25 Public school student progression; remedial  
26 instruction; reporting requirements.--

27           (1) INTENT.--It is the intent of the Legislature that  
28 each student's progression from one grade to another be  
29 determined, in part, upon proficiency in reading, writing,  
30 science, and mathematics; that school district policies  
31 facilitate such proficiency; and that each student and his or

1 her parent be informed of that student's academic progress.

2 (2) COMPREHENSIVE PROGRAM.--Each district school board  
3 shall establish a comprehensive program for student  
4 progression which must include:

5 (a) Standards for evaluating each student's  
6 performance, including how well he or she masters the  
7 performance standards approved by the State Board of Education  
8 according to s. 1001.03(1); and

9 (b) Specific levels of performance in reading,  
10 writing, science, and mathematics for each grade level,  
11 including the levels of performance on statewide assessments  
12 as defined by the Commissioner of Education, below which a  
13 student must receive remediation, or be retained within an  
14 intensive program that is different from the previous year's  
15 program and that takes into account the student's learning  
16 style.

17 (c) Appropriate alternative placement for a student  
18 who has been retained 2 or more years.

19 (3) ELIMINATION OF SOCIAL PROMOTION.--

20 (a) No student may be assigned to a grade level based  
21 solely on age or other factors that constitute social  
22 promotion.

23 (b) District school boards shall allocate remedial and  
24 supplemental instruction resources first to students who fail  
25 to meet achievement performance levels required for promotion.

26 (c) The State Board of Education shall adopt rules to  
27 prescribe limited circumstances in which a student may be  
28 promoted without meeting the specific assessment performance  
29 levels prescribed by the district's student progression plan.

30 Such rules shall specifically address the promotion of  
31 students with limited English proficiency and students with

1 disabilities.

2 (4) ASSESSMENT AND REMEDIATION.--

3 (a) Each student must participate in the statewide  
4 assessment tests required by s. 1008.22. Each student who does  
5 not meet specific levels of performance as determined by the  
6 district school board in reading, writing, science, and  
7 mathematics for each grade level, or who does not meet  
8 specific levels of performance, determined by the Commissioner  
9 of Education, on statewide assessments at selected grade  
10 levels, must be provided with additional diagnostic  
11 assessments to determine the nature of the student's  
12 difficulty and areas of academic need.

13 (b) The school in which the student is enrolled must  
14 develop, in consultation with the student's parent, and must  
15 implement an academic improvement plan designed to assist the  
16 student in meeting state and district expectations for  
17 proficiency. Each plan must include the provision of intensive  
18 remedial instruction in the areas of weakness. Remedial  
19 instruction provided during high school may not be in lieu of  
20 English and mathematics credits required for graduation.

21 (c) Upon subsequent evaluation, if the documented  
22 deficiency has not been corrected in accordance with the  
23 academic improvement plan, the student may be retained. Each  
24 student who does not meet the minimum performance expectations  
25 defined by the Commissioner of Education for the statewide  
26 assessment tests in reading, writing, science, and mathematics  
27 must continue remedial or supplemental instruction until the  
28 expectations are met or the student graduates from high school  
29 or is not subject to compulsory school attendance.

30 (5) READING DEFICIENCY.--

31 (a) Any student who exhibits substantial deficiency in

1 reading skills, based on locally determined assessments  
 2 conducted before the end of grade 1 or 2, or based on teacher  
 3 recommendation, must be given intensive reading instruction  
 4 immediately following the identification of the reading  
 5 deficiency. The student's reading proficiency must be  
 6 reassessed by locally determined assessment or based on  
 7 teacher recommendation at the beginning of the grade following  
 8 the intensive reading instruction, and the student must  
 9 continue to be given intensive reading instruction until the  
 10 reading deficiency is remedied.

11 (b) If the student's reading deficiency, as determined  
 12 by the locally determined assessment at grades 1 and 2, or by  
 13 the statewide assessment at grade 3, is not remedied by the  
 14 end of grade 4, and if the student scores below the specific  
 15 level of performance on the statewide assessment test in  
 16 reading, the student must be retained.

17 (c) The district school board may exempt a student  
 18 from mandatory retention for good cause.

19 (6) ANNUAL REPORT.--Each district must annually report  
 20 to the parent of each student the progress of the student  
 21 towards achieving state and district expectations for  
 22 proficiency in reading, writing, science, and mathematics. The  
 23 district must report to the parent the student's results on  
 24 each statewide assessment test. The evaluation of each  
 25 student's progress must be based upon the student's classroom  
 26 work, observations, tests, district and state assessments, and  
 27 other relevant information. Progress reporting must be  
 28 provided to the parent in writing in a format adopted by the  
 29 district school board.

30 (7) RULEMAKING.--The State Board of Education shall  
 31 adopt rules pursuant to ss. 120.536(1) and 120.54 for the

1 administration of this section.

2 (8) TECHNICAL ASSISTANCE.--The Department of Education  
3 shall provide technical assistance as needed to aid school  
4 districts in administering this section.

5 Section 367. Section 1008.29, Florida Statutes, is  
6 created to read:

7 1008.29 College-level communication and mathematics  
8 skills examination (CLAST).--

9 (1) It is the intent of the Legislature that the  
10 examination of college-level communication and mathematics  
11 skills provided in s. 1008.345(3) serve as a mechanism for  
12 students to demonstrate that they have mastered the academic  
13 competencies prerequisite to upper-division undergraduate  
14 instruction. It is further intended that the examination  
15 serve as both a summative evaluation instrument prior to  
16 student enrollment in upper-division programs and as a source  
17 of information for student advisers. It is not intended that  
18 student passage of the examination supplant the need for a  
19 student to complete the general education curriculum  
20 prescribed by an institution.

21 (2) Public postsecondary educational institutions  
22 shall administer a minimum of two administrations, one of  
23 which may consist of an alternative administration, of the  
24 college-level communication and computation skills examination  
25 per academic term. Such administrations shall be available to  
26 all lower-division students seeking associate in arts or  
27 baccalaureate degrees upon completion of at least 18 semester  
28 hours or the equivalent. Public postsecondary educational  
29 institutions shall report at a minimum the examination scores  
30 of all students tested at each administration of the  
31 college-level communication and computation skills



1 examination.

2       (3) No public postsecondary educational institution  
3 shall confer an associate in arts or baccalaureate degree upon  
4 any student who fails to complete successfully the examination  
5 of college-level communication and computation skills.  
6 Students who received their associate in arts degree prior to  
7 September 1, 1982, shall be exempt from the provisions of this  
8 subsection.

9       (4) The State Board of Education, by rule, shall set  
10 the minimum scores that constitute successful completion of  
11 the examination. In establishing the minimum scores that  
12 constitute successful completion of the examination, the State  
13 Board of Education shall consider any possible negative impact  
14 of the tests on minority students. Determinations regarding a  
15 student's successful completion of the examination shall be  
16 based on the minimum standards prescribed by rule for the date  
17 the student initially takes the examination.

18       (5) Any student who, in the best professional opinion  
19 of the university, has a specific learning disability such  
20 that the student can not demonstrate successful completion of  
21 one or more sections of the college-level communication and  
22 computation skills examination and is achieving at the college  
23 level in every area except that of the disability, and whose  
24 diagnosis indicates that further remediation will not succeed  
25 in overcoming the disability, may appeal through the  
26 appropriate dean to a committee appointed by the president or  
27 vice president for academic affairs for special consideration.  
28 The committee shall examine the evidence of the student's  
29 academic and medical records and may hear testimony relevant  
30 to the case. The committee may grant a waiver for one or more  
31 sections of the college-level communication and computation

1 skills examination based on the results of its review.  
2       (6) Each public postsecondary educational institution  
3 president shall establish a committee to consider requests for  
4 waivers from the provisions of subsection (3). The committee  
5 shall be chaired by the chief academic officer of the  
6 institution and shall have four additional members appointed  
7 by the president: a member of the mathematics department, a  
8 member of the English department, the institutional test  
9 administrator, and a fourth faculty member from a department  
10 other than English or mathematics. Any student who has taken a  
11 subtest of the examination required by this section at least  
12 four times and has not achieved a passing score, but has  
13 otherwise demonstrated proficiency in coursework in the same  
14 subject area, may request a waiver from that particular  
15 subtest. Waivers shall be considered only after students have  
16 been provided test accommodations or other administrative  
17 adjustments to permit the accurate measurement of the  
18 student's proficiency in the subject areas measured by the  
19 examination authorized in this section. The committee shall  
20 consider the student's educational records and other evidence  
21 as to whether the student should be able to pass the subtest  
22 under consideration. A waiver may be recommended to the  
23 president upon majority vote of the committee. The president  
24 may approve or disapprove the recommendation. The president  
25 may not approve a request which the committee has disapproved.  
26 If a waiver for a given subtest is approved, the student's  
27 transcript shall include a statement that the student did not  
28 meet the requirements of subsection (3) and that a waiver was  
29 granted.

30       (7) The State Board of Education, by rule, shall  
31 establish fees for the administration of the examination to

1 private postsecondary students.

2 (8) The State Board of Education, by rule, shall  
3 establish fees for the administration of the examination at  
4 times other than regularly scheduled dates to accommodate  
5 examinees who are unable to be tested on those dates. The  
6 board shall establish the conditions under which examinees may  
7 be admitted to the special administrations.

8 (9) Any student fulfilling one or both of the  
9 following requirements before completion of associate in arts  
10 degree requirements or baccalaureate degree requirements is  
11 exempt from the testing requirements of this section:

12 (a) Achieves a score that meets or exceeds a minimum  
13 score on a nationally standardized examination, as established  
14 by the State Board of Education; or

15 (b) Demonstrates successful remediation of any  
16 academic deficiencies identified by the college placement test  
17 and achieves a cumulative grade point average of 2.5 or above,  
18 on a 4.0 scale, in postsecondary-level coursework identified  
19 by the State Board of Education. The Department of Education  
20 shall specify the means by which a student may demonstrate  
21 successful remediation.

22  
23 Any student denied a degree prior to January 1, 1996, based on  
24 the failure of at least one subtest of the CLAST may use  
25 either of the alternatives specified in this subsection for  
26 receipt of a degree if such student meets all degree program  
27 requirements at the time of application for the degree under  
28 the exemption provisions of this subsection. This section does  
29 not require a student to take the CLAST before being given the  
30 opportunity to use any of the alternatives specified in this  
31 subsection. The exemptions provided herein do not apply to

1 requirements for certification as provided in s. 1012.56.

2 Section 368. Section 1008.30, Florida Statutes, is  
3 created to read:

4 1008.30 Common placement testing for public  
5 postsecondary education.--

6 (1) The State Board of Education shall develop and  
7 implement a common placement test for the purpose of assessing  
8 the basic computation and communication skills of students who  
9 intend to enter a degree program at any public postsecondary  
10 educational institution. The State Board of Education shall  
11 adopt rules which enable public postsecondary educational  
12 institutions to implement appropriate modifications of the  
13 test instruments or test procedures for students with  
14 disabilities.

15 (2) The common placement testing program shall include  
16 at a minimum the following: the capacity to diagnose basic  
17 competencies in the areas of English, reading, and mathematics  
18 which are essential to perform college-level work;  
19 prerequisite skills that relate to progressively advanced  
20 instruction in mathematics, such as algebra and geometry;  
21 prerequisite skills that relate to progressively advanced  
22 instruction in language arts, such as English composition and  
23 literature; prerequisite skills which relate to the College  
24 Level Academic Skills Test (CLAST); and provision of test  
25 information to students on the specific deficiencies.

26 (3) The State Board of Education shall adopt rules  
27 that would require high schools to give the common placement  
28 test prescribed in this section, or an equivalent test  
29 identified by the State Board of Education, at the beginning  
30 of the tenth grade year before enrollment in the eleventh  
31 grade year in public high school for the purpose of obtaining

1 remedial instruction prior to entering public postsecondary  
2 education.

3 (4)(a) Public postsecondary educational institution  
4 students who have been identified as requiring additional  
5 preparation pursuant to subsection (1) shall enroll in  
6 college-preparatory or other adult education pursuant to s.  
7 1004.93 in community colleges to develop needed college-entry  
8 skills. These students shall be permitted to take courses  
9 within their degree program concurrently in other curriculum  
10 areas for which they are qualified while enrolled in  
11 college-preparatory instruction courses. A student enrolled  
12 in a college-preparatory course may concurrently enroll only  
13 in college credit courses that do not require the skills  
14 addressed in the college-preparatory course. The State Board  
15 of Education shall specify the college credit courses that are  
16 acceptable for students enrolled in each college-preparatory  
17 skill area, pursuant to s. 1001.02(7)(g). A student who wishes  
18 to earn an associate in arts or a baccalaureate degree, but  
19 who is required to complete a college-preparatory course, must  
20 successfully complete the required college-preparatory studies  
21 by the time the student has accumulated 12 hours of  
22 lower-division college credit degree coursework; however, a  
23 student may continue enrollment in degree-earning coursework  
24 provided the student maintains enrollment in  
25 college-preparatory coursework for each subsequent semester  
26 until college-preparatory coursework requirements are  
27 completed, and the student demonstrates satisfactory  
28 performance in degree-earning coursework. A passing score on  
29 a standardized, institutionally developed test must be  
30 achieved before a student is considered to have met basic  
31 computation and communication skills requirements; however, no

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1 student shall be required to retake any test or subtest that  
2 was previously passed by said student. Credit awarded for  
3 college-preparatory instruction may not be counted towards  
4 fulfilling the number of credits required for a degree.

5 (b) The university board of trustees may contract with  
6 a community college board of trustees for the community  
7 college to provide such instruction on the state university  
8 campus. Any state university in which the percentage of  
9 incoming students requiring college-preparatory instruction  
10 equals or exceeds the average percentage of such students for  
11 the community college system may offer college-preparatory  
12 instruction without contracting with a community college;  
13 however, any state university offering college-preparatory  
14 instruction as of January 1, 1996, may continue to provide  
15 such services.

16 (5) A student may not be enrolled in a college credit  
17 mathematics or English course on a dual enrollment basis  
18 unless the student has demonstrated adequate precollegiate  
19 preparation on the section of the basic computation and  
20 communication skills assessment required pursuant to  
21 subsection (1) that is appropriate for successful student  
22 participation in the course.

23 Section 369. Part II of chapter 1008, Florida  
24 Statutes, shall be entitled "Accountability, K-20" and shall  
25 consist of ss. 1008.31-1008.46.

26 Section 370. Section 1008.31, Florida Statutes, is  
27 created to read:

28 1008.31 Florida's K-20 education performance  
29 accountability system; legislative intent; performance-based  
30 funding; mission, goals, and systemwide measures.--

31 (1) LEGISLATIVE INTENT.--It is the intent of the

1 Legislature that:

2 (a) The performance accountability system implemented  
3 to assess the effectiveness of Florida's seamless K-20  
4 education delivery system provide answers to the following  
5 questions in relation to its mission and goals:

6 1. What is the public receiving in return for funds it  
7 invests in education?

8 2. How effectively is Florida's K-20 education system  
9 educating its students?

10 3. How effectively are the major delivery sectors  
11 promoting student achievement?

12 4. How are individual schools and postsecondary  
13 education institutions performing their responsibility to  
14 educate their students as measured by how students are  
15 performing and how much they are learning?

16 (b) The State Board of Education recommend to the  
17 Legislature systemwide performance standards; the Legislature  
18 establish systemwide performance measures and standards; and  
19 the systemwide measures and standards provide Floridians with  
20 information on what the public is receiving in return for the  
21 funds it invests in education and how well the K-20 system  
22 educates its students.

23 (c) The State Board of Education establish performance  
24 measures and set performance standards for individual  
25 components of the public education system, including  
26 individual schools and postsecondary educational institutions,  
27 with measures and standards based primarily on student  
28 achievement.

29 (2) PERFORMANCE-BASED FUNDING.--The State Board of  
30 Education shall cooperate with the Commissioner of Education  
31 and each delivery system to develop proposals for

1 performance-based funding, using performance measures  
 2 established by the Legislature. The proposals must provide  
 3 that at least 10 percent of the state funds appropriated for  
 4 the K-20 education system are conditional upon meeting or  
 5 exceeding established performance standards. The State Board  
 6 of Education must submit the recommendations to the  
 7 Legislature in the following sequence:

8       (a) By December 1, 2002, recommendations for state  
 9 universities, for consideration by the 2003 Legislature and  
 10 implementation in the 2003-2004 fiscal year.

11       (b) By December 1, 2003, recommendations for public  
 12 schools and workforce education, for consideration by the 2004  
 13 Legislature and implementation in the 2004-2005 fiscal year.

14       (c) By December 1, 2004, recommendations for community  
 15 colleges, for consideration by the 2005 Legislature and  
 16 implementation in the 2005-2006 fiscal year.

17       (d) By December 1, 2005, recommendations for all other  
 18 programs that receive state funds within the Department of  
 19 Education.

20       (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The  
 21 mission of Florida's K-20 education system shall be to  
 22 increase the proficiency of all students within one seamless,  
 23 efficient system, by allowing them the opportunity to expand  
 24 their knowledge and skills through learning opportunities and  
 25 research valued by students, parents, and communities, and to  
 26 maintain an accountability system that measures student  
 27 progress toward the following goals:

28       (a) Highest student achievement, as measured by:  
 29 student FCAT performance and annual learning gains; the number  
 30 and percentage of schools that improve at least one school  
 31 performance grade designation or maintain a school performance



1 grade designation of "A" pursuant to s. 1008.34; graduation or  
2 completion rates at all learning levels; and other measures  
3 identified in law or rule.

4 (b) Seamless articulation and maximum access, as  
5 measured by: the percentage of students who demonstrate  
6 readiness for the educational level they are entering, from  
7 kindergarten through postsecondary education and into the  
8 workforce; the number and percentage of students needing  
9 remediation; the percentage of Floridians who complete  
10 associate, baccalaureate, professional, and postgraduate  
11 degrees; the number and percentage of credits that articulate;  
12 the extent to which each set of exit-point requirements  
13 matches the next set of entrance-point requirements; and other  
14 measures identified in law or rule.

15 (c) Skilled workforce and economic development, as  
16 measured by: the number and percentage of graduates employed  
17 in their areas of preparation; the percentage of Floridians  
18 with high school diplomas and postsecondary education  
19 credentials; the percentage of business and community members  
20 who find that Florida's graduates possess the skills they  
21 need; and other measures identified in law or rule.

22 (d) Quality efficient services, as measured by: cost  
23 per completer or graduate; average cost per noncompleter at  
24 each educational level; cost disparity across institutions  
25 offering the same degrees; the percentage of education  
26 customers at each educational level who are satisfied with the  
27 education provided; and other measures identified in law or  
28 rule.

29 (4) SYSTEMWIDE DATA COLLECTION.--School districts and  
30 public postsecondary educational institutions shall maintain  
31 information systems that will provide the State Board of

1 Education and the Legislature with information and reports at  
2 a level of comprehensiveness and quality no less than that  
3 which was available as of June 30, 2001.

4 Section 371. Section 1008.32, Florida Statutes, is  
5 created to read:

6 1008.32 State Board of Education oversight enforcement  
7 authority.--The State Board of Education shall oversee the  
8 performance of district school boards and public postsecondary  
9 educational institution boards in enforcement of all laws and  
10 rules. District school boards and public postsecondary  
11 educational institution boards shall be primarily responsible  
12 for compliance with law and state board rule.

13 (1) In order to ensure compliance with law or state  
14 board rule, the State Board of Education shall have the  
15 authority to request and receive information, data, and  
16 reports from school districts and public postsecondary  
17 educational institutions. District school superintendents and  
18 public postsecondary educational institution presidents are  
19 responsible for the accuracy of the information and data  
20 reported to the state board.

21 (2) The Commissioner of Education may investigate  
22 allegations of noncompliance with law or state board rule and  
23 determine probable cause, the commissioner shall report to the  
24 State Board of Education which shall require the district  
25 school board or public postsecondary educational institution  
26 board to document compliance with law or state board rule.

27 (3) If the district school board or public  
28 postsecondary educational institution board cannot  
29 satisfactorily document compliance, the State Board of  
30 Education may order compliance within a specified timeframe.

31 (4) If the State Board of Education determines that a

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1 district school board or public postsecondary educational  
2 institution board is unwilling or unable to comply with law or  
3 state board rule within the specified time, the state board  
4 shall have the authority to initiate any of the following  
5 actions:

6 (a) Report to the Legislature that the school district  
7 or public postsecondary educational institution has been  
8 unwilling or unable to comply with law or state board rule and  
9 recommend action to be taken by the Legislature.

10 (b) Reduce the discretionary lottery appropriation  
11 until the school district or public postsecondary education  
12 institution complies with the law or state board rule.

13 (c) Withhold the transfer of state funds,  
14 discretionary grant funds, or any other funds specified as  
15 eligible for this purpose by the Legislature until the school  
16 district or public postsecondary educational institution  
17 complies with the law or state board rule.

18 (d) Declare the school district or public  
19 postsecondary educational institution ineligible for  
20 competitive grants.

21 (e) Require monthly or periodic reporting on the  
22 situation related to noncompliance until it is remedied.

23 (5) Nothing in this section shall be construed to  
24 create a private cause of action or create any rights for  
25 individuals or entities in addition to those provided  
26 elsewhere in law or rule.

27 Section 372. Section 1008.33, Florida Statutes, is  
28 created to read:

29 1008.33 Authority to enforce public school  
30 improvement.--It is the intent of the Legislature that all  
31 public schools be held accountable for students performing at

1 acceptable levels. A system of school improvement and  
2 accountability that assesses student performance by school,  
3 identifies schools in which students are not making adequate  
4 progress toward state standards, institutes appropriate  
5 measures for enforcing improvement, and provides rewards and  
6 sanctions based on performance shall be the responsibility of  
7 the State Board of Education.

8 (1) Pursuant to Art. IX of the State Constitution  
9 prescribing the duty of the State Board of Education to  
10 supervise Florida's public school system and notwithstanding  
11 any other statutory provisions to the contrary, the State  
12 Board of Education shall intervene in the operation of a  
13 district school system when one or more schools in the school  
14 district have failed to make adequate progress for 2 school  
15 years in a 4-year period. For purposes of determining when a  
16 school is eligible for state board action and opportunity  
17 scholarships for its students, the terms "2 years in any  
18 4-year period" and "2 years in a 4-year period" mean that in  
19 any year that a school has a grade of "F," the school is  
20 eligible for state board action and opportunity scholarships  
21 for its students if it also has had a grade of "F" in any of  
22 the previous 3 school years. The State Board of Education may  
23 determine that the school district or school has not taken  
24 steps sufficient for students in the school to be academically  
25 well served. Considering recommendations of the Commissioner  
26 of Education, the State Board of Education shall recommend  
27 action to a district school board intended to improve  
28 educational services to students in each school that is  
29 designated as performance grade category "F." Recommendations  
30 for actions to be taken in the school district shall be made  
31 only after thorough consideration of the unique

1 characteristics of a school, which shall include student  
 2 mobility rates, the number and type of exceptional students  
 3 enrolled in the school, and the availability of options for  
 4 improved educational services. The state board shall adopt by  
 5 rule steps to follow in this process. Such steps shall  
 6 provide school districts sufficient time to improve student  
 7 performance in schools and the opportunity to present evidence  
 8 of assistance and interventions that the district school board  
 9 has implemented.

10 (2) The State Board of Education may recommend one or  
 11 more of the following actions to district school boards to  
 12 enable students in schools designated as performance grade  
 13 category "F" to be academically well served by the public  
 14 school system:

15 (a) Provide additional resources, change certain  
 16 practices, and provide additional assistance if the state  
 17 board determines the causes of inadequate progress to be  
 18 related to school district policy or practice;

19 (b) Implement a plan that satisfactorily resolves the  
 20 education equity problems in the school;

21 (c) Contract for the educational services of the  
 22 school, or reorganize the school at the end of the school year  
 23 under a new school principal who is authorized to hire new  
 24 staff and implement a plan that addresses the causes of  
 25 inadequate progress;

26 (d) Allow parents of students in the school to send  
 27 their children to another district school of their choice; or

28 (e) Other action appropriate to improve the school's  
 29 performance.

30 (3) In recommending actions to district school boards,  
 31 the State Board of Education shall specify the length of time

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1 available to implement the recommended action. The State  
2 Board of Education may adopt rules to further specify how it  
3 may respond in specific circumstances. No action taken by the  
4 State Board of Education shall relieve a school from state  
5 accountability requirements.

6 (4) The State Board of Education may require the  
7 Department of Education or Comptroller to withhold any  
8 transfer of state funds to the school district if, within the  
9 timeframe specified in state board action, the school district  
10 has failed to comply with the action ordered to improve the  
11 district's low-performing schools. Withholding the transfer of  
12 funds shall occur only after all other recommended actions for  
13 school improvement have failed to improve performance. The  
14 State Board of Education may impose the same penalty on any  
15 district school board that fails to develop and implement a  
16 plan for assistance and intervention for low-performing  
17 schools as specified in s. 1001.42(16)(c).

18 Section 373. Section 1008.34, Florida Statutes, is  
19 created to read:

20 1008.34 School grading system; district performance  
21 grade.--

22 (1) ANNUAL REPORTS.--The Commissioner of Education  
23 shall prepare annual reports of the results of the statewide  
24 assessment program which describe student achievement in the  
25 state, each district, and each school. The commissioner shall  
26 prescribe the design and content of these reports, which must  
27 include, without limitation, descriptions of the performance  
28 of all schools participating in the assessment program and all  
29 of their major student populations as determined by the  
30 Commissioner of Education, and must also include the median  
31 scores of all eligible students who scored at or in the lowest

1 25th percentile of the state in the previous school year;  
2 provided, however, that the provisions of s. 1002.22  
3 pertaining to student records apply to this section.

4 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual  
5 report shall identify schools as being in one of the following  
6 grade categories defined according to rules of the State Board  
7 of Education:

- 8 (a) "A," schools making excellent progress.
- 9 (b) "B," schools making above average progress.
- 10 (c) "C," schools making satisfactory progress.
- 11 (d) "D," schools making less than satisfactory  
12 progress.

13 (e) "F," schools failing to make adequate progress.

14  
15 Each school designated in performance grade category "A,"  
16 making excellent progress, or having improved at least two  
17 performance grade categories, shall have greater authority  
18 over the allocation of the school's total budget generated  
19 from the FEFP, state categoricals, lottery funds, grants, and  
20 local funds, as specified in state board rule. The rule must  
21 provide that the increased budget authority shall remain in  
22 effect until the school's performance grade declines.

23 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE  
24 CATEGORIES.--School performance grade category designations  
25 itemized in subsection (2) shall be based on the following:

26 (a) Timeframes.--

27 1. School performance grade category designations  
28 shall be based on the school's current year performance and  
29 the school's annual learning gains.

30 2. A school's performance grade category designation  
31 shall be based on a combination of student achievement scores,

1 student learning gains as measured by annual FCAT assessments  
 2 in grades 3 through 10, and improvement of the lowest 25th  
 3 percentile of students in the school in reading, math, or  
 4 writing on the FCAT, unless these students are performing  
 5 above satisfactory performance.

6 (b) Student assessment data.--Student assessment data  
 7 used in determining school performance grade categories shall  
 8 include:

9 1. The aggregate scores of all eligible students  
 10 enrolled in the school who have been assessed on the FCAT.

11 2. The aggregate scores of all eligible students  
 12 enrolled in the school who have been assessed on the FCAT,  
 13 including Florida Writes, and who have scored at or in the  
 14 lowest 25th percentile of students in the school in reading,  
 15 math, or writing, unless these students are performing above  
 16 satisfactory performance.

17  
 18 The Department of Education shall study the effects of  
 19 mobility on the performance of highly mobile students and  
 20 recommend programs to improve the performance of such  
 21 students. The State Board of Education shall adopt appropriate  
 22 criteria for each school performance grade category. The  
 23 criteria must also give added weight to student achievement in  
 24 reading. Schools designated as performance grade category "C,"  
 25 making satisfactory progress, shall be required to demonstrate  
 26 that adequate progress has been made by students in the school  
 27 who are in the lowest 25th percentile in reading, math, or  
 28 writing on the FCAT, including Florida Writes, unless these  
 29 students are performing above satisfactory performance.

30 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report  
 31 shall identify each school's performance as having improved,



1 remained the same, or declined. This school improvement rating  
2 shall be based on a comparison of the current year's and  
3 previous year's student and school performance data. Schools  
4 that improve at least one performance grade category are  
5 eligible for school recognition awards pursuant to s. 1008.36.

6 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT  
7 RATING REPORTS.--School performance grade category  
8 designations and improvement ratings shall apply to each  
9 school's performance for the year in which performance is  
10 measured. Each school's designation and rating shall be  
11 published annually by the Department of Education and the  
12 school district. Parents shall be entitled to an easy-to-read  
13 report card about the designation and rating of the school in  
14 which their child is enrolled.

15 (6) RULES.--The State Board of Education shall adopt  
16 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
17 provisions of this section.

18 (7) PERFORMANCE-BASED FUNDING.--The Legislature may  
19 factor in the performance of schools in calculating any  
20 performance-based funding policy that is provided for annually  
21 in the General Appropriations Act.

22 (8) DISTRICT PERFORMANCE GRADE.--The annual report  
23 required by subsection (1) shall include district performance  
24 grades, which shall consist of weighted district average  
25 grades, by level, for all elementary schools, middle schools,  
26 and high schools in the district. A district's weighted  
27 average grade shall be calculated by weighting individual  
28 school grades determined pursuant to subsection (2) by school  
29 enrollment.

30 Section 374. Section 1008.345, Florida Statutes, is  
31 created to read:

1           1008.345 Implementation of state system of school  
2 improvement and education accountability.--

3           (1) The Commissioner of Education is responsible for  
4 implementing and maintaining a system of intensive school  
5 improvement and stringent education accountability, which  
6 shall include policies and programs to implement the  
7 following:

8           (a) A system of data collection and analysis that will  
9 improve information about the educational success of  
10 individual students and schools, including schools operating  
11 for the purpose of providing educational services to youth in  
12 Department of Juvenile Justice programs. The information and  
13 analyses must be capable of identifying educational programs  
14 or activities in need of improvement, and reports prepared  
15 pursuant to this paragraph shall be distributed to the  
16 appropriate district school boards prior to distribution to  
17 the general public. This provision shall not preclude access  
18 to public records as provided in chapter 119.

19           (b) A program of school improvement that will analyze  
20 information to identify schools, including schools operating  
21 for the purpose of providing educational services to youth in  
22 Department of Juvenile Justice programs, educational programs,  
23 or educational activities in need of improvement.

24           (c) A method of delivering services to assist school  
25 districts and schools to improve, including schools operating  
26 for the purpose of providing educational services to youth in  
27 Department of Juvenile Justice programs.

28           (d) A method of coordinating with the state  
29 educational goals and school improvement plans any other state  
30 program that creates incentives for school improvement.

31           (2) The commissioner shall be held responsible for the

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1 implementation and maintenance of the system of school  
2 improvement and education accountability outlined in this  
3 section. There shall be an annual determination of whether  
4 adequate progress is being made toward implementing and  
5 maintaining a system of school improvement and education  
6 accountability.

7 (3) The annual feedback report shall be developed by  
8 the Department of Education.

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

18 (5) The commissioner shall report to the Legislature  
19 and recommend changes in state policy necessary to foster  
20 school improvement and education accountability. Included in  
21 the report shall be a list of the schools, including schools  
22 operating for the purpose of providing educational services to  
23 youth in Department of Juvenile Justice programs, for which  
24 district school boards have developed assistance and  
25 intervention plans and an analysis of the various strategies  
26 used by the school boards. School reports shall be distributed  
27 pursuant to this subsection and s. 1001.42(16)(e) and  
28 according to rules adopted by the State Board of Education.

29 (6)(a) The Department of Education shall implement a  
30 training program to develop among state and district educators  
31 a cadre of facilitators of school improvement. These

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1 facilitators shall assist schools and districts to conduct  
2 needs assessments and develop and implement school improvement  
3 plans to meet state goals.

4 (b) Upon request, the department shall provide  
5 technical assistance and training to any school, including any  
6 school operating for the purpose of providing educational  
7 services to youth in Department of Juvenile Justice programs,  
8 school advisory council, district, or district school board  
9 for conducting needs assessments, developing and implementing  
10 school improvement plans, developing and implementing  
11 assistance and intervention plans, or implementing other  
12 components of school improvement and accountability. Priority  
13 for these services shall be given to schools designated as  
14 performance grade category "D" or "F" and school districts in  
15 rural and sparsely populated areas of the state.

16 (c) Pursuant to s. 24.121(5)(d), the department shall  
17 not release funds from the Educational Enhancement Trust Fund  
18 to any district in which a school, including schools operating  
19 for the purpose of providing educational services to youth in  
20 Department of Juvenile Justice programs, does not have an  
21 approved school improvement plan, pursuant to s. 1001.42(16),  
22 after 1 full school year of planning and development, or does  
23 not comply with school advisory council membership composition  
24 requirements pursuant to s. 1001.452. The department shall  
25 send a technical assistance team to each school without an  
26 approved plan to develop such school improvement plan or to  
27 each school without appropriate school advisory council  
28 membership composition to develop a strategy for corrective  
29 action. The department shall release the funds upon approval  
30 of the plan or upon establishment of a plan of corrective  
31 action. Notice shall be given to the public of the

1 department's intervention and shall identify each school  
2 without a plan or without appropriate school advisory council  
3 membership composition.

4 (d) The department shall assign a community assessment  
5 team to each school district with a school designated as  
6 performance grade category "D" or "F" to review the school  
7 performance data and determine causes for the low performance.  
8 The team shall make recommendations to the school board, to  
9 the department, and to the State Board of Education for  
10 implementing an assistance and intervention plan that will  
11 address the causes of the school's low performance. The  
12 assessment team shall include, but not be limited to, a  
13 department representative, parents, business representatives,  
14 educators, and community activists, and shall represent the  
15 demographics of the community from which they are appointed.

16 (7)(a) Schools designated in performance grade  
17 category "A," making excellent progress, shall, if requested  
18 by the school, be given deregulated status as specified in s.  
19 1003.63(5), (7), (8), (9), and (10).

20 (b) Schools that have improved at least two  
21 performance grade categories and that meet the criteria of the  
22 Florida School Recognition Program pursuant to s. 1008.36 may  
23 be given deregulated status as specified in s. 1003.63(5),  
24 (7), (8), (9), and (10).

25 (8) As a part of the system of educational  
26 accountability, the Department of Education shall:

27 (a) Develop minimum performance standards for various  
28 grades and subject areas, as required in ss. 1001.03, 1008.22,  
29 and 1008.34.

30 (b) Administer the statewide assessment testing  
31 program created by s. 1008.22.

1           (c) Review the school advisory councils of each  
2 district as required by s. 1001.452.

3           (d) Conduct the program evaluations required by s.  
4 1001.03.

5           (e) Maintain a listing of college-level communication  
6 and mathematics skills defined by the State Board of Education  
7 as being associated with successful student performance  
8 through the baccalaureate level and submit the same to the  
9 State Board of Education for approval.

10           (f) Maintain a listing of tests and other assessment  
11 procedures which measure and diagnose student achievement of  
12 college-level communication and computation skills and submit  
13 the same to the State Board of Education for approval.

14           (g) Maintain for the information of the State Board of  
15 Education and the Legislature a file of data to reflect  
16 achievement of college-level communication and mathematics  
17 competencies by students in state universities and community  
18 colleges.

19           (h) Develop or contract for, and submit to the State  
20 Board of Education for approval, tests which measure and  
21 diagnose student achievement of college-level communication  
22 and mathematics skills. Any tests and related documents  
23 developed are exempt from the provisions of s. 119.07(1). The  
24 commissioner shall maintain statewide responsibility for the  
25 administration of such tests and may assign administrative  
26 responsibilities for the tests to any state university or  
27 community college. The state board, upon recommendation of  
28 the commissioner, may enter into contracts for such services  
29 beginning in one fiscal year and continuing into the next year  
30 which are paid from the appropriation for either or both  
31 fiscal years.

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1           (i) Perform any other functions that may be involved  
2 in educational planning, research, and evaluation or that may  
3 be required by the commissioner, the State Board of Education,  
4 or law.

5           Section 375. Section 1008.35, Florida Statutes, is  
6 created to read:

7           1008.35 Best financial management practices for school  
8 districts; standards; reviews; designation of school  
9 districts.--

10           (1) The purpose of best financial management practices  
11 reviews is to improve Florida school district management and  
12 use of resources and to identify cost savings. The Office of  
13 Program Policy Analysis and Government Accountability (OPPAGA)  
14 and the Office of the Auditor General are directed to develop  
15 a system for reviewing the financial management practices of  
16 school districts. In this system, the Auditor General shall  
17 assist OPPAGA in examining district operations to determine  
18 whether they meet "best financial management practices."

19           (2) The best financial management practices adopted by  
20 the Commissioner of Education may be updated periodically  
21 after consultation with the Legislature, the Governor, the  
22 Department of Education, school districts, and the Auditor  
23 General. OPPAGA shall submit to the Commissioner of Education  
24 for review and adoption proposed revisions to the best  
25 financial management practices adopted by the commissioner.  
26 The best financial management practices, at a minimum, must  
27 instill public confidence by addressing the school district's  
28 use of resources, identifying ways that the district could  
29 save funds, and improving districts' performance  
30 accountability systems, including public accountability. To  
31 achieve these objectives, best practices shall be developed

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1 for, but need not be limited to, the following areas:

2       (a) Management structures.

3       (b) Performance accountability.

4       (c) Efficient delivery of educational services,  
5 including instructional materials.

6       (d) Administrative and instructional technology.

7       (e) Personnel systems and benefits management.

8       (f) Facilities construction.

9       (g) Facilities maintenance.

10       (h) Student transportation.

11       (i) Food service operations.

12       (j) Cost control systems, including asset management,  
13 risk management, financial management, purchasing, internal  
14 auditing, and financial auditing.

15  
16 In areas for which the commissioner has not adopted best  
17 practices, OPPAGA may develop additional best financial  
18 management practices, with input from a broad range of  
19 stakeholders. OPPAGA shall present any additional best  
20 practices to the commissioner for review and adoption. Revised  
21 best financial management practices adopted by the  
22 commissioner must be used in the next year's scheduled school  
23 district reviews conducted according to this section.

24       (3) OPPAGA shall contract with a private firm selected  
25 through a formal request for proposal process to perform the  
26 review, to the extent that funds are provided for this purpose  
27 in the General Appropriations Act each year. When sufficient  
28 funds are not provided to contract for all the scheduled best  
29 financial management practices reviews, OPPAGA shall conduct  
30 the remaining reviews scheduled for that year, except as  
31 otherwise provided in this act. At least one member of the



1 private firm review team shall have expertise in school  
 2 district finance. The scope of the review shall focus on the  
 3 best practices adopted by the Commissioner of Education,  
 4 pursuant to subsection (2). OPPAGA may include additional  
 5 items in the scope of the review after seeking input from the  
 6 school district and the Department of Education.

7 (4) OPPAGA shall consult with the Commissioner of  
 8 Education throughout the best practices review process to  
 9 ensure that the technical expertise of the Department of  
 10 Education benefits the review process and supports the school  
 11 districts before, during, and after the review.

12 (5) It is the intent of the Legislature that each  
 13 school district shall be subject to a best financial  
 14 management practices review. The Legislature also intends that  
 15 all school districts shall be reviewed on a continuing 5-year  
 16 cycle, as follows, unless specified otherwise in the General  
 17 Appropriations Act, or as provided in this section:

18 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,  
 19 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,  
 20 Monroe, Osceola, and Bradford.

21 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,  
 22 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,  
 23 and Franklin.

24 (c) Year 3: Palm Beach, Orange, Seminole, Lee,  
 25 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,  
 26 Liberty, and Lafayette.

27 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,  
 28 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,  
 29 Hardee, DeSoto, and Glades.

30 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,  
 31 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,

1 Washington, and Calhoun.

2 (6)(a) The Joint Legislative Auditing Committee may  
3 adjust the schedule of districts to be reviewed when  
4 unforeseen circumstances prevent initiation of reviews  
5 scheduled in a given year.

6 (b) Once the 5-year cycle has been completed, reviews  
7 shall continue, beginning again with those districts included  
8 in year one of the cycle unless a district has requested and  
9 received a waiver as provided in subsection (17).

10 (7) At the direction of the Joint Legislative Auditing  
11 Committee or the President of the Senate and the Speaker of  
12 the House of Representatives, and subject to funding by the  
13 Legislature, OPPAGA may conduct, or contract with a private  
14 firm to conduct, up to two additional best financial  
15 management practices reviews in districts not scheduled for  
16 review during that year if such review is necessary to address  
17 adverse financial conditions.

18 (8) Reviews shall be conducted by OPPAGA and the  
19 consultant to the extent specifically funded by the  
20 Legislature in the General Appropriations Act for this  
21 purpose. Such funds may be used for the cost of reviews by  
22 OPPAGA and private consultants contracted by the director of  
23 OPPAGA. Costs may include professional services, travel  
24 expenses of OPPAGA and staff of the Auditor General, and any  
25 other necessary expenses incurred as part of a best financial  
26 management practices review.

27 (9) Districts scheduled for review must complete a  
28 self-assessment instrument provided by OPPAGA which indicates  
29 the school district's evaluation of its performance on each  
30 best practice. The district must begin the self-assessment not  
31 later than 60 days prior to the commencement of the review.

1 The completed self-assessment instrument and supporting  
 2 documentation must be submitted to OPPAGA not later than the  
 3 date of commencement of the review as notified by OPPAGA. The  
 4 best practice review team will use this self-assessment  
 5 information during their review of the district.

6 (10) During the review, OPPAGA and the consultant  
 7 conducting the review, if any, shall hold at least one  
 8 advertised public forum as part of the review in order to  
 9 explain the best financial management practices review process  
 10 and obtain input from students, parents, the business  
 11 community, and other district residents regarding their  
 12 concerns about the operations and management of the school  
 13 district.

14 (11) District reviews conducted under this section  
 15 must be completed within 6 months after commencement. OPPAGA  
 16 shall issue a final report to the President of the Senate, the  
 17 Speaker of the House of Representatives, and the district  
 18 regarding the district's use of best financial management  
 19 practices and cost savings recommendations within 60 days  
 20 after completing the reviews. Copies of the final report shall  
 21 be provided to the Governor, the Commissioner of Education,  
 22 and to the chairs of school advisory councils and district  
 23 advisory councils established pursuant to s. 229.58(1)(a) and  
 24 (b). The district school board shall notify all members of  
 25 the school advisory councils and district advisory council by  
 26 mail that the final report has been delivered to the school  
 27 district and to the council chairs. The notification shall  
 28 also inform members of the OPPAGA website address at which an  
 29 electronic copy of the report is available.

30 (12) After receipt of the final report and before the  
 31 district school board votes whether to adopt the action plan,

1 or if no action plan was required because the district was  
 2 found to be using the best practices, the district school  
 3 board shall hold an advertised public forum to accept public  
 4 input and review the findings and recommendations of the  
 5 report. The district school board shall advertise and promote  
 6 this forum in a manner appropriate to inform school and  
 7 district advisory councils, parents, school district  
 8 employees, the business community, and other district  
 9 residents of the opportunity to attend this meeting. OPPAGA  
 10 and the consultant, if any, shall also be represented at this  
 11 forum.

12 (13)(a) If the district is found not to conform to  
 13 best financial management practices, the report must contain  
 14 an action plan detailing how the district could meet the best  
 15 practices within 2 years. The district school board must  
 16 decide, by a majority plus one vote within 90 days after  
 17 receipt of the final report, whether or not to implement the  
 18 action plan and pursue a "Seal of Best Financial Management"  
 19 awarded by the State Board of Education to qualified school  
 20 districts. If a district fails to vote on the action plan  
 21 within 90 days, district school board members may be required  
 22 to appear and present testimony before a legislative  
 23 committee, pursuant to s. 11.143.

24 (b) The district school board may vote to reverse a  
 25 decision not to implement an action plan, provided that the  
 26 action plan is implemented and there is still sufficient time,  
 27 as determined by the district school board, to meet the best  
 28 practices within 2 years after issuance of the final report.

29 (c) Within 90 days after the receipt of the final  
 30 report, the district school board must notify OPPAGA and the  
 31 Commissioner of Education in writing of the date and outcome

1 of the district school board vote on whether to adopt the  
 2 action plan. If the district school board fails to vote on  
 3 whether to adopt the action plan, the district school  
 4 superintendent must notify OPPAGA and the Commissioner of  
 5 Education. The Department of Education may contact the school  
 6 district, assess the situation, urge the district school board  
 7 to vote, and offer technical assistance, if needed.

8 (14) If a district school board votes to implement the  
 9 action plan:

10 (a) No later than 1 year after receipt of the final  
 11 report, the district school board must submit an initial  
 12 status report to the President of the Senate, the Speaker of  
 13 the House of Representatives, the Governor, OPPAGA, the  
 14 Auditor General, the State Board of Education, and the  
 15 Commissioner of Education on progress made towards  
 16 implementing the action plan and whether changes have occurred  
 17 in other areas of operation that would affect compliance with  
 18 the best practices.

19 (b) A second status report must be submitted by the  
 20 school district to the President of the Senate, the Speaker of  
 21 the House of Representatives, the Governor, OPPAGA, the  
 22 Auditor General, the Commissioner of Education, and the State  
 23 Board of Education no later than 1 year after submission of  
 24 the initial report.

25  
 26 Status reports are not required once OPPAGA concludes that the  
 27 district is using best practices.

28 (15) After receipt of each of a district's two status  
 29 reports required by subsection (14), OPPAGA shall assess the  
 30 district's implementation of the action plan and progress  
 31 toward implementing the best financial management practices in

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1 areas covered by the plan. Following each assessment, OPPAGA  
 2 shall issue a report to the President of the Senate, the  
 3 Speaker of the House of Representatives, and the district  
 4 indicating whether the district has successfully implemented  
 5 the best financial management practices. Copies of the report  
 6 must be provided to the Governor, the Auditor General, the  
 7 Commissioner of Education, and the State Board of Education.  
 8 If a district has failed to implement an action plan adopted  
 9 pursuant to subsection (13), district school board members and  
 10 the district school superintendent may be required to appear  
 11 before a legislative committee, pursuant to s. 11.143, to  
 12 present testimony regarding the district's failure to  
 13 implement such action plan.

14 (16) District school boards that successfully  
 15 implement the best financial management practices within 2  
 16 years, or are determined in the review to be using the best  
 17 practices, are eligible to receive a "Seal of Best Financial  
 18 Management." Upon notification to the Commissioner of  
 19 Education and the State Board of Education by OPPAGA that a  
 20 district has been found to be using the best financial  
 21 management practices, the State Board of Education shall award  
 22 that district a "Seal of Best Financial Management" certifying  
 23 that the district is adhering to the state's best financial  
 24 management practices. The State Board of Education designation  
 25 shall be effective for 5 years from the certification date or  
 26 until the next review is completed, whichever is later. During  
 27 the designation period, the district school board shall  
 28 annually, not later than the anniversary date of the  
 29 certification, notify OPPAGA, the Auditor General, the  
 30 Commissioner of Education, and the State Board of Education of  
 31 any changes in policies or operations or any other situations

1 that would not conform to the state's best financial  
 2 management practices. The State Board of Education may revoke  
 3 the designation of a district school board at any time if it  
 4 determines that a district is no longer complying with the  
 5 state's best financial management practices. If no such  
 6 changes have occurred and the district school board determines  
 7 that the school district continues to conform to the best  
 8 financial management practices, the district school board  
 9 shall annually report that information to the State Board of  
 10 Education, with copies to OPPAGA, the Auditor General, and the  
 11 Commissioner of Education.

12 (17)(a) A district school board that has been awarded  
 13 a "Seal of Best Financial Management" by the State Board of  
 14 Education and has annually reported to the State Board of  
 15 Education that the district is still conforming to the best  
 16 financial management practices may request a waiver from  
 17 undergoing its next scheduled Best Financial Management  
 18 Practices review.

19 (b) To apply for such waiver, not later than September  
 20 1 of the fiscal year prior to the fiscal year in which the  
 21 district is next scheduled for review, the district school  
 22 board shall certify to OPPAGA and the Department of Education  
 23 the district school board's determination that the school  
 24 district is still conforming to the best financial management  
 25 practices.

26 (c) After consultation with the Department of  
 27 Education and review of the district school board's  
 28 determination, OPPAGA may recommend to the Legislative Budget  
 29 Commission that the district be granted a waiver for the next  
 30 scheduled Best Financial Management Practices review. If  
 31 approved for waiver, OPPAGA shall notify the school district

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1 and the Department of Education that no review of that  
 2 district will be conducted during the next scheduled review  
 3 cycle. In that event, the district school board must continue  
 4 annual reporting to the State Board of Education as required  
 5 in subsection (16). District school boards granted a waiver  
 6 for one review cycle are not eligible for waiver of the next  
 7 scheduled review cycle.

8 (18) District school boards that receive a best  
 9 financial management practices review must maintain records  
 10 that will enable independent verification of the  
 11 implementation of the action plan and any related fiscal  
 12 impacts.

13 (19) Unrestricted cost savings resulting from  
 14 implementation of the best financial management practices must  
 15 be spent at the school and classroom levels for teacher  
 16 salaries, teacher training, improved classroom facilities,  
 17 student supplies, textbooks, classroom technology, and other  
 18 direct student instruction activities. Cost savings identified  
 19 for a program that has restrictive expenditure requirements  
 20 shall be used for the enhancement of the specific program.

21 Section 376. Section 1008.36, Florida Statutes, is  
 22 created to read:

23 1008.36 Florida School Recognition Program.--

24 (1) The Legislature finds that there is a need for a  
 25 performance incentive program for outstanding faculty and  
 26 staff in highly productive schools. The Legislature further  
 27 finds that performance-based incentives are commonplace in the  
 28 private sector and should be infused into the public sector as  
 29 a reward for productivity.

30 (2) The Florida School Recognition Program is created  
 31 to provide financial awards to public schools that:



1           (a) Sustain high performance by receiving a school  
2 grade of "A," making excellent progress; or

3           (b) Demonstrate exemplary improvement due to  
4 innovation and effort by improving a letter grade.

5           (3) All public schools, including charter schools,  
6 that receive a school grade pursuant to s. 1008.34 are  
7 eligible to participate in the program.

8           (4) All selected schools shall receive financial  
9 awards depending on the availability of funds appropriated and  
10 the number and size of schools selected to receive an award.  
11 Funds must be distributed to the school's fiscal agent and  
12 placed in the school's account and must be used for purposes  
13 listed in subsection (5) as determined jointly by the school's  
14 staff and school advisory council. If school staff and the  
15 school advisory council cannot reach agreement by November 1,  
16 the awards must be equally distributed to all classroom  
17 teachers currently teaching in the school.

18           (5) School recognition awards must be used for the  
19 following:

20           (a) Nonrecurring bonuses to the faculty and staff;

21           (b) Nonrecurring expenditures for educational  
22 equipment or materials to assist in maintaining and improving  
23 student performance; or

24           (c) Temporary personnel for the school to assist in  
25 maintaining and improving student performance.

26  
27 Notwithstanding statutory provisions to the contrary,  
28 incentive awards are not subject to collective bargaining.

29           Section 377. Section 1008.37, Florida Statutes, is  
30 created to read:

31           1008.37 Postsecondary feedback of information to high

1 schools.--

2       (1) The State Board of Education shall adopt rules  
3 that require the Commissioner of Education to report to the  
4 State Board of Education, the Legislature, and the district  
5 school boards on the performance of each  
6 first-time-in-postsecondary education student from each public  
7 high school in this state who is enrolled in a public  
8 postsecondary institution or public technical center. Such  
9 reports must be based on information databases maintained by  
10 the Department of Education. In addition, the public  
11 postsecondary educational institutions and technical centers  
12 shall provide district school boards access to information on  
13 student performance in regular and preparatory courses and  
14 shall indicate students referred for remediation pursuant to  
15 s. 1008.30 or s. 1008.28.

16       (2) The Commissioner of Education shall report, by  
17 high school, to the State Board of Education and the  
18 Legislature, no later than November 31 of each year, on the  
19 number of prior year Florida high school graduates who  
20 enrolled for the first time in public postsecondary education  
21 in this state during the previous summer, fall, or spring  
22 term, indicating the number of students whose scores on the  
23 common placement test indicated the need for remediation  
24 through college-preparatory or vocational-preparatory  
25 instruction pursuant to s. 1004.91 or s. 1008.30.

26       (3) The Commissioner of Education shall organize  
27 school summary reports and student-level records by school  
28 district and high school in which the postsecondary education  
29 students were enrolled and report the information to each  
30 school district no later than January 31 of each year.

31       (4) As a part of the school improvement plan pursuant

1 to s. 1008.345, the State Board of Education shall ensure that  
2 each school district and high school develops strategies to  
3 improve student readiness for the public postsecondary level  
4 based on annual analysis of the feedback report data.

5 (5) The Commissioner of Education shall annually  
6 recommend to the Legislature statutory changes to reduce the  
7 incidence of postsecondary remediation in mathematics,  
8 reading, and writing for first-time-enrolled recent high  
9 school graduates.

10 Section 378. Section 1008.38, Florida Statutes, is  
11 created to read:

12 1008.38 Articulation accountability process.--The  
13 State Board of Education shall develop articulation  
14 accountability measures which assess the status of systemwide  
15 articulation processes authorized under s. 1007.23. The State  
16 Board of Education shall establish an articulation  
17 accountability process which at a minimum shall address:

18 (1) The impact of articulation processes on ensuring  
19 educational continuity and the orderly and unobstructed  
20 transition of students between public secondary and  
21 postsecondary education systems and facilitating the  
22 transition of students between the public and private sectors.

23 (2) The adequacy of preparation of public secondary  
24 students to smoothly articulate to a public postsecondary  
25 institution.

26 (3) The effectiveness of articulated acceleration  
27 mechanisms available to secondary students.

28 (4) The smooth transfer of community college associate  
29 in arts degree graduates to a state university.

30 (5) An examination of degree requirements that exceed  
31 the parameters of 60 credit hours for an associate degree and

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1 120 hours for a baccalaureate degree in public postsecondary  
2 programs.

3 (6) The relationship between the College Level  
4 Academic Skills Test Program and articulation to the upper  
5 division in public postsecondary institutions.

6 Section 379. Section 1008.385, Florida Statutes, is  
7 created to read:

8 1008.385 Educational planning and information  
9 systems.--

10 (1) EDUCATIONAL PLANNING.--

11 (a) The Commissioner of Education is responsible for  
12 all planning functions for the department, including  
13 collection, analysis, and interpretation of all data,  
14 information, test results, evaluations, and other indicators  
15 that are used to formulate policy, identify areas of concern  
16 and need, and serve as the basis for short-range and  
17 long-range planning. Such planning shall include assembling  
18 data, conducting appropriate studies and surveys, and  
19 sponsoring research and development activities designed to  
20 provide information about educational needs and the effect of  
21 alternative educational practices.

22 (b) Each district school board shall maintain a  
23 continuing system of planning and budgeting designed to aid in  
24 identifying and meeting the educational needs of students and  
25 the public. Provision shall be made for coordination between  
26 district school boards and community college boards of  
27 trustees concerning the planning for career and technical  
28 education and adult educational programs. The major emphasis  
29 of the system shall be upon locally determined goals and  
30 objectives, the state plan for education, and the Sunshine  
31 State Standards developed by the Department of Education and

1 adopted by the State Board of Education. The district  
 2 planning and budgeting system must include consideration of  
 3 student achievement data obtained pursuant to ss. 1008.22 and  
 4 1008.34. The system shall be structured to meet the specific  
 5 management needs of the district and to align the budget  
 6 adopted by the district school board with the plan the board  
 7 has also adopted. Each district school board shall utilize its  
 8 system of planning and budgeting to emphasize a system of  
 9 school-based management in which individual school centers  
 10 become the principal planning units and to integrate planning  
 11 and budgeting at the school level.

12 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The  
 13 Commissioner of Education shall develop and implement an  
 14 integrated information system for educational management. The  
 15 system must be designed to collect, via electronic transfer,  
 16 all student and school performance data required to ascertain  
 17 the degree to which schools and school districts are meeting  
 18 state performance standards, and must be capable of producing  
 19 data for a comprehensive annual report on school and district  
 20 performance. In addition, the system shall support, as  
 21 feasible, the management decisions to be made in each division  
 22 of the department and at the individual school and district  
 23 levels. Similar data elements among divisions and levels  
 24 shall be compatible. The system shall be based on an overall  
 25 conceptual design; the information needed for such decisions,  
 26 including fiscal, student, program, personnel, facility,  
 27 community, evaluation, and other relevant data; and the  
 28 relationship between cost and effectiveness. The system shall  
 29 be managed and administered by the commissioner and shall  
 30 include a district subsystem component to be administered at  
 31 the district level, with input from the reports-and-forms

1 control management committees. Each district school system  
 2 with a unique management information system shall assure that  
 3 compatibility exists between its unique system and the  
 4 district component of the state system so that all data  
 5 required as input to the state system is made available via  
 6 electronic transfer and in the appropriate input format.

7 (a) The specific responsibilities of the commissioner  
 8 shall include:

9 1. Consulting with school district representatives in  
 10 the development of the system design model and implementation  
 11 plans for the management information system for public school  
 12 education management;

13 2. Providing operational definitions for the proposed  
 14 system;

15 3. Determining the information and specific data  
 16 elements required for the management decisions made at each  
 17 educational level, recognizing that the primary unit for  
 18 information input is the individual school and recognizing  
 19 that time and effort of instructional personnel expended in  
 20 collection and compilation of data should be minimized;

21 4. Developing standardized terminology and procedures  
 22 to be followed at all levels of the system;

23 5. Developing a standard transmittal format to be used  
 24 for collection of data from the various levels of the system;

25 6. Developing appropriate computer programs to assure  
 26 integration of the various information components dealing with  
 27 students, personnel, facilities, fiscal, program, community,  
 28 and evaluation data;

29 7. Developing the necessary programs to provide  
 30 statistical analysis of the integrated data provided in  
 31 subparagraph 6. in such a way that required reports may be

1 disseminated, comparisons may be made, and relationships may  
2 be determined in order to provide the necessary information  
3 for making management decisions at all levels;

4 8. Developing output report formats which will provide  
5 district school systems with information for making management  
6 decisions at the various educational levels;

7 9. Developing a phased plan for distributing computer  
8 services equitably among all public schools and school  
9 districts in the state as rapidly as possible. The plan shall  
10 describe alternatives available to the state in providing such  
11 computing services and shall contain estimates of the cost of  
12 each alternative, together with a recommendation for action.  
13 In developing the plan, the feasibility of shared use of  
14 computing hardware and software by school districts, community  
15 colleges, and universities shall be examined. Laws or  
16 administrative rules regulating procurement of data processing  
17 equipment, communication services, or data processing services  
18 by state agencies shall not be construed to apply to local  
19 agencies which share computing facilities with state agencies;

20 10. Assisting the district school systems in  
21 establishing their subsystem components and assuring  
22 compatibility with current district systems;

23 11. Establishing procedures for continuous evaluation  
24 of system efficiency and effectiveness;

25 12. Initiating a reports-management and  
26 forms-management system to ascertain that duplication in  
27 collection of data does not exist and that forms and reports  
28 for reporting under state and federal requirements and other  
29 forms and reports are prepared in a logical and uncomplicated  
30 format, resulting in a reduction in the number and complexity  
31 of required reports, particularly at the school level; and

1           13. Initiating such other actions as are necessary to  
 2 carry out the intent of the Legislature that a management  
 3 information system for public school management needs be  
 4 implemented. Such other actions shall be based on criteria  
 5 including, but not limited to:

- 6           a. The purpose of the reporting requirement;
- 7           b. The origination of the reporting requirement;
- 8           c. The date of origin of the reporting requirement;
- 9 and
- 10          d. The date of repeal of the reporting requirement.

11          (b) The specific responsibilities of each district  
 12 school system shall include:

13           1. Establishing, at the district level, a  
 14 reports-control and forms-control management system committee  
 15 composed of school administrators and classroom teachers. The  
 16 district school board shall appoint school administrator  
 17 members and classroom teacher members or, in school districts  
 18 where appropriate, the classroom teacher members shall be  
 19 appointed by the bargaining agent. Teachers shall constitute a  
 20 majority of the committee membership. The committee shall  
 21 periodically recommend procedures to the district school board  
 22 for eliminating, reducing, revising, and consolidating  
 23 paperwork and data collection requirements and shall submit to  
 24 the district school board an annual report of its findings.

25           2. With assistance from the commissioner, developing  
 26 systems compatibility between the state management information  
 27 system and unique local systems.

28           3. Providing, with the assistance of the department,  
 29 inservice training dealing with management information system  
 30 purposes and scope, a method of transmitting input data, and  
 31 the use of output report information.



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1           4. Establishing a plan for continuous review and  
2 evaluation of local management information system needs and  
3 procedures.

4           5. Advising the commissioner of all district  
5 management information needs.

6           6. Transmitting required data input elements to the  
7 appropriate processing locations in accordance with guidelines  
8 established by the commissioner.

9           7. Determining required reports, comparisons, and  
10 relationships to be provided to district school systems by the  
11 system output reports, continuously reviewing these reports  
12 for usefulness and meaningfulness, and submitting recommended  
13 additions, deletions, and change requirements in accordance  
14 with the guidelines established by the commissioner.

15           8. Being responsible for the accuracy of all data  
16 elements transmitted to the department.

17           (c) It is the intent of the Legislature that the  
18 expertise in the state system of public education, as well as  
19 contracted services, be utilized to hasten the plan for full  
20 implementation of a comprehensive management information  
21 system.

22           (3) RULES.--The State Board of Education shall adopt  
23 rules to administer this section.

24           Section 380. Section 1008.386, Florida Statutes, is  
25 created to read:

26           1008.386 Social security numbers used as student  
27 identification numbers.--Each district school board shall  
28 request that each student enrolled in a public school in this  
29 state provide his or her social security number. Each school  
30 district shall use social security numbers as student  
31 identification numbers in the management information system

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1 maintained by the school district. However, a student is not  
 2 required to provide his or her social security number as a  
 3 condition for enrollment or graduation. A student satisfies  
 4 this requirement by presenting to school enrollment officials  
 5 his or her social security card or a copy of the card. The  
 6 school district shall include the social security number in  
 7 the student's permanent records and shall indicate if the  
 8 student identification number is not a social security number.  
 9 The Commissioner of Education shall provide assistance to  
 10 school districts to assure that the assignment of student  
 11 identification numbers other than social security numbers is  
 12 kept to a minimum and to avoid duplication of any student  
 13 identification number.

14 Section 381. Section 1008.39, Florida Statutes, is  
 15 created to read:

16 1008.39 Florida Education and Training Placement  
 17 Information Program.--

18 (1) The Department of Education shall develop and  
 19 maintain a continuing program of information management named  
 20 the "Florida Education and Training Placement Information  
 21 Program," the purpose of which is to compile, maintain, and  
 22 disseminate information concerning the educational histories,  
 23 placement and employment, enlistments in the United States  
 24 armed services, and other measures of success of former  
 25 participants in state educational and workforce development  
 26 programs. Placement and employment information shall contain  
 27 data appropriate to calculate job retention and job retention  
 28 rates.

29 (2) Any project conducted by the Department of  
 30 Education or the workforce development system that requires  
 31 placement information shall use information provided through

1 the Florida Education and Training Placement Information  
 2 Program, and shall not initiate automated matching of records  
 3 in duplication of methods already in place in the Florida  
 4 Education and Training Placement Information Program. The  
 5 department shall implement an automated system which matches  
 6 the social security numbers of former participants in state  
 7 educational and training programs with information in the  
 8 files of state and federal agencies that maintain educational,  
 9 employment, and United States armed service records and shall  
 10 implement procedures to identify the occupations of those  
 11 former participants whose social security numbers are found in  
 12 employment records, as required by Specific Appropriation  
 13 337A, chapter 84-220, Laws of Florida; Specific Appropriation  
 14 337B, chapter 85-119, Laws of Florida; Specific Appropriation  
 15 350A, chapter 86-167, Laws of Florida; and Specific  
 16 Appropriation 351, chapter 87-98, Laws of Florida.

17 (3) The Florida Education and Training Placement  
 18 Information Program must not make public any information that  
 19 could identify an individual or the individual's employer. The  
 20 Department of Education must ensure that the purpose of  
 21 obtaining placement information is to evaluate and improve  
 22 public programs or to conduct research for the purpose of  
 23 improving services to the individuals whose social security  
 24 numbers are used to identify their placement. If an agreement  
 25 assures that this purpose will be served and that privacy will  
 26 be protected, the Department of Education shall have access to  
 27 the unemployment insurance wage reports maintained by the  
 28 Department of Labor and Employment Security, the files of the  
 29 Department of Children and Family Services that contain  
 30 information about the distribution of public assistance, the  
 31 files of the Department of Corrections that contain records of

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1 incarcerations, and the files of the Department of Business  
2 and Professional Regulation that contain the results of  
3 licensure examination.

4 (4) The Florida Education and Training Placement  
5 Information Program may perform longitudinal analyses for all  
6 levels of education and workforce development. These analyses  
7 must include employment stability, annual earnings, and  
8 relatedness of employment to education.

9 Section 382. Section 1008.40, Florida Statutes, is  
10 created to read:

11 1008.40 Workforce Development Information System.--The  
12 Department of Education shall:

13 (1) Design specifications for the collection and  
14 reporting of data and performance specifications for the  
15 Workforce Development Information System. This design must  
16 enable parallel reporting and state-level access of workforce  
17 data necessary to use the data reports as a basis for  
18 calculating funding allocations. In addition, the design must  
19 be capable of providing reports necessary to comply with other  
20 program performance documentation required by state or federal  
21 law, without requiring additional data collection or reporting  
22 from local educational agencies.

23 (2) Develop the computer programs, software, and edit  
24 processes necessary for local and state users to produce a  
25 single, unified Workforce Development Information System.

26 Section 383. Section 1008.405, Florida Statutes, is  
27 created to read:

28 1008.405 Adult student information.--Each school  
29 district and community college shall maintain sufficient  
30 information for each student enrolled in workforce development  
31 education to allow local and state administrators to locate

1 such student upon the termination of instruction and to  
 2 determine the appropriateness of student placement in specific  
 3 instructional programs. The State Board of Education shall  
 4 adopt, in rule, specific information that must be maintained  
 5 and acceptable means of maintaining that information.

6 Section 384. Section 1008.41, Florida Statutes, is  
 7 created to read:

8 1008.41 Workforce Development Education; management  
 9 information system.--

10 (1) The Commissioner of Education shall coordinate  
 11 uniform program structures, common definitions, and uniform  
 12 management information systems for workforce development  
 13 education for all divisions within the department. In  
 14 performing these functions, the commissioner shall designate  
 15 deadlines after which data elements may not be changed for the  
 16 coming fiscal or school year. School districts and community  
 17 colleges shall be notified of data element changes at least 90  
 18 days prior to the start of the subsequent fiscal or school  
 19 year. Such systems must provide for:

20 (a) Individual student reporting.

21 (b) Compliance with state and federal confidentiality  
 22 requirements, except that the department shall have access to  
 23 the unemployment insurance wage reports to collect and report  
 24 placement information about former students. Such placement  
 25 reports must not disclose the individual identities of former  
 26 students.

27 (c) Maximum use of automated technology and records in  
 28 existing data bases and data systems. To the extent feasible,  
 29 the Florida Information Resource Network shall be employed for  
 30 this purpose.

31 (d) Annual reports of student enrollment, completion,

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1 and placement by program.

2 (2) The State Board of Education shall identify, by  
3 rule, the components to be included in the workforce  
4 development education management information system. All such  
5 components shall be comparable between school districts and  
6 community colleges.

7 (3) Planning and evaluation of job-preparatory  
8 programs shall be based on standard sources of data and use  
9 standard occupational definitions and coding structures,  
10 including, but not limited to:

11 (a) The Florida Occupational Information System;

12 (b) The Florida Education and Training Placement  
13 Information Program;

14 (c) The Agency for Workforce Innovation;

15 (d) The United States Department of Labor; and

16 (e) Other sources of data developed using  
17 statistically valid procedures.

18 Section 385. Section 1008.42, Florida Statutes, is  
19 created to read:

20 1008.42 Public information on career and technical  
21 education programs.--

22 (1) The Department of Education shall disseminate  
23 information derived from the reports required by s. 1008.43.  
24 The department shall ensure that the information disseminated  
25 does not name or otherwise identify a student, a former  
26 student, or the student's employer.

27 (2) The dissemination shall be conducted in accordance  
28 with the following procedures:

29 (a) Annually, the Department of Education shall  
30 publish the placement rates and average quarterly earnings for  
31 students who complete each type of technical certificate

1 program and technical degree program. This information must be  
 2 aggregated to the state level and must be included in any  
 3 accountability reports. A program that was created or modified  
 4 so that placement rates cannot be calculated must be so  
 5 identified in such reports.

6       (b)1. Each district school board shall publish, at a  
 7 minimum, the most recently available placement rate for each  
 8 technical certificate program conducted by that school  
 9 district at the secondary school level and at the technical  
 10 degree level. The placement rates for the preceding 3 years  
 11 shall be published if available, shall be included in each  
 12 publication that informs the public of the availability of the  
 13 program, and shall be made available to each school guidance  
 14 counselor. If a program does not have a placement rate, a  
 15 publication that lists or describes that program must state  
 16 that the rate is unavailable.

17       2. Each community college shall publish, at a minimum,  
 18 the most recent placement rate for each technical certificate  
 19 program and for each technical degree program in its annual  
 20 catalog. The placement rates for the preceding 3 years shall  
 21 be published, if available, and shall be included in any  
 22 publication that informs the public of the availability of the  
 23 program. If a program does not have a placement rate, the  
 24 publication that lists or describes that program must state  
 25 that the rate is unavailable.

26       3. If a school district or a community college has  
 27 calculated for a program a placement rate that differs from  
 28 the rate reported by the department, and if each record of a  
 29 placement was obtained through a process that was capable of  
 30 being audited, procedurally sound, and consistent statewide,  
 31 the district or the community college may use the locally

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1 calculated placement rate in the report required by this  
 2 section. However, that rate may not be combined with the rate  
 3 maintained in the computer files of the Department of  
 4 Education's Florida Education and Training Placement  
 5 Information Program.

6 4. An independent career and technical, trade, or  
 7 business school may not publish a placement rate unless the  
 8 placement rate was determined as provided by this section.

9 Section 386. Section 1008.43, Florida Statutes, is  
 10 created to read:

11 1008.43 Career and technical program reporting  
 12 requirements.--

13 (1)(a) The Department of Education shall develop a  
 14 system of performance measures in order to evaluate the career  
 15 and technical education programs as required in s. 1008.42.  
 16 This system must measure program enrollment, completion rates,  
 17 placement rates, and amount of earnings at the time of  
 18 placement. Placement and employment information, where  
 19 applicable, shall contain data relevant to job retention,  
 20 including retention rates. The State Board of Education shall  
 21 adopt by rule the specific measures and any definitions needed  
 22 to establish the system of performance measures.

23 (b) To measure and report program enrollment and  
 24 completion rates, the Department of Education shall use data  
 25 in the automated student databases generated by the public  
 26 schools and community colleges. To measure and report  
 27 placement rates and amount of earnings at the time of  
 28 placement, the department shall use data in the reports  
 29 produced by the Florida Education and Training Placement  
 30 Information Program as required in s. 1008.39. If any  
 31 placement information is not available from the Florida



1 Education and Training Placement Information Program, the  
 2 school district or the community college may provide placement  
 3 information collected by the school district or the community  
 4 college. However, this supplemental information must be  
 5 verifiable by the department and must not be commingled with  
 6 the database maintained by the Florida Education and Training  
 7 Placement Information Program. The State Board of Education  
 8 shall specify by rule the statistically valid, verifiable,  
 9 uniform procedures by which school districts and community  
 10 colleges may collect and report placement information to  
 11 supplement the reports from the Florida Education and Training  
 12 Placement Information Program.

13 (c) The State Board of Education shall adopt standards  
 14 for the department, district school boards, and community  
 15 college district boards of trustees to use in program  
 16 planning, program review, and program evaluation. The  
 17 standards must include, at a minimum, the completion rates,  
 18 placement rates, and earnings from employment of former  
 19 students of career and technical education programs.

20 (2) The State Board of Education shall adopt  
 21 procedures for reviewing the career and technical education  
 22 programs administered by the district school boards and the  
 23 community college district boards of trustees when program  
 24 performance falls below the standards required by this  
 25 section.

26 (3) Annually the department shall compile the reports  
 27 submitted in compliance with the rules adopted under this  
 28 section and shall produce a statewide report that addresses  
 29 the extent to which school districts and community colleges  
 30 are meeting the standards established under paragraph (1)(c).

31 (4) The State Board of Education may adopt rules

1 necessary to administer this section.

2 Section 387. Section 1008.45, Florida Statutes, is  
3 created to read:

4 1008.45 Community college accountability process.--

5 (1) It is the intent of the Legislature that a  
6 management and accountability process be implemented which  
7 provides for the systematic, ongoing improvement and  
8 assessment of the improvement of the quality and efficiency of  
9 the Florida community colleges. Accordingly, the State Board  
10 of Education and the community college boards of trustees  
11 shall develop and implement an accountability plan to improve  
12 and evaluate the instructional and administrative efficiency  
13 and effectiveness of the Florida Community College System.  
14 This plan shall be designed in consultation with staff of the  
15 Governor and the Legislature and must address the following  
16 issues:

17 (a) Graduation rates of A.A. and A.S. degree-seeking  
18 students compared to first-time-enrolled students seeking the  
19 associate degree.

20 (b) Minority student enrollment and retention rates.

21 (c) Student performance, including student performance  
22 in college-level academic skills, mean grade point averages  
23 for community college A.A. transfer students, and community  
24 college student performance on state licensure examinations.

25 (d) Job placement rates of community college career  
26 and technical students.

27 (e) Student progression by admission status and  
28 program.

29 (f) Career and technical accountability standards  
30 identified in s. 1008.42.

31 (g) Institutional assessment efforts related to the

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1 requirements of s. III in the Criteria for Accreditation of  
2 the Commission on Colleges of the Southern Association of  
3 Colleges and Schools.

4 (h) Other measures as identified by the Council for  
5 Education Policy Research and Improvement and approved by the  
6 State Board of Education.

7 (2) The State Board of Education shall submit an  
8 annual report, to coincide with the submission of the agency  
9 strategic plan required by law, providing the results of  
10 initiatives taken during the prior year and the initiatives  
11 and related objective performance measures proposed for the  
12 next year.

13 (3) The State Board of Education shall address within  
14 the annual evaluation of the performance of the executive  
15 director, and the community college boards of trustees shall  
16 address within the annual evaluation of the presidents, the  
17 achievement of the performance goals established by the  
18 accountability process.

19 Section 388. Section 1008.46, Florida Statutes, is  
20 created to read:

21 1008.46 State university accountability process.--It  
22 is the intent of the Legislature that an accountability  
23 process be implemented that provides for the systematic,  
24 ongoing evaluation of quality and effectiveness of state  
25 universities. It is further the intent of the Legislature that  
26 this accountability process monitor performance at the system  
27 level in each of the major areas of instruction, research, and  
28 public service, while recognizing the differing missions of  
29 each of the state universities. The accountability process  
30 shall provide for the adoption of systemwide performance  
31 standards and performance goals for each standard identified

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1 through a collaborative effort involving state universities,  
 2 the Legislature, and the Governor's Office. These standards  
 3 and goals shall be consistent with s. 216.011(1) to maintain  
 4 congruity with the performance-based budgeting process. This  
 5 process requires that university accountability reports  
 6 reflect measures defined through performance-based budgeting.  
 7 The performance-based budgeting measures must also reflect the  
 8 elements of teaching, research, and service inherent in the  
 9 missions of the state universities.

10       (1) By December 31 of each year, the State Board of  
 11 Education shall submit an annual accountability report  
 12 providing information on the implementation of performance  
 13 standards, actions taken to improve university achievement of  
 14 performance goals, the achievement of performance goals during  
 15 the prior year, and initiatives to be undertaken during the  
 16 next year. The accountability reports shall be designed in  
 17 consultation with the Governor's Office, the Office of Program  
 18 Policy Analysis and Government Accountability, and the  
 19 Legislature.

20       (2) The State Board of Education shall recommend in  
 21 the annual accountability report any appropriate modifications  
 22 to this section.

23       Section 389. Part III of chapter 1008, Florida  
 24 Statutes, shall be entitled "Council for Education Policy  
 25 Research and Improvement (CEPRI)" and shall consist of s.  
 26 1008.51.

27       Section 390. Section 1008.51, Florida Statutes, is  
 28 created to read:

29       1008.51 Council for Education Policy Research and  
 30 Improvement.--The Council for Education Policy Research and  
 31 Improvement is created as an independent office under the

1 Office of Legislative Services, pursuant to s. 11.147. The  
 2 council shall conduct and review education research, provide  
 3 independent analysis on education progress, and provide  
 4 independent evaluation of education issues of statewide  
 5 concern. The Office of Legislative Services shall provide  
 6 administrative functions of the council, pursuant to joint  
 7 policies of the Legislature.

8       (1) The council shall serve as a citizen board for  
 9 independent policy research and analysis. The council shall be  
 10 composed of five members appointed by the Governor, two  
 11 members appointed by the Speaker of the House of  
 12 Representatives, and two members appointed by the President of  
 13 the Senate. Each member shall be appointed for a term of 6  
 14 years. However, for purposes of continuity, the Governor shall  
 15 appoint two members, the Speaker of the House of  
 16 Representatives shall appoint one member, and the President of  
 17 the Senate shall appoint one member for a first term of 4  
 18 years. Members appointed for 4 years may be reappointed to one  
 19 additional term. Members shall not include elected officials  
 20 or employees of public or independent education entities.  
 21 Members who miss two consecutive meetings may be replaced by  
 22 the appointing officer.

23       (2) The council shall meet as often as it considers  
 24 necessary to carry out its duties and responsibilities.  
 25 Members shall be paid travel and per diem expenses as provided  
 26 in s. 112.061 while performing their duties under this  
 27 section.

28       (3) The council shall appoint an executive director,  
 29 who shall serve at the pleasure of the council and shall  
 30 perform the duties assigned to him or her by the council. The  
 31 executive director is the chief administrative officer of the

1 council and shall appoint all employees and staff members of  
2 the council, who shall serve under the executive director's  
3 direction and control.

4 (4) The council shall:

5 (a) Provide state policymakers, educators, and the  
6 public with objective and timely information that supports the  
7 seamless K-20 education system and the K-20 education  
8 accountability process designed to provide all students an  
9 opportunity for a high-quality education, in accordance with  
10 the policies and guiding principles of s. 1000.02 and the  
11 performance accountability system in s. 1008.31.

12 (b) Explore national and state emerging educational  
13 issues and examine how these issues should be addressed by  
14 education institutions in Florida.

15 (c) Prepare and submit to the State Board of Education  
16 a long-range master plan for education. The plan must include  
17 consideration of the promotion of quality, fundamental  
18 educational goals, programmatic access, needs for remedial  
19 education, regional and state economic development,  
20 international education programs, demographic patterns,  
21 student demand for programs, needs of particular subgroups of  
22 the population, implementation of innovative educational  
23 techniques and technology, and requirements of the labor  
24 market. The plan must evaluate the capacity of existing  
25 programs in public and independent institutions to respond to  
26 identified needs, and the council shall recommend efficient  
27 alternatives to address unmet needs. The council shall update  
28 the master plan at least every 5 years.

29 (d) Prepare and submit for approval by the State Board  
30 of Education a long-range performance plan for K-20 education  
31 in Florida, and annually review and recommend improvement in

1 the implementation of the plan.

2 (e) Annually report on the progress of public schools  
3 and postsecondary education institutions toward meeting  
4 educational goals and standards as defined by s. 1008.31.

5 (f) Recommend to the Legislature and the State Board  
6 of Education legislation and rules for the educational  
7 accountability system that support the policies and guiding  
8 principles of s. 1000.02.

9 (g) Recommend to the State Board of Education  
10 revisions and new initiatives to further improve the K-20  
11 education accountability system.

12 (h) Provide public education institutions and the  
13 public with information on the K-20 education accountability  
14 system, recommend refinements and improvements, and evaluate  
15 issues pertaining to student learning gains.

16 (i) On its own initiative or in response to the  
17 Governor, the Legislature, the State Board of Education, or  
18 the Commissioner of Education, issue reports and  
19 recommendations on matters relating to any education sector.

20 (j) By January 1, 2003, and on a 3-year cycle  
21 thereafter, review and make recommendations to the Legislature  
22 regarding the activities of research centers and institutes  
23 supported with state funds to assess the return on the state's  
24 investment in research conducted by public postsecondary  
25 education institutions, in coordination with the Leadership  
26 Board for Applied Research and Public Service, created  
27 pursuant to s. 1004.58.

28 (k) Apply for and receive grants for the study of K-20  
29 education system improvement consistent with its  
30 responsibilities.

31 (l) Assist the State Board of Education in the conduct

1 of its educational responsibilities in such capacities as the  
2 board considers appropriate.

3 Section 391. Chapter 1009, Florida Statutes, shall be  
4 entitled "Educational Scholarships, Fees, and Financial  
5 Assistance" and shall consist of ss. 1009.01-1009.9994.

6 Section 392. Part I of chapter 1009, Florida Statutes,  
7 shall be entitled "General Provisions" and shall consist of s.  
8 1009.01.

9 Section 393. Section 1009.01, Florida Statutes, is  
10 created to read:

11 1009.01 Definitions.--The term:

12 (1) "Tuition" means the basic fee charged to a student  
13 for instruction provided by a public postsecondary educational  
14 institution in this state. A charge for any other purpose  
15 shall not be included within this fee.

16 (2) "Out-of-state fee" means the additional fee for  
17 instruction provided by a public postsecondary educational  
18 institution in this state, which fee is charged to a  
19 non-Florida student as defined in rules of the State Board of  
20 Education. A charge for any other purpose shall not be  
21 included within this fee.

22 Section 394. Part II of chapter 1009, Florida  
23 Statutes, shall be entitled "Postsecondary Student Fees" and  
24 shall consist of ss. 1009.21-1009.29.

25 Section 395. Section 1009.21, Florida Statutes, is  
26 created to read:

27 1009.21 Determination of resident status for tuition  
28 purposes.--Students shall be classified as residents or  
29 nonresidents for the purpose of assessing tuition in community  
30 colleges and state universities.

31 (1) As used in this section:



1           (a) The term "dependent child" means any person,  
 2 whether or not living with his or her parent, who is eligible  
 3 to be claimed by his or her parent as a dependent under the  
 4 federal income tax code.

5           (b) The term "institution of higher education" means  
 6 any public community college or state university.

7           (c) A "legal resident" or "resident" is a person who  
 8 has maintained his or her residence in this state for the  
 9 preceding year, has purchased a home which is occupied by him  
 10 or her as his or her residence, or has established a domicile  
 11 in this state pursuant to s. 222.17.

12           (d) The term "parent" means the natural or adoptive  
 13 parent or legal guardian of a dependent child.

14           (e) A "resident for tuition purposes" is a person who  
 15 qualifies as provided in subsection (2) for the in-state  
 16 tuition rate; a "nonresident for tuition purposes" is a person  
 17 who does not qualify for the in-state tuition rate.

18           (2)(a) To qualify as a resident for tuition purposes:

19           1. A person or, if that person is a dependent child,  
 20 his or her parent or parents must have established legal  
 21 residence in this state and must have maintained legal  
 22 residence in this state for at least 12 months immediately  
 23 prior to his or her qualification.

24           2. Every applicant for admission to an institution of  
 25 higher education shall be required to make a statement as to  
 26 his or her length of residence in the state and, further,  
 27 shall establish that his or her presence or, if the applicant  
 28 is a dependent child, the presence of his or her parent or  
 29 parents in the state currently is, and during the requisite  
 30 12-month qualifying period was, for the purpose of maintaining  
 31 a bona fide domicile, rather than for the purpose of

1 maintaining a mere temporary residence or abode incident to  
2 enrollment in an institution of higher education.

3 (b) However, with respect to a dependent child living  
4 with an adult relative other than the child's parent, such  
5 child may qualify as a resident for tuition purposes if the  
6 adult relative is a legal resident who has maintained legal  
7 residence in this state for at least 12 months immediately  
8 prior to the child's qualification, provided the child has  
9 resided continuously with such relative for the 5 years  
10 immediately prior to the child's qualification, during which  
11 time the adult relative has exercised day-to-day care,  
12 supervision, and control of the child.

13 (c) The legal residence of a dependent child whose  
14 parents are divorced, separated, or otherwise living apart  
15 will be deemed to be this state if either parent is a legal  
16 resident of this state, regardless of which parent is entitled  
17 to claim, and does in fact claim, the minor as a dependent  
18 pursuant to federal individual income tax provisions.

19 (3) An individual shall not be classified as a  
20 resident for tuition purposes and, thus, shall not be eligible  
21 to receive the in-state tuition rate until he or she has  
22 provided such evidence related to legal residence and its  
23 duration as may be required by officials of the institution of  
24 higher education from which he or she seeks the in-state  
25 tuition rate.

26 (4) With respect to a dependent child, the legal  
27 residence of such individual's parent or parents is prima  
28 facie evidence of the individual's legal residence, which  
29 evidence may be reinforced or rebutted, relative to the age  
30 and general circumstances of the individual, by the other  
31 evidence of legal residence required of or presented by the

1 individual. However, the legal residence of an individual  
 2 whose parent or parents are domiciled outside this state is  
 3 not prima facie evidence of the individual's legal residence  
 4 if that individual has lived in this state for 5 consecutive  
 5 years prior to enrolling or reregistering at the institution  
 6 of higher education at which resident status for tuition  
 7 purposes is sought.

8 (5) In making a domiciliary determination related to  
 9 the classification of a person as a resident or nonresident  
 10 for tuition purposes, the domicile of a married person,  
 11 irrespective of sex, shall be determined, as in the case of an  
 12 unmarried person, by reference to all relevant evidence of  
 13 domiciliary intent. For the purposes of this section:

14 (a) A person shall not be precluded from establishing  
 15 or maintaining legal residence in this state and subsequently  
 16 qualifying or continuing to qualify as a resident for tuition  
 17 purposes solely by reason of marriage to a person domiciled  
 18 outside this state, even when that person's spouse continues  
 19 to be domiciled outside of this state, provided such person  
 20 maintains his or her legal residence in this state.

21 (b) A person shall not be deemed to have established  
 22 or maintained a legal residence in this state and subsequently  
 23 to have qualified or continued to qualify as a resident for  
 24 tuition purposes solely by reason of marriage to a person  
 25 domiciled in this state.

26 (c) In determining the domicile of a married person,  
 27 irrespective of sex, the fact of the marriage and the place of  
 28 domicile of such person's spouse shall be deemed relevant  
 29 evidence to be considered in ascertaining domiciliary intent.

30 (6) Any nonresident person, irrespective of sex, who  
 31 marries a legal resident of this state or marries a person who

1 later becomes a legal resident may, upon becoming a legal  
 2 resident of this state, accede to the benefit of the spouse's  
 3 immediately precedent duration as a legal resident for  
 4 purposes of satisfying the 12-month durational requirement of  
 5 this section.

6 (7) A person shall not lose his or her resident status  
 7 for tuition purposes solely by reason of serving, or, if such  
 8 person is a dependent child, by reason of his or her parent's  
 9 or parents' serving, in the Armed Forces outside this state.

10 (8) A person who has been properly classified as a  
 11 resident for tuition purposes but who, while enrolled in an  
 12 institution of higher education in this state, loses his or  
 13 her resident tuition status because the person or, if he or  
 14 she is a dependent child, the person's parent or parents  
 15 establish domicile or legal residence elsewhere shall continue  
 16 to enjoy the in-state tuition rate for a statutory grace  
 17 period, which period shall be measured from the date on which  
 18 the circumstances arose that culminated in the loss of  
 19 resident tuition status and shall continue for 12 months.  
 20 However, if the 12-month grace period ends during a semester  
 21 or academic term for which such former resident is enrolled,  
 22 such grace period shall be extended to the end of that  
 23 semester or academic term.

24 (9) Any person who ceases to be enrolled at or who  
 25 graduates from an institution of higher education while  
 26 classified as a resident for tuition purposes and who  
 27 subsequently abandons his or her domicile in this state shall  
 28 be permitted to reenroll at an institution of higher education  
 29 in this state as a resident for tuition purposes without the  
 30 necessity of meeting the 12-month durational requirement of  
 31 this section if that person has reestablished his or her

1 domicile in this state within 12 months of such abandonment  
2 and continuously maintains the reestablished domicile during  
3 the period of enrollment. The benefit of this subsection shall  
4 not be accorded more than once to any one person.

5 (10) The following persons shall be classified as  
6 residents for tuition purposes:

7 (a) Active duty members of the Armed Services of the  
8 United States residing or stationed in this state, their  
9 spouses, and dependent children.

10 (b) Active duty members of the Armed Services of the  
11 United States and their spouses attending a public community  
12 college or state university within 50 miles of the military  
13 establishment where they are stationed, if such military  
14 establishment is within a county contiguous to Florida.

15 (c) United States citizens living on the Isthmus of  
16 Panama, who have completed 12 consecutive months of college  
17 work at the Florida State University Panama Canal Branch, and  
18 their spouses and dependent children.

19 (d) Full-time instructional and administrative  
20 personnel employed by state public schools, community  
21 colleges, and institutions of higher education, as defined in  
22 s. 1000.04, and their spouses and dependent children.

23 (e) Students from Latin America and the Caribbean who  
24 receive scholarships from the federal or state government.  
25 Any student classified pursuant to this paragraph shall  
26 attend, on a full-time basis, a Florida institution of higher  
27 education.

28 (f) Southern Regional Education Board's Academic  
29 Common Market graduate students attending Florida's state  
30 universities.

31 (g) Full-time employees of state agencies or political

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1 subdivisions of the state when the student fees are paid by  
2 the state agency or political subdivision for the purpose of  
3 job-related law enforcement or corrections training.

4 (h) McKnight Doctoral Fellows and Finalists who are  
5 United States citizens.

6 (i) United States citizens living outside the United  
7 States who are teaching at a Department of Defense Dependent  
8 School or in an American International School and who enroll  
9 in a graduate level education program which leads to a Florida  
10 teaching certificate.

11 (j) Active duty members of the Canadian military  
12 residing or stationed in this state under the North American  
13 Air Defense (NORAD) agreement, and their spouses and dependent  
14 children, attending a community college or state university  
15 within 50 miles of the military establishment where they are  
16 stationed.

17 (11) The State Board of Education shall by rule  
18 designate classifications of students as residents or  
19 nonresidents for tuition purposes at community colleges and  
20 state universities.

21 Section 396. Section 1009.22, Florida Statutes, is  
22 created to read:

23 1009.22 Workforce development postsecondary student  
24 fees.--

25 (1) This section applies to students enrolled in  
26 workforce development programs who are reported for funding  
27 through the Workforce Development Education Fund, except that  
28 college credit fees for the community colleges are governed by  
29 s. 1009.23.

30 (2) All students shall be charged fees except students  
31 who are exempt from fees or students whose fees are waived.

1           (3)(a) The Commissioner of Education shall provide to  
 2 the State Board of Education no later than December 31 of each  
 3 year a schedule of fees for workforce development education,  
 4 excluding continuing workforce education, for school districts  
 5 and community colleges. The fee schedule shall be based on the  
 6 amount of student fees necessary to produce 25 percent of the  
 7 prior year's average cost of a course of study leading to a  
 8 certificate or diploma. Except as otherwise provided by law,  
 9 fees for students who are not residents for tuition purposes  
 10 must offset the full cost of instruction. Fee-nonexempt  
 11 students enrolled in vocational-preparatory instruction shall  
 12 be charged fees equal to the fees charged for certificate  
 13 career education instruction. Each community college that  
 14 conducts college-preparatory and vocational-preparatory  
 15 instruction in the same class section may charge a single fee  
 16 for both types of instruction.

17           (b) Fees for continuing workforce education shall be  
 18 locally determined by the district school board or community  
 19 college board. However, at least 50 percent of the  
 20 expenditures for the continuing workforce education program  
 21 provided by the community college or school district must be  
 22 derived from fees.

23           (c) The State Board of Education shall adopt a fee  
 24 schedule for school districts and community colleges that  
 25 produces the fee revenues calculated pursuant to paragraph  
 26 (a). The schedule so calculated shall take effect, unless  
 27 otherwise specified in the General Appropriations Act.

28           (d) The State Board of Education shall adopt, by rule,  
 29 the definitions and procedures that district school boards  
 30 shall use in the calculation of cost borne by students.

31           (4) A district school board or community college board

1 that has a service area that borders another state may  
2 implement a plan for a differential out-of-state fee.

3 (5) Each district school board and community college  
4 board of trustees may establish a separate fee for financial  
5 aid purposes in an additional amount of up to 10 percent of  
6 the student fees collected for workforce development programs  
7 funded through the Workforce Development Education Fund. All  
8 fees collected shall be deposited into a separate workforce  
9 development student financial aid fee trust fund of the school  
10 district or community college to support students enrolled in  
11 workforce development programs. Any undisbursed balance  
12 remaining in the trust fund and interest income accruing to  
13 investments from the trust fund shall increase the total funds  
14 available for distribution to workforce development education  
15 students. Awards shall be based on student financial need and  
16 distributed in accordance with a nationally recognized system  
17 of need analysis approved by the State Board of Education.  
18 Fees collected pursuant to this subsection shall be allocated  
19 in an expeditious manner.

20 (6) Each district school board and community college  
21 board of trustees may establish a separate fee for capital  
22 improvements, technology enhancements, or equipping buildings  
23 which may not exceed 5 percent of tuition for resident  
24 students or 5 percent of tuition and out-of-state fees for  
25 nonresident students. Funds collected by community colleges  
26 through these fees may be bonded only for the purpose of  
27 financing or refinancing new construction and equipment,  
28 renovation, or remodeling of educational facilities. The fee  
29 shall be collected as a component part of the tuition and  
30 fees, paid into a separate account, and expended only to  
31 construct and equip, maintain, improve, or enhance the



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1 certificate career education or adult education facilities of  
2 the school district or community college. Projects funded  
3 through the use of the capital improvement fee must meet the  
4 survey and construction requirements of chapter 1013. Pursuant  
5 to s. 216.0158, each district school board and community  
6 college board of trustees shall identify each project,  
7 including maintenance projects, proposed to be funded in whole  
8 or in part by such fee. Capital improvement fee revenues may  
9 be pledged by a board of trustees as a dedicated revenue  
10 source to the repayment of debt, including lease-purchase  
11 agreements and revenue bonds, with a term not to exceed 20  
12 years, and not to exceed the useful life of the asset being  
13 financed, only for the new construction and equipment,  
14 renovation, or remodeling of educational facilities. Community  
15 colleges may use the services of the Division of Bond Finance  
16 of the State Board of Administration to issue any bonds  
17 authorized through the provisions of this subsection. Any such  
18 bonds issued by the Division of Bond Finance shall be in  
19 compliance with the provisions of the State Bond Act. Bonds  
20 issued pursuant to the State Bond Act shall be validated in  
21 the manner provided by chapter 75. The complaint for such  
22 validation shall be filed in the circuit court of the county  
23 where the seat of state government is situated, the notice  
24 required to be published by s. 75.06 shall be published only  
25 in the county where the complaint is filed, and the complaint  
26 and order of the circuit court shall be served only on the  
27 state attorney of the circuit in which the action is pending.  
28 A maximum of 15 cents per credit hour may be allocated from  
29 the capital improvement fee for child care centers conducted  
30 by the district school board or community college board of  
31 trustees.

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1           (7) Each district school board and community college  
2 board of trustees is authorized to establish a separate fee  
3 for technology, not to exceed \$1.80 per credit hour or  
4 credit-hour equivalent for resident students and not more than  
5 \$5.40 per credit hour or credit-hour equivalent for  
6 nonresident students, or the equivalent, to be expended in  
7 accordance with technology improvement plans. The technology  
8 fee may apply only to associate degree programs and courses.  
9 Fifty percent of technology fee revenues may be pledged by a  
10 community college board of trustees as a dedicated revenue  
11 source for the repayment of debt, including lease-purchase  
12 agreements, not to exceed the useful life of the asset being  
13 financed. Revenues generated from the technology fee may not  
14 be bonded.

15           (8) Each district school board and community college  
16 board of trustees is authorized to establish specific fees for  
17 workforce development instruction not reported for state  
18 funding purposes or for workforce development instruction not  
19 reported as state funded full-time equivalent students.  
20 District school boards and community college boards of  
21 trustees are not required to charge any other fee specified in  
22 this section for this type of instruction.

23           (9) Community college boards of trustees and district  
24 school boards are not authorized to charge students enrolled  
25 in workforce development programs any fee that is not  
26 specifically authorized by statute. In addition to tuition,  
27 out-of-state, financial aid, capital improvement, and  
28 technology fees, as authorized in this section, community  
29 college boards of trustees and district school boards are  
30 authorized to establish fee schedules for the following user  
31 fees and fines: laboratory fees; parking fees and fines;

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1 library fees and fines; fees and fines relating to facilities  
2 and equipment use or damage; access or identification card  
3 fees; duplicating, photocopying, binding, or microfilming  
4 fees; standardized testing fees; diploma replacement fees;  
5 transcript fees; application fees; graduation fees; and late  
6 fees related to registration and payment. Such user fees and  
7 fees shall not exceed the cost of the services provided and  
8 shall only be charged to persons receiving the service.  
9 Parking fee revenues may be pledged by a community college  
10 board of trustees as a dedicated revenue source for the  
11 repayment of debt, including lease-purchase agreements and  
12 revenue bonds with terms not exceeding 20 years and not  
13 exceeding the useful life of the asset being financed.  
14 Community colleges shall use the services of the Division of  
15 Bond Finance of the State Board of Administration to issue any  
16 revenue bonds authorized by the provisions of this subsection.  
17 Any such bonds issued by the Division of Bond Finance shall be  
18 in compliance with the provisions of the State Bond Act. Bonds  
19 issued pursuant to the State Bond Act shall be validated in  
20 the manner established in chapter 75. The complaint for such  
21 validation shall be filed in the circuit court of the county  
22 where the seat of state government is situated, the notice  
23 required to be published by s. 75.06 shall be published only  
24 in the county where the complaint is filed, and the complaint  
25 and order of the circuit court shall be served only on the  
26 state attorney of the circuit in which the action is pending.  
27 (10) Each year the State Board of Education shall  
28 review and evaluate the percentage of the cost of adult  
29 programs and certificate career education programs supported  
30 through student fees. For students who are residents for  
31 tuition purposes, the schedule adopted pursuant to subsection

1 (3) must produce revenues equal to 25 percent of the prior  
 2 year's average program cost for college-preparatory and  
 3 certificate-level workforce development programs. Fees for  
 4 continuing workforce education shall be locally determined by  
 5 the district school board or community college board. However,  
 6 at least 50 percent of the expenditures for the continuing  
 7 workforce education program provided by the community college  
 8 or school district must be derived from fees. Except as  
 9 otherwise provided by law, fees for students who are not  
 10 residents for tuition purposes must offset the full cost of  
 11 instruction.

12 (11) Each school district and community college may  
 13 assess a service charge for the payment of tuition and fees in  
 14 installments. Such service charge must be approved by the  
 15 district school board or community college board of trustees.

16 (12) Any school district or community college that  
 17 reports students who have not paid fees in an approved manner  
 18 in calculations of full-time equivalent enrollments for state  
 19 funding purposes shall be penalized at a rate equal to 2 times  
 20 the value of such enrollments. Such penalty shall be charged  
 21 against the following year's allocation from the Florida  
 22 Workforce Development Education Fund or the Community College  
 23 Program Fund and shall revert to the General Revenue Fund.  
 24 The State Board of Education shall specify, in rule, approved  
 25 methods of student fee payment. Such methods must include,  
 26 but need not be limited to, student fee payment; payment  
 27 through federal, state, or institutional financial aid; and  
 28 employer fee payments.

29 (13) Each school district and community college shall  
 30 report only those students who have actually enrolled in  
 31 instruction provided or supervised by instructional personnel

1 under contract with the district or community college in  
 2 calculations of actual full-time enrollments for state funding  
 3 purposes. A student who has been exempted from taking a  
 4 course or who has been granted academic or technical credit  
 5 through means other than actual coursework completed at the  
 6 granting institution may not be calculated for enrollment in  
 7 the course from which the student has been exempted or for  
 8 which the student has been granted credit. School districts  
 9 and community colleges that report enrollments in violation of  
 10 this subsection shall be penalized at a rate equal to 2 times  
 11 the value of such enrollments. Such penalty shall be charged  
 12 against the following year's allocation from the Workforce  
 13 Development Education Fund and shall revert to the General  
 14 Revenue Fund.

15 Section 397. Section 1009.23, Florida Statutes, is  
 16 created to read:

17 1009.23 Community college student fees.--

18 (1) Unless otherwise provided, the provisions of this  
 19 section apply only to fees charged for college credit  
 20 instruction leading to an associate in arts degree, an  
 21 associate in applied science degree, or an associate in  
 22 science degree and noncollege credit college-preparatory  
 23 courses defined in s. 1004.02.

24 (2) All students shall be charged fees except students  
 25 who are exempt from fees or students whose fees are waived.

26 (3) The State Board of Education shall adopt by  
 27 December 31 of each year a resident fee schedule for the  
 28 following fall for advanced and professional, associate in  
 29 science degree, and college-preparatory programs that produce  
 30 revenues in the amount of 25 percent of the full prior year's  
 31 cost of these programs. Fees for courses in

1 college-preparatory programs and associate in arts and  
 2 associate in science degree programs may be established at the  
 3 same level. In the absence of a provision to the contrary in  
 4 an appropriations act, the fee schedule shall take effect and  
 5 the colleges shall expend the funds on instruction. If the  
 6 Legislature provides for an alternative fee schedule in an  
 7 appropriations act, the fee schedule shall take effect the  
 8 subsequent fall semester.

9       (4) Each community college board of trustees shall  
 10 establish tuition and out-of-state fees, which may vary no  
 11 more than 10 percent below and 15 percent above the combined  
 12 total of the fee schedule adopted by the State Board of  
 13 Education and the technology fee adopted by a board of  
 14 trustees, provided that any amount from 10 to 15 percent above  
 15 the fee schedule is used only to support safety and security  
 16 purposes. In order to assess an additional amount for safety  
 17 and security purposes, a community college board of trustees  
 18 must provide written justification to the State Board of  
 19 Education based on criteria approved by the board of trustees,  
 20 including, but not limited to, criteria such as local crime  
 21 data and information, and strategies for the implementation of  
 22 local safety plans. Should a college decide to increase the  
 23 tuition fee, the funds raised by increasing the tuition fee  
 24 must be expended solely for additional safety and security  
 25 purposes and shall not supplant funding expended in the  
 26 1998-1999 budget for safety and security purposes.

27       (5) Except as otherwise provided in law, the sum of  
 28 nonresident student tuition and out-of-state fees must be  
 29 sufficient to defray the full cost of each program.

30       (6) A community college board of trustees that has a  
 31 service area that borders another state may implement a plan

1 for a differential out-of-state fee.

2 (7) Each community college board of trustees may  
3 establish a separate activity and service fee not to exceed 10  
4 percent of the tuition fee, according to rules of the State  
5 Board of Education. The student activity and service fee shall  
6 be collected as a component part of the tuition and fees. The  
7 student activity and service fees shall be paid into a student  
8 activity and service fund at the community college and shall  
9 be expended for lawful purposes to benefit the student body in  
10 general. These purposes include, but are not limited to,  
11 student publications and grants to duly recognized student  
12 organizations, the membership of which is open to all students  
13 at the community college without regard to race, sex, or  
14 religion.

15 (8)(a) Each community college board of trustees is  
16 authorized to establish a separate fee for financial aid  
17 purposes in an additional amount up to, but not to exceed, 5  
18 percent of the total student tuition or out-of-state fees  
19 collected. Each community college board of trustees may  
20 collect up to an additional 2 percent if the amount generated  
21 by the total financial aid fee is less than \$250,000. If the  
22 amount generated is less than \$250,000, a community college  
23 that charges tuition and out-of-state fees at least equal to  
24 the average fees established by rule may transfer from the  
25 general current fund to the scholarship fund an amount equal  
26 to the difference between \$250,000 and the amount generated by  
27 the total financial aid fee assessment. No other transfer from  
28 the general current fund to the loan, endowment, or  
29 scholarship fund, by whatever name known, is authorized.

30 (b) All funds collected under this program shall be  
31 placed in the loan and endowment fund or scholarship fund of

1 the college, by whatever name known. Such funds shall be  
 2 disbursed to students as quickly as possible. An amount not  
 3 greater than 40 percent of the fees collected in a fiscal year  
 4 may be carried forward unexpended to the following fiscal  
 5 year. However, funds collected prior to July 1, 1989, and  
 6 placed in an endowment fund may not be considered part of the  
 7 balance of funds carried forward unexpended to the following  
 8 fiscal year.

9       (c) Up to 25 percent or \$300,000, whichever is  
 10 greater, of the financial aid fees collected may be used to  
 11 assist students who demonstrate academic merit; who  
 12 participate in athletics, public service, cultural arts, and  
 13 other extracurricular programs as determined by the  
 14 institution; or who are identified as members of a targeted  
 15 gender or ethnic minority population. The financial aid fee  
 16 revenues allocated for athletic scholarships and fee  
 17 exemptions provided pursuant to s. 1009.25(3) for athletes  
 18 shall be distributed equitably as required by s.  
 19 1000.05(3)(d). A minimum of 75 percent of the balance of these  
 20 funds for new awards shall be used to provide financial aid  
 21 based on absolute need, and the remainder of the funds shall  
 22 be used for academic merit purposes and other purposes  
 23 approved by the boards of trustees. Such other purposes shall  
 24 include the payment of child care fees for students with  
 25 financial need. The State Board of Education shall develop  
 26 criteria for making financial aid awards. Each college shall  
 27 report annually to the Department of Education on the revenue  
 28 collected pursuant to this paragraph, the amount carried  
 29 forward, the criteria used to make awards, the amount and  
 30 number of awards for each criterion, and a delineation of the  
 31 distribution of such awards. The report shall include an



1 assessment by category of the financial need of every student  
 2 who receives an award, regardless of the purpose for which the  
 3 award is received. Awards which are based on financial need  
 4 shall be distributed in accordance with a nationally  
 5 recognized system of need analysis approved by the State Board  
 6 of Education. An award for academic merit shall require a  
 7 minimum overall grade point average of 3.0 on a 4.0 scale or  
 8 the equivalent for both initial receipt of the award and  
 9 renewal of the award.

10 (d) These funds may not be used for direct or indirect  
 11 administrative purposes or salaries.

12 (9) Any community college that reports students who  
 13 have not paid fees in an approved manner in calculations of  
 14 full-time equivalent enrollments for state funding purposes  
 15 shall be penalized at a rate equal to two times the value of  
 16 such enrollments. Such penalty shall be charged against the  
 17 following year's allocation from the Community College Program  
 18 Fund and shall revert to the General Revenue Fund.

19 (10) Each community college board of trustees is  
 20 authorized to establish a separate fee for technology, which  
 21 may not exceed \$1.80 per credit hour or credit-hour equivalent  
 22 for resident students and not more than \$5.40 per credit hour  
 23 or credit-hour equivalent for nonresident students, to be  
 24 expended according to technology improvement plans. The  
 25 technology fee may apply to both college credit and  
 26 college-preparatory instruction. Fifty percent of technology  
 27 fee revenues may be pledged by a community college board of  
 28 trustees as a dedicated revenue source for the repayment of  
 29 debt, including lease-purchase agreements, not to exceed the  
 30 useful life of the asset being financed. Revenues generated  
 31 from the technology fee may not be bonded.

1           (11) Each community college board of trustees may  
2 establish a separate fee for capital improvements, technology  
3 enhancements, or equipping student buildings which may not  
4 exceed \$1 per credit hour or credit-hour equivalent for  
5 residents and which equals or exceeds \$3 per credit hour for  
6 nonresidents. Funds collected by community colleges through  
7 these fees may be bonded only for the purpose of financing or  
8 refinancing new construction and equipment, renovation, or  
9 remodeling of educational facilities. The fee shall be  
10 collected as a component part of the tuition and fees, paid  
11 into a separate account, and expended only to construct and  
12 equip, maintain, improve, or enhance the educational  
13 facilities of the community college. Projects funded through  
14 the use of the capital improvement fee shall meet the survey  
15 and construction requirements of chapter 1013. Pursuant to s.  
16 216.0158, each community college shall identify each project,  
17 including maintenance projects, proposed to be funded in whole  
18 or in part by such fee. Capital improvement fee revenues may  
19 be pledged by a board of trustees as a dedicated revenue  
20 source to the repayment of debt, including lease-purchase  
21 agreements and revenue bonds, with a term not to exceed 20  
22 years, and not to exceed the useful life of the asset being  
23 financed, only for the new construction and equipment,  
24 renovation, or remodeling of educational facilities. Community  
25 colleges may use the services of the Division of Bond Finance  
26 of the State Board of Administration to issue any bonds  
27 authorized through the provisions of this subsection. Any such  
28 bonds issued by the Division of Bond Finance shall be in  
29 compliance with the provisions of the State Bond Act. Bonds  
30 issued pursuant to the State Bond Act shall be validated in  
31 the manner provided by chapter 75. The complaint for such

1 validation shall be filed in the circuit court of the county  
 2 where the seat of state government is situated, the notice  
 3 required to be published by s. 75.06 shall be published only  
 4 in the county where the complaint is filed, and the complaint  
 5 and order of the circuit court shall be served only on the  
 6 state attorney of the circuit in which the action is pending.

7 A maximum of 15 cents per credit hour may be allocated from  
 8 the capital improvement fee for child care centers conducted  
 9 by the community college.

10 (12) In addition to tuition, out-of-state, financial  
 11 aid, capital improvement, student activity and service, and  
 12 technology fees authorized in this section, each community  
 13 college board of trustees is authorized to establish fee  
 14 schedules for the following user fees and fines: laboratory  
 15 fees; parking fees and fines; library fees and fines; fees and  
 16 fines relating to facilities and equipment use or damage;  
 17 access or identification card fees; duplicating, photocopying,  
 18 binding, or microfilming fees; standardized testing fees;  
 19 diploma replacement fees; transcript fees; application fees;  
 20 graduation fees; and late fees related to registration and  
 21 payment. Such user fees and fines shall not exceed the cost of  
 22 the services provided and shall only be charged to persons  
 23 receiving the service. A community college may not charge any  
 24 fee except as authorized by law or rules of the State Board of  
 25 Education. Parking fee revenues may be pledged by a community  
 26 college board of trustees as a dedicated revenue source for  
 27 the repayment of debt, including lease-purchase agreements and  
 28 revenue bonds with terms not exceeding 20 years and not  
 29 exceeding the useful life of the asset being financed.

30 Community colleges shall use the services of the Division of  
 31 Bond Finance of the State Board of Administration to issue any

1 revenue bonds authorized by the provisions of this subsection.  
 2 Any such bonds issued by the Division of Bond Finance shall be  
 3 in compliance with the provisions of the State Bond Act. Bonds  
 4 issued pursuant to the State Bond Act shall be validated in  
 5 the manner established in chapter 75. The complaint for such  
 6 validation shall be filed in the circuit court of the county  
 7 where the seat of state government is situated, the notice  
 8 required to be published by s. 75.06 shall be published only  
 9 in the county where the complaint is filed, and the complaint  
 10 and order of the circuit court shall be served only on the  
 11 state attorney of the circuit in which the action is pending.

12 (13) The State Board of Education shall specify, as  
 13 necessary, by rule, approved methods of student fee payment.  
 14 Such methods shall include, but not be limited to, student fee  
 15 payment; payment through federal, state, or institutional  
 16 financial aid; and employer fee payments.

17 (14) Each community college board of trustees shall  
 18 report only those students who have actually enrolled in  
 19 instruction provided or supervised by instructional personnel  
 20 under contract with the community college in calculations of  
 21 actual full-time equivalent enrollments for state funding  
 22 purposes. No student who has been exempted from taking a  
 23 course or who has been granted academic or technical credit  
 24 through means other than actual coursework completed at the  
 25 granting institution shall be calculated for enrollment in the  
 26 course from which he or she has been exempted or granted  
 27 credit. Community colleges that report enrollments in  
 28 violation of this subsection shall be penalized at a rate  
 29 equal to two times the value of such enrollments. Such penalty  
 30 shall be charged against the following year's allocation from  
 31 the Community College Program Fund and shall revert to the

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1 General Revenue Fund.

2 (15) Each community college may assess a service  
3 charge for the payment of tuition and fees in installments.  
4 Such service charge must be approved by the community college  
5 board of trustees.

6 (16) The State Board of Education shall adopt a rule  
7 specifying the definitions and procedures to be used in the  
8 calculation of the percentage of cost paid by students. The  
9 rule must provide for the calculation of the full cost of  
10 educational programs based on the allocation of all funds  
11 provided through the general current fund to programs of  
12 instruction, and other activities as provided in the annual  
13 expenditure analysis. The rule shall be developed in  
14 consultation with the Legislature.

15 Section 398. Section 1009.24, Florida Statutes, is  
16 created to read:

17 1009.24 State university student fees.--

18 (1) This section applies to students enrolled in  
19 college credit programs at state universities.

20 (2) All students shall be charged fees except students  
21 who are exempt from fees or students whose fees are waived.

22 (3) Within proviso in the General Appropriations Act  
23 and law, each board of trustees shall set university tuition  
24 and fees. The sum of the activity and service, health, and  
25 athletic fees a student is required to pay to register for a  
26 course shall not exceed 40 percent of the tuition established  
27 in law or in the General Appropriations Act. No university  
28 shall be required to lower any fee in effect on the effective  
29 date of this act in order to comply with this subsection.

30 Within the 40 percent cap, universities may not increase the  
31 aggregate sum of activity and service, health, and athletic

1 fees more than 5 percent per year unless specifically  
 2 authorized in law or in the General Appropriations Act. This  
 3 subsection does not prohibit a university from increasing or  
 4 assessing optional fees related to specific activities if  
 5 payment of such fees is not required as a part of registration  
 6 for courses.

7       (4) A university that has a service area that borders  
 8 another state may implement a plan for a differential  
 9 out-of-state fee.

10       (5) Students who are enrolled in Programs in Medical  
 11 Sciences are considered graduate students for the purpose of  
 12 enrollment and student fees.

13       (6) A university board of trustees is authorized to  
 14 collect for financial aid purposes an amount not to exceed 5  
 15 percent of the tuition and out-of-state fee. The revenues from  
 16 fees are to remain at each campus and replace existing  
 17 financial aid fees. Such funds shall be disbursed to students  
 18 as quickly as possible. A minimum of 75 percent of funds from  
 19 the student financial aid fee for new financial aid awards  
 20 shall be used to provide financial aid based on absolute need.

21 A student who has received an award prior to July 1, 1984,  
 22 shall have his or her eligibility assessed on the same  
 23 criteria that were used at the time of his or her original  
 24 award. The State Board of Education shall develop criteria for  
 25 making financial aid awards. Each university shall report  
 26 annually to the Department of Education on the revenue  
 27 collected pursuant to this subsection, the amount carried  
 28 forward, the criteria used to make awards, the amount and  
 29 number of awards for each criterion, and a delineation of the  
 30 distribution of such awards. The report shall include an  
 31 assessment by category of the financial need of every student

1 who receives an award, regardless of the purpose for which the  
 2 award is received. Awards which are based on financial need  
 3 shall be distributed in accordance with a nationally  
 4 recognized system of need analysis approved by the State Board  
 5 of Education. An award for academic merit shall require a  
 6 minimum overall grade point average of 3.0 on a 4.0 scale or  
 7 the equivalent for both initial receipt of the award and  
 8 renewal of the award.

9       (7) The Capital Improvement Trust Fund fee is  
 10 established as \$2.44 per credit hour per semester. The  
 11 building fee is established as \$2.32 per credit hour per  
 12 semester.

13       (8) Each university board of trustees is authorized to  
 14 establish separate activity and service, health, and athletic  
 15 fees. When duly established, the fees shall be collected as  
 16 component parts of tuition and fees and shall be retained by  
 17 the university and paid into the separate activity and  
 18 service, health, and athletic funds.

19       (9)(a) Each university board of trustees shall  
 20 establish a student activity and service fee on the main  
 21 campus of the university. The university board may also  
 22 establish a student activity and service fee on any branch  
 23 campus or center. Any subsequent increase in the activity and  
 24 service fee must be recommended by an activity and service fee  
 25 committee, at least one-half of whom are students appointed by  
 26 the student body president. The remainder of the committee  
 27 shall be appointed by the university president. A chairperson,  
 28 appointed jointly by the university president and the student  
 29 body president, shall vote only in the case of a tie. The  
 30 recommendations of the committee shall take effect only after  
 31 approval by the university president, after consultation with

1 the student body president, with final approval by the  
 2 university board of trustees. An increase in the activity and  
 3 service fee may occur only once each fiscal year and must be  
 4 implemented beginning with the fall term. The State Board of  
 5 Education is responsible for promulgating the rules and  
 6 timetables necessary to implement this fee.

7       (b) The student activity and service fees shall be  
 8 expended for lawful purposes to benefit the student body in  
 9 general. This shall include, but shall not be limited to,  
 10 student publications and grants to duly recognized student  
 11 organizations, the membership of which is open to all students  
 12 at the university without regard to race, sex, or religion.  
 13 The fund may not benefit activities for which an admission fee  
 14 is charged to students, except for  
 15 student-government-association-sponsored concerts. The  
 16 allocation and expenditure of the fund shall be determined by  
 17 the student government association of the university, except  
 18 that the president of the university may veto any line item or  
 19 portion thereof within the budget when submitted by the  
 20 student government association legislative body. The  
 21 university president shall have 15 school days from the date  
 22 of presentation of the budget to act on the allocation and  
 23 expenditure recommendations, which shall be deemed approved if  
 24 no action is taken within the 15 school days. If any line item  
 25 or portion thereof within the budget is vetoed, the student  
 26 government association legislative body shall within 15 school  
 27 days make new budget recommendations for expenditure of the  
 28 vetoed portion of the fund. If the university president vetoes  
 29 any line item or portion thereof within the new budget  
 30 revisions, the university president may reallocate by line  
 31 item that vetoed portion to bond obligations guaranteed by



1 activity and service fees. Unexpended funds and undisbursed  
 2 funds remaining at the end of a fiscal year shall be carried  
 3 over and remain in the student activity and service fund and  
 4 be available for allocation and expenditure during the next  
 5 fiscal year.

6       (10) Each university board of trustees shall establish  
 7 a student health fee on the main campus of the university. The  
 8 university board of trustees may also establish a student  
 9 health fee on any branch campus or center. Any subsequent  
 10 increase in the health fee must be recommended by a health  
 11 committee, at least one-half of whom are students appointed by  
 12 the student body president. The remainder of the committee  
 13 shall be appointed by the university president. A chairperson,  
 14 appointed jointly by the university president and the student  
 15 body president, shall vote only in the case of a tie. The  
 16 recommendations of the committee shall take effect only after  
 17 approval by the university president, after consultation with  
 18 the student body president, with final approval by the  
 19 university board of trustees. An increase in the health fee  
 20 may occur only once each fiscal year and must be implemented  
 21 beginning with the fall term. The State Board of Education is  
 22 responsible for promulgating the rules and timetables  
 23 necessary to implement this fee.

24       (11) Each university board of trustees shall establish  
 25 a separate athletic fee on the main campus of the university.  
 26 The university board may also establish a separate athletic  
 27 fee on any branch campus or center. Any subsequent increase in  
 28 the athletic fee must be recommended by an athletic fee  
 29 committee, at least one-half of whom are students appointed by  
 30 the student body president. The remainder of the committee  
 31 shall be appointed by the university president. A chairperson,

1 appointed jointly by the university president and the student  
 2 body president, shall vote only in the case of a tie. The  
 3 recommendations of the committee shall take effect only after  
 4 approval by the university president, after consultation with  
 5 the student body president, with final approval by the  
 6 university board of trustees. An increase in the athletic fee  
 7 may occur only once each fiscal year and must be implemented  
 8 beginning with the fall term. The State Board of Education is  
 9 responsible for promulgating the rules and timetables  
 10 necessary to implement this fee.

11 (12) Each university board of trustees is authorized  
 12 to establish the following fees:

13 (a) A nonrefundable application fee in an amount not  
 14 to exceed \$30.

15 (b) An orientation fee in an amount not to exceed \$35.

16 (c) A fee for security, access, or identification  
 17 cards. The annual fee for such a card may not exceed \$10 per  
 18 card. The maximum amount charged for a replacement card may  
 19 not exceed \$15.

20 (d) Registration fees for audit and zero-hours  
 21 registration; a service charge, which may not exceed \$15, for  
 22 the payment of tuition in installments; and a  
 23 late-registration fee in an amount not less than \$50 nor more  
 24 than \$100 to be imposed on students who fail to initiate  
 25 registration during the regular registration period.

26 (e) A late-payment fee in an amount not less than \$50  
 27 nor more than \$100 to be imposed on students who fail to pay  
 28 or fail to make appropriate arrangements to pay (by means of  
 29 installment payment, deferment, or third-party billing)  
 30 tuition by the deadline set by each university. Each  
 31 university may adopt specific procedures or policies for

1 waiving the late-payment fee for minor underpayments.

2 (f) A fee for miscellaneous health-related charges for  
3 services provided at cost by the university health center  
4 which are not covered by the health fee set under subsection  
5 (10).

6 (g) Materials and supplies fees to offset the cost of  
7 materials or supplies that are consumed in the course of the  
8 student's instructional activities, excluding the cost of  
9 equipment replacement, repairs, and maintenance.

10 (h) Housing rental rates and miscellaneous housing  
11 charges for services provided by the university at the request  
12 of the student.

13 (i) A charge representing the reasonable cost of  
14 efforts to collect payment of overdue accounts.

15 (j) A service charge on university loans in lieu of  
16 interest and administrative handling charges.

17 (k) A fee for off-campus course offerings when the  
18 location results in specific, identifiable increased costs to  
19 the university.

20 (l) Library fees and fines, including charges for  
21 damaged and lost library materials, overdue reserve library  
22 books, interlibrary loans, and literature searches.

23 (m) Fees relating to duplicating, photocopying,  
24 binding, and microfilming; copyright services; and  
25 standardized testing. These fees may be charged only to those  
26 who receive the services.

27 (n) Fees and fines relating to the use, late return,  
28 and loss and damage of facilities and equipment.

29 (o) A returned-check fee as authorized by s. 832.07(1)  
30 for unpaid checks returned to the university.

31 (p) Traffic and parking fines, charges for parking

1 decals, and transportation access fees.

2 (q) An Educational Research Center for Child  
3 Development fee for child care and services offered by the  
4 center.

5 (r) Fees for transcripts and diploma replacement, not  
6 to exceed \$10 per item.

7 (13) The board of trustees of the University of  
8 Florida is authorized to establish an admissions deposit fee  
9 for the University of Florida College of Dentistry in an  
10 amount not to exceed \$200.

11 (14) Each university may assess a service charge for  
12 the payment of tuition and fees in installments. Such service  
13 charge must be approved by the university board of trustees.

14 Section 399. Section 1009.25, Florida Statutes, is  
15 created to read:

16 1009.25 Fee exemptions.--

17 (1) The following students are exempt from any  
18 requirement for the payment of tuition and fees, including lab  
19 fees, for adult basic, adult secondary, or  
20 vocational-preparatory instruction:

21 (a) A student who does not have a high school diploma  
22 or its equivalent.

23 (b) A student who has a high school diploma or its  
24 equivalent and who has academic skills at or below the eighth  
25 grade level pursuant to state board rule. A student is  
26 eligible for this exemption from fees if the student's skills  
27 are at or below the eighth grade level as measured by a test  
28 administered in the English language and approved by the  
29 Department of Education, even if the student has skills above  
30 that level when tested in the student's native language.

31 (2) The following students are exempt from the payment

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1 of tuition and fees, including lab fees, at a school district  
2 that provides postsecondary career and technical programs,  
3 community college, or state university:

4 (a) A student enrolled in a dual enrollment or early  
5 admission program pursuant to s. 1007.27 or s. 1007.271.

6 (b) A student enrolled in an approved apprenticeship  
7 program, as defined in s. 446.021.

8 (c) A student for whom the state is paying a foster  
9 care board payment pursuant to s. 409.145(3) or pursuant to  
10 parts II and III of chapter 39, for whom the permanency  
11 planning goal pursuant to part III of chapter 39 is long-term  
12 foster care or independent living, or who is adopted from the  
13 Department of Children and Family Services after May 5, 1997.  
14 Such exemption includes fees associated with enrollment in  
15 vocational-preparatory instruction and completion of the  
16 college-level communication and computation skills testing  
17 program. Such exemption shall be available to any student  
18 adopted from the Department of Children and Family Services  
19 after May 5, 1997; however, the exemption shall be valid for  
20 no more than 4 years after the date of graduation from high  
21 school.

22 (d) A student enrolled in an employment and training  
23 program under the welfare transition program. The regional  
24 workforce board shall pay the state university, community  
25 college, or school district for costs incurred for welfare  
26 transition program participants.

27 (e) A student who lacks a fixed, regular, and adequate  
28 nighttime residence or whose primary nighttime residence is a  
29 public or private shelter designed to provide temporary  
30 residence for individuals intended to be institutionalized, or  
31 a public or private place not designed for, or ordinarily used

1 as, a regular sleeping accommodation for human beings.  
 2 (f) A student who is a proprietor, owner, or worker of  
 3 a company whose business has been at least 50 percent  
 4 negatively financially impacted by the buy-out of property  
 5 around Lake Apopka by the State of Florida. Such a student may  
 6 receive a fee exemption only if the student has not received  
 7 compensation because of the buy-out, the student is designated  
 8 a Florida resident for tuition purposes, pursuant to s.  
 9 1009.21, and the student has applied for and been denied  
 10 financial aid, pursuant to s. 1009.40, which would have  
 11 provided, at a minimum, payment of all student fees. The  
 12 student is responsible for providing evidence to the  
 13 postsecondary education institution verifying that the  
 14 conditions of this paragraph have been met, including support  
 15 documentation provided by the Department of Revenue. The  
 16 student must be currently enrolled in, or begin coursework  
 17 within, a program area by fall semester 2000. The exemption  
 18 is valid for a period of 4 years from the date that the  
 19 postsecondary education institution confirms that the  
 20 conditions of this paragraph have been met.

21 (3) Each community college is authorized to grant  
 22 student fee exemptions from all fees adopted by the State  
 23 Board of Education and the community college board of trustees  
 24 for up to 40 full-time equivalent students at each  
 25 institution.

26 Section 400. Section 1009.26, Florida Statutes, is  
 27 created to read:

28 1009.26 Fee waivers.--

29 (1) School districts and community colleges may waive  
 30 fees for any fee-nonexempt student. The total value of fee  
 31 waivers granted by the school district or community college

1 may not exceed the amount established annually in the General  
 2 Appropriations Act. Any student whose fees are waived in  
 3 excess of the authorized amount may not be reported for state  
 4 funding purposes. Any school district or community college  
 5 that waives fees and requests state funding for a student in  
 6 violation of the provisions of this section shall be penalized  
 7 at a rate equal to 2 times the value of the full-time student  
 8 enrollment reported.

9       (2) A state university may waive any or all  
 10 application, tuition, and related fees for persons who  
 11 supervise student interns for a state university.

12       (3) A university board of trustees is authorized to  
 13 permit full-time university employees who meet academic  
 14 requirements to enroll for up to 6 credit hours of  
 15 tuition-free courses per term on a space-available basis.

16       (4) A state university may waive any or all  
 17 application, tuition, and related fees for persons 60 years of  
 18 age or older who are residents of this state and who attend  
 19 classes for credit. No academic credit shall be awarded for  
 20 attendance in classes for which fees are waived under this  
 21 subsection. This privilege may be granted only on a  
 22 space-available basis, if such classes are not filled as of  
 23 the close of registration. A university may limit or deny the  
 24 privilege for courses which are in programs for which the  
 25 State Board of Education has established selective admissions  
 26 criteria. Persons paying full fees and state employees taking  
 27 courses on a space-available basis shall have priority over  
 28 those persons whose fees are waived in all cases where  
 29 classroom spaces are limited.

30       (5) Any graduate student enrolled in a state-approved  
 31 school psychology training program shall be entitled to a

1 waiver of registration fees for internship credit hours  
2 applicable to an internship in the public school system under  
3 the supervision of a Department of Education certified school  
4 psychologist employed by the school system.

5 (6) The State Board of Education may establish rules  
6 to allow for the waiver of out-of-state fees for  
7 nondegree-seeking students enrolled at a state university if  
8 the earned student credit hours generated by such students are  
9 nonfundable and the direct cost for the program of study is  
10 recovered from the fees charged to all students.

11 (7) The spouse of a deceased state employee is  
12 entitled, when eligible for the payment of student fees by the  
13 state as employer pursuant to s. 440.16, in lieu of such  
14 payment, to a full waiver of student fees for up to 80  
15 semester hours in any community college.

16 (8) Fees shall be waived for certain members of the  
17 active Florida National Guard pursuant to s. 250.10(8).

18 Section 401. Section 1009.27, Florida Statutes, is  
19 created to read:

20 1009.27 Deferral of fees.--

21 (1) The State Board of Education shall adopt rules to  
22 allow the deferral of tuition and registration fees for  
23 students receiving financial aid from a federal or state  
24 assistance program when the aid is delayed in being  
25 transmitted to the student through circumstances beyond the  
26 control of the student. The failure to make timely application  
27 for the aid is an insufficient reason to receive a deferral of  
28 fees. The rules must provide for the enforcement and  
29 collection or other settlement of delinquent accounts.

30 (2) Any veteran or other eligible student who receives  
31 benefits under chapter 30, chapter 31, chapter 32, chapter 34,



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1 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,  
2 U.S.C., is entitled to one deferment each academic year and an  
3 additional deferment each time there is a delay in the receipt  
4 of benefits.

5 (3) Each school district, community college, and state  
6 university is responsible for collecting all deferred fees. If  
7 a school district, community college, or state university has  
8 not collected a deferred fee, the student may not earn state  
9 funding for any course for which the student subsequently  
10 registers until the fee has been paid.

11 Section 402. Section 1009.28, Florida Statutes, is  
12 created to read:

13 1009.28 Fees for repeated enrollment in  
14 college-preparatory classes.--A student enrolled in the same  
15 college-preparatory class more than twice shall pay 100  
16 percent of the full cost of instruction to support continuous  
17 enrollment of that student in the same class, and the student  
18 shall not be included in calculations of full-time equivalent  
19 enrollments for state funding purposes; however, students who  
20 withdraw or fail a class due to extenuating circumstances may  
21 be granted an exception only once for each class, provided  
22 approval is granted according to policy established by the  
23 board of trustees. Each community college may review and  
24 reduce fees paid by students due to continued enrollment in a  
25 college-preparatory class on an individual basis contingent  
26 upon the student's financial hardship, pursuant to definitions  
27 and fee levels established by the State Board of Education.

28 Section 403. Section 1009.285, Florida Statutes, is  
29 created to read:

30 1009.285 Fees for repeated enrollment in  
31 college-credit courses.--A student enrolled in the same

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1 undergraduate college-credit course more than twice shall pay  
2 tuition at 100 percent of the full cost of instruction and  
3 shall not be included in calculations of full-time equivalent  
4 enrollments for state funding purposes. However, students who  
5 withdraw or fail a class due to extenuating circumstances may  
6 be granted an exception only once for each class, provided  
7 that approval is granted according to policy established by  
8 the community college board of trustees or the university  
9 board of trustees. Each community college and state university  
10 may review and reduce fees paid by students due to continued  
11 enrollment in a college-credit class on an individual basis  
12 contingent upon the student's financial hardship, pursuant to  
13 definitions and fee levels established by the State Board of  
14 Education. For purposes of this section, first-time enrollment  
15 in a class shall mean enrollment in a class beginning fall  
16 semester 1997, and calculations of the full cost of  
17 instruction shall be based on the systemwide average of the  
18 prior year's cost of undergraduate programs for the community  
19 colleges and the state universities. Boards of trustees may  
20 make exceptions to this section for individualized study,  
21 elective coursework, courses that are repeated as a  
22 requirement of a major, and courses that are intended as  
23 continuing over multiple semesters, excluding the repeat of  
24 coursework more than two times to increase grade point average  
25 or meet minimum course grade requirements.

26 Section 404. Section 1009.29, Florida Statutes, is  
27 created to read:

28 1009.29 Increased fees for funding financial aid  
29 program.--

30 (1) Student tuition and registration fees at each  
31 state university and community college shall include up to

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1 \$4.68 per quarter, or \$7.02 per semester, per full-time  
 2 student, or the per-student credit hour equivalents of such  
 3 amounts. The fees provided for by this section shall be  
 4 adjusted from time to time, as necessary, to comply with the  
 5 debt service coverage requirements of the student loan revenue  
 6 bonds issued pursuant to s. 1009.79. If the Division of Bond  
 7 Finance of the State Board of Education and the Commissioner  
 8 of Education determine that such fees are no longer required  
 9 as security for revenue bonds issued pursuant to ss.  
 10 1009.78-1009.88, moneys previously collected pursuant to this  
 11 section which are held in escrow, after administrative  
 12 expenses have been met and up to \$150,000 has been used to  
 13 establish a financial aid data processing system for the state  
 14 universities incorporating the necessary features to meet the  
 15 needs of all nine universities for application through  
 16 disbursement processing, shall be reallocated to the  
 17 generating institutions to be used for student financial aid  
 18 programs, including, but not limited to, scholarships and  
 19 grants for educational purposes. Upon such determination, such  
 20 fees shall no longer be assessed and collected.

21 (2) The Department of Education may, in accordance  
 22 with rules established by the State Board of Administration,  
 23 receive and administer grants and donations from any source  
 24 and, in its discretion, establish criteria, select recipients,  
 25 and award scholarships and loans from the fees provided for by  
 26 this section, and fix the interest rates and terms of  
 27 repayment.

28 Section 405. Part III of chapter 1009, Florida  
 29 Statutes, shall be entitled "Financial Assistance" and shall  
 30 consist of ss. 1009.40-1009.96.

31 Section 406. Part III.a. of chapter 1009, Florida

1 Statutes, shall be entitled "General Provisions" and shall  
2 consist of ss. 1009.40-1009.44.

3 Section 407. Section 1009.40, Florida Statutes, is  
4 created to read:

5 1009.40 General requirements for student eligibility  
6 for state financial aid.--

7 (1)(a) The general requirements for eligibility of  
8 students for state financial aid awards consist of the  
9 following:

10 1. Achievement of the academic requirements of and  
11 acceptance at a state university or community college; a  
12 nursing diploma school approved by the Florida Board of  
13 Nursing; a Florida college, university, or community college  
14 which is accredited by an accrediting agency recognized by the  
15 State Board of Education; any Florida institution the credits  
16 of which are acceptable for transfer to state universities;  
17 any technical center; or any private technical institution  
18 accredited by an accrediting agency recognized by the State  
19 Board of Education.

20 2. Residency in this state for no less than 1 year  
21 preceding the award of aid for a program established pursuant  
22 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,  
23 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.  
24 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.  
25 1009.89. Residency in this state must be for purposes other  
26 than to obtain an education. Resident status for purposes of  
27 receiving state financial aid awards shall be determined in  
28 the same manner as resident status for tuition purposes  
29 pursuant to s. 1009.21 and rules of the State Board of  
30 Education.

31 3. Submission of certification attesting to the

1 accuracy, completeness, and correctness of information  
 2 provided to demonstrate a student's eligibility to receive  
 3 state financial aid awards. Falsification of such information  
 4 shall result in the denial of any pending application and  
 5 revocation of any award currently held to the extent that no  
 6 further payments shall be made. Additionally, students who  
 7 knowingly make false statements in order to receive state  
 8 financial aid awards shall be guilty of a misdemeanor of the  
 9 second degree subject to the provisions of s. 837.06 and shall  
 10 be required to return all state financial aid awards  
 11 wrongfully obtained.

12 (b)1. Eligibility for the renewal of undergraduate  
 13 financial aid awards shall be evaluated at the end of the  
 14 second semester or third quarter of each academic year. As a  
 15 condition for renewal, a student shall:

16 a. Have earned a minimum cumulative grade point  
 17 average of 2.0 on a 4.0 scale; and

18 b. Have earned, for full-time study, 12 credits per  
 19 term or the equivalent for the number of terms for which aid  
 20 was received.

21 2. A student who earns the minimum number of credits  
 22 required for renewal, but who fails to meet the minimum 2.0  
 23 cumulative grade point average, may be granted a probationary  
 24 award for up to the equivalent of 1 academic year and shall be  
 25 required to earn a cumulative grade point average of 2.0 on a  
 26 4.0 scale by the end of the probationary period to be eligible  
 27 for subsequent renewal. A student who receives a probationary  
 28 award and who fails to meet the conditions for renewal by the  
 29 end of his or her probationary period shall be ineligible to  
 30 receive additional awards for the equivalent of 1 academic  
 31 year following his or her probationary period. Each such

1 student may, however, reapply for assistance during a  
2 subsequent application period and may be eligible for an award  
3 if he or she has earned a cumulative grade point average of  
4 2.0 on a 4.0 scale.

5 3. A student who fails to earn the minimum number of  
6 credits required for renewal shall lose his or her eligibility  
7 for renewal for a period equivalent to 1 academic year.  
8 However, the student may reapply during a subsequent  
9 application period and may be eligible for an award if he or  
10 she has earned a minimum cumulative grade point average of 2.0  
11 on a 4.0 scale.

12 4. Students who receive state student aid and  
13 subsequently fail to meet state academic progress requirements  
14 due to verifiable illness or other emergencies may be granted  
15 an exception from the academic requirements. Such students  
16 shall make a written appeal to the institution. The appeal  
17 shall include a description and verification of the  
18 circumstances. Verification of illness or other emergencies  
19 may include but not be limited to a physician's statement or  
20 written statement of a parent or college official. The  
21 institution shall recommend exceptions with necessary  
22 documentation to the department. The department may accept or  
23 deny such recommendations for exception from the institution.

24 (2) These requirements do not preclude higher  
25 standards specified in other sections of this part, in rules  
26 of the state board, or in rules of a participating  
27 institution.

28 (3) Undergraduate students are be eligible to receive  
29 financial aid for a maximum of 8 semesters or 12 quarters.  
30 However, undergraduate students participating in  
31 college-preparatory instruction, students requiring additional

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1 time to complete the college-level communication and  
2 computation skills testing programs, or students enrolled in a  
3 5-year undergraduate degree program are eligible to receive  
4 financial aid for a maximum of 10 semesters or 15 quarters.

5 (4) No student is eligible to receive more than one  
6 state scholarship that is based on academic merit. Students  
7 who qualify for more than one such scholarship shall be  
8 notified of all awards for which they qualify and shall be  
9 provided the opportunity to accept one of their choosing.

10 Section 408. Section 1009.41, Florida Statutes, is  
11 created to read:

12 1009.41 State financial aid; students with a  
13 disability.--Notwithstanding the provisions of s.  
14 1009.40(1)(b)1.b. regarding the number of credits earned per  
15 term, or other financial aid eligibility requirements related  
16 to the number of required credits earned per term, a student  
17 with a documented disability, as defined by the Americans with  
18 Disabilities Act, shall be eligible to be considered for state  
19 financial aid while attending an eligible postsecondary  
20 institution on a part-time basis. The State Board of Education  
21 shall establish the necessary criteria for documentation of  
22 the student's disability and the postsecondary institution  
23 shall make the determination as to whether or not the  
24 disability is such that part-time status is a necessary  
25 accommodation. For the purposes of this section, financial aid  
26 funds may be prorated based on the number of credit hours  
27 taken.

28 Section 409. Section 1009.42, Florida Statutes, is  
29 created to read:

30 1009.42 Financial aid appeal process.--

31 (1) The State Board of Education shall adopt, by rule,

1 a procedure for the appeal of errors in eligibility  
2 determinations, or failure to transfer awards between eligible  
3 institutions, made by the Office of Student Financial  
4 Assistance of the Department of Education, regarding  
5 applicants' eligibility for receiving state student financial  
6 aid awards. The procedure must provide for establishment of a  
7 committee to consider appeals that are not resolved by other  
8 administrative action. Each committee must be comprised of  
9 four members appointed by the Commissioner of Education,  
10 including one representative of the Office of Student  
11 Financial Assistance; two practicing financial aid  
12 administrators from public or private postsecondary  
13 institutions in this state, one of whom must be from an  
14 institution other than one to which the applicant is seeking  
15 admission; and one student enrolled in a public postsecondary  
16 institution in this state, nominated by the Florida Student  
17 Association. An applicant for state student financial aid who  
18 believes an error has been made in determining eligibility for  
19 student financial assistance or who believes the department  
20 has failed to transfer an award between eligible institutions  
21 may appeal the decision in writing to the Office of Student  
22 Financial Assistance. The Office of Student Financial  
23 Assistance shall investigate the complaint and take  
24 appropriate action within 30 days after its receipt of the  
25 appeal. If the student wishes further review of the appeal,  
26 the Office of Student Financial Assistance shall forward the  
27 appeal to the committee. Within 30 days after the receipt of a  
28 request for a hearing, a final decision shall be rendered by  
29 the committee established under this section, and a copy of  
30 the decision shall be provided to the applicant. The decision  
31 rendered by the committee constitutes final agency action. A



1 description of the financial aid appeals process shall be  
2 included in the application form for each state student  
3 financial aid program.

4 (2) The president of each state university and each  
5 community college shall establish a procedure for appeal, by  
6 students, of grievances related to the award or administration  
7 of financial aid at the institution.

8 (3) A student involved in a financial aid appeal  
9 proceeding is eligible for a deferral of registration and fee  
10 payments pursuant to s. 1009.27.

11 Section 410. Section 1009.43, Florida Statutes, is  
12 created to read:

13 1009.43 State student financial assistance;  
14 authorization for use in program of study in another state or  
15 foreign country.--A student who is enrolled in a public or  
16 private postsecondary educational institution in this state  
17 may apply state student financial assistance towards the cost  
18 of a program of study in another state or a foreign country  
19 for a period of up to 1 year, if the program of study is  
20 offered or promoted by the Florida institution as an integral  
21 part of the academic studies of that degree-seeking student or  
22 as a program that would enhance the student's academic  
23 experience. This program must be approved by the president of  
24 the institution in this state or by his or her designee;  
25 however, private, postsecondary Florida institutions with  
26 out-of-state subsidiary institutions are not authorized to  
27 make Florida residents attending their out-of-state subsidiary  
28 institutions eligible for Florida financial assistance.

29 Section 411. Section 1009.44, Florida Statutes, is  
30 created to read:

31 1009.44 Need-based financial aid; no preference to

1 students receiving other aid.--From the funds collected by  
 2 state universities and community colleges as a financial aid  
 3 fee and from other funds appropriated by the Legislature for  
 4 financial aid from the Educational Enhancement Trust Fund,  
 5 institutions shall expend those moneys designated as  
 6 need-based financial aid with no preference given to students  
 7 who also qualify for merit-based or other financial aid  
 8 awards.

9           Section 412. Part III.b. of chapter 1009, Florida  
 10 Statutes, shall be entitled "Scholarships, Grants, and Other  
 11 Aid" and shall consist of ss. 1009.50-1009.89.

12           Section 413. Section 1009.50, Florida Statutes, is  
 13 created to read:

14           1009.50 Florida Public Student Assistance Grant  
 15 Program; eligibility for grants.--

16           (1) There is hereby created a Florida Public Student  
 17 Assistance Grant Program. The program shall be administered by  
 18 the participating institutions in accordance with rules of the  
 19 state board.

20           (2)(a) State student assistance grants through the  
 21 program may be made only to full-time degree-seeking students  
 22 who meet the general requirements for student eligibility as  
 23 provided in s. 1009.40, except as otherwise provided in this  
 24 section. The grants shall be awarded annually for the amount  
 25 of demonstrated unmet need for the cost of education and may  
 26 not exceed an amount equal to the average prior academic year  
 27 cost of tuition fees and other registration fees for 30 credit  
 28 hours at state universities or such other amount as specified  
 29 in the General Appropriations Act, to any recipient. A  
 30 demonstrated unmet need of less than \$200 shall render the  
 31 applicant ineligible for a state student assistance grant.

1 Recipients of the grants must have been accepted at a state  
 2 university or community college authorized by Florida law. No  
 3 student may receive an award for more than the equivalent of 9  
 4 semesters or 14 quarters of full-time enrollment, except as  
 5 otherwise provided in s. 1009.40(3).

6 (b) A student applying for a Florida public student  
 7 assistance grant shall be required to apply for the Pell  
 8 Grant. The Pell Grant entitlement shall be considered when  
 9 conducting an assessment of the financial resources available  
 10 to each student.

11 (c) Priority in the distribution of grant moneys shall  
 12 be given to students with the lowest total family resources,  
 13 in accordance with a nationally recognized system of need  
 14 analysis. Using the system of need analysis, the department  
 15 shall establish a maximum expected family contribution. An  
 16 institution may not make a grant from this program to a  
 17 student whose expected family contribution exceeds the level  
 18 established by the department. An institution may not impose  
 19 additional criteria to determine a student's eligibility to  
 20 receive a grant award.

21 (d) Each participating institution shall report, to  
 22 the department by the established date, the eligible students  
 23 to whom grant moneys are disbursed each academic term. Each  
 24 institution shall also report to the department necessary  
 25 demographic and eligibility data for such students.

26 (3) Based on the unmet financial need of an eligible  
 27 applicant, the amount of a Florida public student assistance  
 28 grant must be between \$200 and the weighted average of the  
 29 cost of tuition and other registration fees for 30 credit  
 30 hours at state universities per academic year or the amount  
 31 specified in the General Appropriations Act.

1           (4)(a) The funds appropriated for the Florida Public  
 2 Student Assistance Grant shall be distributed to eligible  
 3 institutions in accordance with a formula approved by the  
 4 State Board of Education. The formula shall consider at least  
 5 the prior year's distribution of funds, the number of  
 6 full-time eligible applicants who did not receive awards, the  
 7 standardization of the expected family contribution, and  
 8 provisions for unused funds.

9           (b) Payment of Florida public student assistance  
 10 grants shall be transmitted to the president of the state  
 11 university or community college, or to his or her  
 12 representative, in advance of the registration period.  
 13 Institutions shall notify students of the amount of their  
 14 awards.

15           (c) The eligibility status of each student to receive  
 16 a disbursement shall be determined by each institution as of  
 17 the end of its regular registration period, inclusive of a  
 18 drop-add period. Institutions shall not be required to  
 19 reevaluate a student's eligibility status after this date for  
 20 purposes of changing eligibility determinations previously  
 21 made.

22           (d) Institutions shall certify to the department the  
 23 amount of funds disbursed to each student and shall remit to  
 24 the department any undisbursed advances by June 1 of each  
 25 year.

26           (5) Funds appropriated by the Legislature for state  
 27 student assistance grants shall be deposited in the State  
 28 Student Financial Assistance Trust Fund. Notwithstanding the  
 29 provisions of s. 216.301 and pursuant to s. 216.351, any  
 30 balance in the trust fund at the end of any fiscal year that  
 31 has been allocated to the Florida Public Student Assistance

1 Grant Program shall remain therein and shall be available for  
2 carrying out the purposes of this section.

3 (6) The State Board of Education shall establish rules  
4 necessary to implement this section.

5 Section 414. Section 1009.51, Florida Statutes, is  
6 created to read:

7 1009.51 Florida Private Student Assistance Grant  
8 Program; eligibility for grants.--

9 (1) There is created a Florida Private Student  
10 Assistance Grant Program. The program shall be administered by  
11 the participating institutions in accordance with rules of the  
12 State Board of Education.

13 (2)(a) Florida private student assistance grants from  
14 the State Student Financial Assistance Trust Fund may be made  
15 only to full-time degree-seeking students who meet the general  
16 requirements for student eligibility as provided in s.  
17 1009.40, except as otherwise provided in this section. Such  
18 grants shall be awarded for the amount of demonstrated unmet  
19 need for tuition and fees and may not exceed an amount equal  
20 to the average tuition and other registration fees for 30  
21 credit hours at state universities plus \$1,000 per academic  
22 year, or as specified in the General Appropriations Act, to  
23 any applicant. A demonstrated unmet need of less than \$200  
24 shall render the applicant ineligible for a Florida private  
25 student assistance grant. Recipients of such grants must have  
26 been accepted at a baccalaureate-degree-granting independent  
27 nonprofit college or university, which is accredited by the  
28 Commission on Colleges of the Southern Association of Colleges  
29 and Schools and which is located in and chartered as a  
30 domestic corporation by the state. No student may receive an  
31 award for more than the equivalent of 9 semesters or 14

1 quarters of full-time enrollment, except as otherwise provided  
2 in s. 1009.40(3).

3 (b) A student applying for a Florida private student  
4 assistance grant shall be required to apply for the Pell  
5 Grant. The Pell Grant entitlement shall be considered when  
6 conducting an assessment of the financial resources available  
7 to each student.

8 (c) Priority in the distribution of grant moneys shall  
9 be given to students with the lowest total family resources,  
10 in accordance with a nationally recognized system of need  
11 analysis. Using the system of need analysis, the department  
12 shall establish a maximum expected family contribution. An  
13 institution may not make a grant from this program to a  
14 student whose expected family contribution exceeds the level  
15 established by the department. An institution may not impose  
16 additional criteria to determine a student's eligibility to  
17 receive a grant award.

18 (d) Each participating institution shall report, to  
19 the department by the established date, the eligible students  
20 to whom grant moneys are disbursed each academic term. Each  
21 institution shall also report to the department necessary  
22 demographic and eligibility data for such students.

23 (3) Based on the unmet financial need of an eligible  
24 applicant, the amount of a Florida private student assistance  
25 grant must be between \$200 and the average cost of tuition and  
26 other registration fees for 30 credit hours at state  
27 universities plus \$1,000 per academic year or the amount  
28 specified in the General Appropriations Act.

29 (4)(a) The funds appropriated for the Florida Private  
30 Student Assistance Grant shall be distributed to eligible  
31 institutions in accordance with a formula approved by the

1 State Board of Education. The formula shall consider at least  
2 the prior year's distribution of funds, the number of  
3 full-time eligible applicants who did not receive awards, the  
4 standardization of the expected family contribution, and  
5 provisions for unused funds.

6 (b) Payment of Florida private student assistance  
7 grants shall be transmitted to the president of the college or  
8 university, or to his or her representative, in advance of the  
9 registration period. Institutions shall notify students of the  
10 amount of their awards.

11 (c) The eligibility status of each student to receive  
12 a disbursement shall be determined by each institution as of  
13 the end of its regular registration period, inclusive of a  
14 drop-add period. Institutions shall not be required to  
15 reevaluate a student's eligibility status after this date for  
16 purposes of changing eligibility determinations previously  
17 made.

18 (d) Institutions shall certify to the department the  
19 amount of funds disbursed to each student and shall remit to  
20 the department any undisbursed advances by June 1 of each  
21 year.

22 (e) Each institution that receives moneys through the  
23 Florida Private Student Assistance Grant Program shall cause  
24 to be prepared a biennial report that includes an independent  
25 external audit of the institution's administration of the  
26 program and a complete accounting of moneys in the State  
27 Student Financial Assistance Trust Fund allocated to the  
28 institution for the program. Such report shall be submitted to  
29 the department on or before March 1 every other year. The  
30 department may conduct its own annual or biennial audit of an  
31 institution's administration of the program and its allocated

1 funds in lieu of the required biennial report and independent  
 2 external audit. The department may suspend or revoke an  
 3 institution's eligibility to receive future moneys from the  
 4 trust fund for the program or request a refund of any moneys  
 5 overpaid to the institution through the trust fund for the  
 6 program if the department finds that an institution has not  
 7 complied with the provisions of this section. Any refund  
 8 requested pursuant to this paragraph shall be remitted within  
 9 60 days.

10 (5) Funds appropriated by the Legislature for Florida  
 11 private student assistance grants shall be deposited in the  
 12 State Student Financial Assistance Trust Fund. Notwithstanding  
 13 the provisions of s. 216.301 and pursuant to s. 216.351, any  
 14 balance in the trust fund at the end of any fiscal year that  
 15 has been allocated to the Florida Private Student Assistance  
 16 Grant Program shall remain therein and shall be available for  
 17 carrying out the purposes of this section and as otherwise  
 18 provided by law.

19 (6) The State Board of Education shall adopt rules  
 20 necessary to implement this section.

21 Section 415. Section 1009.52, Florida Statutes, is  
 22 created to read:

23 1009.52 Florida Postsecondary Student Assistance Grant  
 24 Program; eligibility for grants.--

25 (1) There is created a Florida Postsecondary Student  
 26 Assistance Grant Program. The program shall be administered by  
 27 the participating institutions in accordance with rules of the  
 28 State Board of Education.

29 (2)(a) Florida postsecondary student assistance grants  
 30 through the State Student Financial Assistance Trust Fund may  
 31 be made only to full-time degree-seeking students who meet the



1 general requirements for student eligibility as provided in s.  
 2 1009.40, except as otherwise provided in this section. Such  
 3 grants shall be awarded for the amount of demonstrated unmet  
 4 need for tuition and fees and may not exceed an amount equal  
 5 to the average prior academic year cost of tuition and other  
 6 registration fees for 30 credit hours at state universities  
 7 plus \$1,000 per academic year, or as specified in the General  
 8 Appropriations Act, to any applicant. A demonstrated unmet  
 9 need of less than \$200 shall render the applicant ineligible  
 10 for a Florida postsecondary student assistance grant.

11 Recipients of such grants must have been accepted at a  
 12 postsecondary institution that is located in the state and  
 13 that is:

- 14 1. A private nursing diploma school approved by the  
 15 Florida Board of Nursing; or
- 16 2. A college or university licensed by the Commission  
 17 for Independent Education, excluding those institutions the  
 18 students of which are eligible to receive a Florida private  
 19 student assistance grant pursuant to s. 1009.51.

20  
 21 No student may receive an award for more than the equivalent  
 22 of 9 semesters or 14 quarters of full-time enrollment, except  
 23 as otherwise provided in s. 1009.40(3).

24 (b) A student applying for a Florida postsecondary  
 25 student assistance grant shall be required to apply for the  
 26 Pell Grant. The Pell Grant entitlement shall be considered  
 27 when conducting an assessment of the financial resources  
 28 available to each student.

29 (c) Priority in the distribution of grant moneys shall  
 30 be given to students with the lowest total family resources,  
 31 in accordance with a nationally recognized system of need

1 analysis. Using the system of need analysis, the department  
 2 shall establish a maximum expected family contribution. An  
 3 institution may not make a grant from this program to a  
 4 student whose expected family contribution exceeds the level  
 5 established by the department. An institution may not impose  
 6 additional criteria to determine a student's eligibility to  
 7 receive a grant award.

8 (d) Each participating institution shall report, to  
 9 the department by the established date, the eligible students  
 10 to whom grant moneys are disbursed each academic term. Each  
 11 institution shall also report to the department necessary  
 12 demographic and eligibility data for such students.

13 (3) Based on the unmet financial need of an eligible  
 14 applicant, the amount of a Florida postsecondary student  
 15 assistance grant must be between \$200 and the average cost of  
 16 tuition and other registration fees for 30 credit hours at  
 17 state universities plus \$1,000 per academic year or the amount  
 18 specified in the General Appropriations Act.

19 (4)(a) The funds appropriated for the Florida  
 20 Postsecondary Student Assistance Grant shall be distributed to  
 21 eligible institutions in accordance with a formula approved by  
 22 the State Board of Education. The formula shall consider at  
 23 least the prior year's distribution of funds, the number of  
 24 full-time eligible applicants who did not receive awards, the  
 25 standardization of the expected family contribution, and  
 26 provisions for unused funds.

27 (b) Payment of Florida postsecondary student  
 28 assistance grants shall be transmitted to the president of the  
 29 eligible institution, or to his or her representative, in  
 30 advance of the registration period. Institutions shall notify  
 31 students of the amount of their awards.

1           (c) The eligibility status of each student to receive  
 2 a disbursement shall be determined by each institution as of  
 3 the end of its regular registration period, inclusive of a  
 4 drop-add period. Institutions shall not be required to  
 5 reevaluate a student's eligibility status after this date for  
 6 purposes of changing eligibility determinations previously  
 7 made.

8           (d) Institutions shall certify to the department the  
 9 amount of funds disbursed to each student and shall remit to  
 10 the department any undisbursed advances by June 1 of each  
 11 year.

12           (e) Each institution that receives moneys through the  
 13 Florida Postsecondary Student Assistance Grant Program shall  
 14 cause to be prepared a biennial report that includes an  
 15 independent external audit of the institution's administration  
 16 of the program and a complete accounting of moneys in the  
 17 State Student Financial Assistance Trust Fund allocated to the  
 18 institution for the program. Such report shall be submitted  
 19 to the department on or before March 1 every other year. The  
 20 department may conduct its own annual or biennial audit of an  
 21 institution's administration of the program and its allocated  
 22 funds in lieu of the required biennial report and independent  
 23 external audit. The department may suspend or revoke an  
 24 institution's eligibility to receive future moneys from the  
 25 trust fund for the program or request a refund of any moneys  
 26 overpaid to the institution through the trust fund for the  
 27 program if the department finds that an institution has not  
 28 complied with the provisions of this section. Any refund  
 29 requested pursuant to this paragraph shall be remitted within  
 30 60 days.

31           (5) Any institution that was eligible to receive state

1 student assistance grants on January 1, 1989, and that is not  
2 eligible to receive grants pursuant to s. 1009.51 is eligible  
3 to receive grants pursuant to this section.

4 (6) Funds appropriated by the Legislature for Florida  
5 postsecondary student assistance grants shall be deposited in  
6 the State Student Financial Assistance Trust Fund.

7 Notwithstanding the provisions of s. 216.301 and pursuant to  
8 s. 216.351, any balance in the trust fund at the end of any  
9 fiscal year that has been allocated to the Florida  
10 Postsecondary Student Assistance Grant Program shall remain  
11 therein and shall be available for carrying out the purposes  
12 of this section and as otherwise provided by law.

13 (7) The State Board of Education shall adopt rules  
14 necessary to implement this section.

15 Section 416. Section 1009.53, Florida Statutes, is  
16 created to read:

17 1009.53 Florida Bright Futures Scholarship Program.--

18 (1) The Florida Bright Futures Scholarship Program is  
19 created to establish a lottery-funded scholarship program to  
20 reward any Florida high school graduate who merits recognition  
21 of high academic achievement and who enrolls in a degree  
22 program, certificate program, or applied technology program at  
23 an eligible Florida public or private postsecondary education  
24 institution within 3 years of graduation from high school.

25 (2) The Bright Futures Scholarship Program consists of  
26 three types of awards: the Florida Academic Scholarship, the  
27 Florida Medallion Scholarship, and the Florida Gold Seal  
28 Vocational Scholarship.

29 (3) The Department of Education shall administer the  
30 Bright Futures Scholarship Program according to rules and  
31 procedures established by the State Board of Education. A

1 single application must be sufficient for a student to apply  
 2 for any of the three types of awards. The department must  
 3 advertise the availability of the scholarship program and must  
 4 notify students, teachers, parents, guidance counselors, and  
 5 principals or other relevant school administrators of the  
 6 criteria and application procedures. The department must begin  
 7 this process of notification no later than January 1 of each  
 8 year.

9       (4) Funding for the Bright Futures Scholarship Program  
 10 must be allocated from the Education Enhancement Trust Fund  
 11 and must be provided before allocations from that fund are  
 12 calculated for disbursement to other educational entities.

13       (a) If funds appropriated are not adequate to provide  
 14 the maximum allowable award to each eligible applicant, awards  
 15 in all three components of the program must be prorated using  
 16 the same percentage reduction.

17       (b) Notwithstanding s. 216.301, if all funds allocated  
 18 to the Bright Futures Scholarship Program are not used in any  
 19 fiscal year, up to 10 percent of the total allocation may be  
 20 carried forward and used for awards in the following year.

21       (5) The department shall issue awards from the  
 22 scholarship program annually. Annual awards may be for up to  
 23 45 semester credit hours or the equivalent. Before the  
 24 registration period each semester, the department shall  
 25 transmit payment for each award to the president or director  
 26 of the postsecondary education institution, or his or her  
 27 representative, except that the department may withhold  
 28 payment if the receiving institution fails to report or to  
 29 make refunds to the department as required in this section.

30       (a) Within 30 days after the end of regular  
 31 registration each semester, the educational institution shall

1 certify to the department the eligibility status of each  
 2 student who receives an award. After the end of the drop and  
 3 add period, an institution is not required to reevaluate or  
 4 revise a student's eligibility status, but must make a refund  
 5 to the department if a student who receives an award  
 6 disbursement terminates enrollment for any reason during an  
 7 academic term and a refund is permitted by the institution's  
 8 refund policy.

9       (b) An institution that receives funds from the  
 10 program shall certify to the department the amount of funds  
 11 disbursed to each student and shall remit to the department  
 12 any undisbursed advances within 60 days after the end of  
 13 regular registration.

14       (c) Each institution that receives moneys through this  
 15 program shall prepare an annual report that includes an  
 16 independent external audit or an audit prepared by the Office  
 17 of the Auditor General. The report shall include an audit of  
 18 the institution's administration of the program and a complete  
 19 accounting of the moneys for the program. This report must be  
 20 submitted to the department annually by March 1. The  
 21 department may conduct its own annual audit of an  
 22 institution's administration of the program. The department  
 23 may request a refund of any moneys overpaid to the institution  
 24 for the program. The department may suspend or revoke an  
 25 institution's eligibility to receive future moneys for the  
 26 program if the department finds that an institution has not  
 27 complied with this section. The institution must remit within  
 28 60 days any refund requested in accordance with this  
 29 subsection.

30       (6) A student enrolled in 6 to 8 semester credit hours  
 31 may receive up to one-half of the maximum award; a student

1 enrolled in 9 to 11 credit hours may receive up to  
2 three-fourths of the maximum award; and a student enrolled in  
3 12 or more credit hours may receive up to the full award.

4 (7) A student may receive only one type of award from  
5 the Florida Bright Futures Scholarship Program at a time, but  
6 may transfer from one type of award to another through the  
7 renewal application process, if the student's eligibility  
8 status changes. However, a student is not eligible to transfer  
9 from a Florida Medallion Scholarship or a Florida Gold Seal  
10 Vocational Scholarship to a Florida Academic Scholarship. A  
11 student who receives an award from the program may also  
12 receive a federal family education loan or a federal direct  
13 loan, and the value of the award must be considered in the  
14 certification or calculation of the student's loan  
15 eligibility.

16 (8) If a recipient transfers from one eligible  
17 institution to another and continues to meet eligibility  
18 requirements, the award must be transferred with the student.

19 (9) A student may use an award for summer term  
20 enrollment if funds are available.

21 (10) Funds from any scholarship within the Florida  
22 Bright Futures Scholarship Program may not be used to pay for  
23 remedial or college-preparatory coursework.

24 Section 417. Section 1009.531, Florida Statutes, is  
25 created to read:

26 1009.531 Florida Bright Futures Scholarship Program;  
27 student eligibility requirements for initial awards.--

28 (1) To be eligible for an initial award from any of  
29 the three types of scholarships under the Florida Bright  
30 Futures Scholarship Program, a student must:

31 (a) Be a Florida resident as defined in s. 1009.40 and

1 rules of the State Board of Education.

2 (b) Earn a standard Florida high school diploma or its  
3 equivalent as described in s. 1003.43 or s. 1003.45 unless:

4 1. The student is enrolled full time in the early  
5 admission program of an eligible postsecondary education  
6 institution or completes a home education program according to  
7 s. 1002.41; or

8 2. The student earns a high school diploma from a  
9 non-Florida school while living with a parent or guardian who  
10 is on military or public service assignment away from Florida.

11 (c) Be accepted by and enroll in an eligible Florida  
12 public or independent postsecondary education institution.

13 (d) Be enrolled for at least 6 semester credit hours  
14 or the equivalent in quarter hours or clock hours.

15 (e) Not have been found guilty of, or plead nolo  
16 contendere to, a felony charge, unless the student has been  
17 granted clemency by the Governor and Cabinet sitting as the  
18 Executive Office of Clemency.

19 (f) Apply for a scholarship from the program by high  
20 school graduation.

21 (2) A student is eligible to accept an initial award  
22 for 3 years following high school graduation and to accept a  
23 renewal award for 7 years following high school graduation. A  
24 student who applies for an award by high school graduation and  
25 who meets all other eligibility requirements, but who does not  
26 accept his or her award, may reapply during subsequent  
27 application periods up to 3 years after high school  
28 graduation.

29 (3) For purposes of calculating the grade point  
30 average to be used in determining initial eligibility for a  
31 Florida Bright Futures scholarship, the department shall



1 assign additional weights to grades earned in the following  
2 courses:

3 (a) Courses identified in the course code directory as  
4 Advanced Placement, pre-International Baccalaureate, or  
5 International Baccalaureate.

6 (b) Courses designated as academic dual enrollment  
7 courses in the statewide course numbering system.

8  
9 The department may assign additional weights to courses, other  
10 than those described in paragraphs (a) and (b), that are  
11 identified by the Department of Education as containing  
12 rigorous academic curriculum and performance standards. The  
13 additional weight assigned to a course pursuant to this  
14 subsection shall not exceed 0.5 per course. The weighted  
15 system shall be developed and distributed to all high schools  
16 in the state prior to January 1, 1998. The department may  
17 determine a student's eligibility status during the senior  
18 year before graduation and may inform the student of the award  
19 at that time.

20 (4) A student who wishes to qualify for a particular  
21 award within the Florida Bright Futures Scholarship Program,  
22 but who does not meet all of the requirements for that level  
23 of award, may, nevertheless, receive the award if the  
24 principal of the student's school or the district  
25 superintendent verifies that the deficiency is caused by the  
26 fact that school district personnel provided inaccurate or  
27 incomplete information to the student. The school district  
28 must provide a means for the student to correct the  
29 deficiencies and the student must correct them, either by  
30 completing comparable work at the postsecondary institution or  
31 by completing a directed individualized study program

1 developed and administered by the school district. If the  
 2 student does not complete the requirements by December 31  
 3 immediately following high school graduation, the student is  
 4 ineligible to participate in the program.

5 Section 418. Section 1009.532, Florida Statutes, is  
 6 created to read:

7 1009.532 Florida Bright Futures Scholarship Program;  
 8 student eligibility requirements for renewal awards.--

9 (1) To be eligible to renew a scholarship from any of  
 10 the three types of scholarships under the Florida Bright  
 11 Futures Scholarship Program, a student must:

12 (a) Complete at least 12 semester credit hours or the  
 13 equivalent in the last academic year in which the student  
 14 earned a scholarship.

15 (b) Maintain the cumulative grade point average  
 16 required by the scholarship program, except that:

17 1. If a recipient's grades fall beneath the average  
 18 required to renew a Florida Academic Scholarship, but are  
 19 sufficient to renew a Florida Medallion Scholarship or a  
 20 Florida Gold Seal Vocational Scholarship, the Department of  
 21 Education may grant a renewal from one of those other  
 22 scholarship programs, if the student meets the renewal  
 23 eligibility requirements; or

24 2. If, at any time during the eligibility period, a  
 25 student's grades are insufficient to renew the scholarship,  
 26 the student may restore eligibility by improving the grade  
 27 point average to the required level. A student is eligible for  
 28 such a reinstatement only once. The Legislature encourages  
 29 education institutions to assist students to calculate whether  
 30 or not it is possible to raise the grade point average during  
 31 the summer term. If the institution determines that it is

1 possible, the education institution may so inform the  
 2 department, which may reserve the student's award if funds are  
 3 available. The renewal, however, must not be granted until the  
 4 student achieves the required cumulative grade point average.  
 5 If the summer term is not sufficient to raise the grade point  
 6 average to the required renewal level, the student's next  
 7 opportunity for renewal is the fall semester of the following  
 8 academic year.

9       (2) A student who is enrolled in a program that  
 10 terminates in an associate degree or a baccalaureate degree  
 11 may receive an award for a maximum of 110 percent of the  
 12 number of credit hours required to complete the program. A  
 13 student who is enrolled in a program that terminates in a  
 14 technical certificate may receive an award for a maximum of  
 15 110 percent of the credit hours or clock hours required to  
 16 complete the program up to 90 credit hours. A student who  
 17 transfers from one of these program levels to another becomes  
 18 eligible for the higher of the two credit hour limits.

19       Section 419. Section 1009.533, Florida Statutes, is  
 20 created to read:

21       1009.533 Florida Bright Futures Scholarship Program;  
 22 eligible postsecondary education institutions.--A student is  
 23 eligible for an award or the renewal of an award from the  
 24 Florida Bright Futures Scholarship Program if the student  
 25 meets the requirements for the program as described in this  
 26 act and is enrolled in a postsecondary education institution  
 27 that meets the description in any one of the following  
 28 subsections:

29       (1) A Florida public university, community college, or  
 30 technical center.

31       (2) An independent Florida college or university that

1 is accredited by an accrediting association whose standards  
2 are comparable to the minimum standards required to operate an  
3 institution at that level in Florida, as determined by rules  
4 of the Commission for Independent Education, and which has  
5 operated in the state for at least 3 years.

6 (3) An independent Florida postsecondary education  
7 institution that is licensed by the Commission for Independent  
8 Education and that:

- 9 (a) Is authorized to grant degrees;
- 10 (b) Shows evidence of sound financial condition; and
- 11 (c) Has operated in the state for at least 3 years  
12 without having its approval, accreditation, or license placed  
13 on probation.

14 (4) A Florida independent postsecondary education  
15 institution that offers a nursing diploma approved by the  
16 Board of Nursing.

17 (5) A Florida independent postsecondary education  
18 institution that is licensed by the Commission for Independent  
19 Education and which:

- 20 (a) Is authorized to award certificates, diplomas, or  
21 credentials other than degrees;
- 22 (b) Has a program completion and placement rate of at  
23 least the rate required by the current Florida Statutes, the  
24 Florida Administrative Code, or the Department of Education  
25 for an institution at its level; and
- 26 (c) Shows evidence of sound financial condition; and  
27 either:

28 1. Is accredited at the institutional level by an  
29 accrediting agency recognized by the United States Department  
30 of Education and has operated in the state for at least 3  
31 years during which there has been no complaint for which

1 probable cause has been found; or

2 2. Has operated in Florida for 5 years during which  
3 there has been no complaint for which probable cause has been  
4 found.

5 Section 420. Section 1009.534, Florida Statutes, is  
6 created to read:

7 1009.534 Florida Academic Scholars award.--

8 (1) A student is eligible for a Florida Academic  
9 Scholars award if the student meets the general eligibility  
10 requirements for the Florida Bright Futures Scholarship  
11 Program and the student:

12 (a) Has achieved a 3.5 weighted grade point average as  
13 calculated pursuant to s. 1009.531, or its equivalent, in high  
14 school courses that are designated by the State Board of  
15 Education as college-preparatory academic courses; and has  
16 attained at least the score identified by rules of the State  
17 Board of Education on the combined verbal and quantitative  
18 parts of the Scholastic Aptitude Test, the Scholastic  
19 Assessment Test, or the recentered Scholastic Assessment Test  
20 of the College Entrance Examination, or an equivalent score on  
21 the American College Testing Program; or

22 (b) Has attended a home education program according to  
23 s. 1002.41 during grades 11 and 12 or has completed the  
24 International Baccalaureate curriculum but failed to earn the  
25 International Baccalaureate Diploma, and has attained at least  
26 the score identified by rules of the Department of Education  
27 on the combined verbal and quantitative parts of the  
28 Scholastic Aptitude Test, the Scholastic Assessment Test, or  
29 the recentered Scholastic Assessment Test of the College  
30 Entrance Examination, or an equivalent score on the American  
31 College Testing Program; or

1           (c) Has been awarded an International Baccalaureate  
2 Diploma from the International Baccalaureate Office; or

3           (d) Has been recognized by the merit or achievement  
4 programs of the National Merit Scholarship Corporation as a  
5 scholar or finalist; or

6           (e) Has been recognized by the National Hispanic  
7 Recognition Program as a scholar recipient.

8  
9 A student must complete a program of community service work,  
10 as approved by the district school board or the administrators  
11 of a nonpublic school, which shall include a minimum of 75  
12 hours of service work and require the student to identify a  
13 social problem that interests him or her, develop a plan for  
14 his or her personal involvement in addressing the problem,  
15 and, through papers or other presentations, evaluate and  
16 reflect upon his or her experience.

17           (2) A Florida Academic Scholar who is enrolled in a  
18 public postsecondary education institution is eligible for an  
19 award equal to the amount required to pay tuition, fees, and  
20 \$600 for college-related expenses annually. A student who is  
21 enrolled in a nonpublic postsecondary education institution is  
22 eligible for an award equal to the amount that would be  
23 required to pay for the average tuition and fees of a public  
24 postsecondary education institution at the comparable level,  
25 plus the annual \$600.

26           (3) To be eligible for a renewal award as a Florida  
27 Academic Scholar, a student must maintain the equivalent of a  
28 cumulative grade point average of 3.0 on a 4.0 scale with an  
29 opportunity for one reinstatement as provided in this chapter.

30           (4) In each school district, the Florida Academic  
31 Scholar with the highest academic ranking shall receive an

1 additional award of \$1,500 for college-related expenses. This  
2 award must be funded from the Florida Bright Futures  
3 Scholarship Program.

4 Section 421. Section 1009.535, Florida Statutes, is  
5 created to read:

6 1009.535 Florida Medallion Scholars award.--

7 (1) A student is eligible for a Florida Medallion  
8 Scholars award if the student meets the general eligibility  
9 requirements for the Florida Bright Futures Scholarship  
10 Program and the student:

11 (a) Has achieved a weighted grade point average of 3.0  
12 as calculated pursuant to s. 1009.531, or the equivalent, in  
13 high school courses that are designated by the State Board of  
14 Education as college-preparatory academic courses; and has  
15 attained at least the score identified by rules of the State  
16 Board of Education on the combined verbal and quantitative  
17 parts of the Scholastic Aptitude Test, the Scholastic  
18 Assessment Test, or the recentered Scholastic Assessment Test  
19 of the College Entrance Examination, or an equivalent score on  
20 the American College Testing Program; or

21 (b) Has attended a home education program according to  
22 s. 1002.41 during grades 11 and 12 or has completed the  
23 International Baccalaureate curriculum but failed to earn the  
24 International Baccalaureate Diploma, and has attained at least  
25 the score identified by rules of the Department of Education  
26 on the combined verbal and quantitative parts of the  
27 Scholastic Aptitude Test, the Scholastic Assessment Test, or  
28 the recentered Scholastic Assessment Test of the College  
29 Entrance Examination, or an equivalent score on the American  
30 College Testing Program; or

31 (c) Has been recognized by the merit or achievement

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1 program of the National Merit Scholarship Corporation as a  
2 scholar or finalist but has not completed a program of  
3 community service as provided in s. 1009.534; or

4 (d) Has been recognized by the National Hispanic  
5 Recognition Program as a scholar, but has not completed a  
6 program of community service as provided in s. 1009.534.

7 (2) A Florida Medallion Scholar is eligible for an  
8 award equal to the amount required to pay 75 percent of  
9 tuition and fees, if the student is enrolled in a public  
10 postsecondary education institution. A student who is enrolled  
11 in a nonpublic postsecondary education institution is eligible  
12 for an award equal to the amount that would be required to pay  
13 75 percent of the tuition and fees of a public postsecondary  
14 education institution at the comparable level.

15 (3) To be eligible for a renewal award as a Florida  
16 Medallion Scholar, a student must maintain the equivalent of a  
17 cumulative grade point average of 2.75 on a 4.0 scale with an  
18 opportunity for reinstatement one time as provided in this  
19 chapter.

20 Section 422. Section 1009.536, Florida Statutes, is  
21 created to read:

22 1009.536 Florida Gold Seal Vocational Scholars  
23 award.--The Florida Gold Seal Vocational Scholars award is  
24 created within the Florida Bright Futures Scholarship Program  
25 to recognize and reward academic achievement and career and  
26 technical preparation by high school students who wish to  
27 continue their education.

28 (1) A student is eligible for a Florida Gold Seal  
29 Vocational Scholars award if the student meets the general  
30 eligibility requirements for the Florida Bright Futures  
31 Scholarship Program and the student:



1           (a) Completes the secondary school portion of a  
 2 sequential program of studies that requires at least three  
 3 secondary school career and technical credits taken over at  
 4 least 2 academic years, and is continued in a planned, related  
 5 postsecondary education program. If the student's school does  
 6 not offer such a two-plus-two or tech-prep program, the  
 7 student must complete a job-preparatory career education  
 8 program selected by the Workforce Estimating Conference or  
 9 Workforce Florida, Inc., for its ability to provide high-wage  
 10 employment in an occupation with high potential for employment  
 11 opportunities. On-the-job training may not be substituted for  
 12 any of the three required career and technical credits.

13           (b) Demonstrates readiness for postsecondary education  
 14 by earning a passing score on the Florida College Entry Level  
 15 Placement Test or its equivalent as identified by the  
 16 Department of Education.

17           (c) Earns a minimum cumulative weighted grade point  
 18 average of 3.0, as calculated pursuant to s. 1009.531, on all  
 19 subjects required for a standard high school diploma,  
 20 excluding elective courses.

21           (d) Earns a minimum unweighted grade point average of  
 22 3.5 on a 4.0 scale for secondary career and technical courses  
 23 comprising the career and technical program.

24           (2) A Florida Gold Seal Vocational Scholar is eligible  
 25 for an award equal to the amount required to pay 75 percent of  
 26 tuition and fees, if the student is enrolled in a public  
 27 postsecondary education institution. A student who is enrolled  
 28 in a nonpublic postsecondary education institution is eligible  
 29 for an award equal to the amount that would be required to pay  
 30 75 percent of the tuition and mandatory fees of a public  
 31 postsecondary education institution at the comparable level.

1           (3) To be eligible for a renewal award as a Florida  
 2 Gold Seal Vocational Scholar, a student must maintain the  
 3 equivalent of a cumulative grade point average of 2.75 on a  
 4 4.0 scale with an opportunity for reinstatement one time as  
 5 provided in this chapter.

6           (4) A student may earn a Florida Gold Seal Vocational  
 7 Scholarship for 110 percent of the number of credit hours  
 8 required to complete the program, up to 90 credit hours or the  
 9 equivalent. A Florida Gold Seal Scholar who has a cumulative  
 10 grade point average of 2.75 in all postsecondary education  
 11 work attempted may apply for a Florida Medallion Scholars  
 12 award at any renewal period. All other provisions of that  
 13 program apply, and the credit-hour limitation must be  
 14 calculated by subtracting from the student's total eligibility  
 15 the number of credit hours the student attempted while earning  
 16 the Gold Seal Vocational Scholarship.

17           Section 423. Section 1009.537, Florida Statutes, is  
 18 created to read:

19           1009.537 Eligibility for the Florida Bright Futures  
 20 Scholarship Program; transition.--

21           (1) A student who graduates from high school in 1997  
 22 or earlier and who is eligible for the Florida Undergraduate  
 23 Scholar's Program pursuant to former s. 240.402 is eligible  
 24 for the Florida Academic Scholars award as provided in this  
 25 act. A student who graduates from high school in 1998 or 1999  
 26 is eligible for the Florida Academic Scholars award if the  
 27 student meets the criteria in s. 1009.534. However, in lieu of  
 28 satisfying the requirements set forth in s. 1009.534(1)(a), a  
 29 student may meet the following criteria:

30           (a) Complete a program of at least 24 credits in  
 31 advanced-level studies as prescribed by the State Board of

1 Education, including as a minimum:

2 1. Four years of progressively advanced instruction in  
3 language arts, including courses in English composition and  
4 literature.

5 2. Four years of progressively advanced instruction in  
6 science, including laboratory courses in biology, chemistry,  
7 and physics where laboratory facilities are available.

8 3. Four years of progressively advanced instruction in  
9 mathematics, including courses in algebra, geometry, and  
10 calculus or trigonometry.

11 4. Two years of sequential foreign language.

12 5. One year of instruction in art and music or in  
13 either art or music.

14 6. Three years of instruction in social studies,  
15 including courses in American history and government, world  
16 history, and comparative political and economic systems.

17 7. One year of instruction in health and physical  
18 education to include assessment, improvement, and maintenance  
19 of personal fitness.

20 (b) Obtain at least the equivalent of an unweighted  
21 grade point average of 3.0 on a 4.0 scale for all courses  
22 taken for which high school credit may be granted.

23 (c) Achieve a score of 1180 on the combined verbal and  
24 quantitative parts of the Scholastic Aptitude Test, the  
25 Scholastic Assessment Test, or the recentered Scholastic  
26 Assessment Test of the College Entrance Examination, or an  
27 equivalent score on the American College Testing Program or an  
28 equivalent program.

29 (d) Complete a program of community service work, as  
30 approved by the district school board or the administrators of  
31 a nonpublic school, which shall include a minimum of 75 hours

1 of service work and require the student to identify a social  
 2 problem that interests him or her, develop a plan for his or  
 3 her personal involvement in addressing the problem, and,  
 4 through papers or other presentations, evaluate and reflect  
 5 upon his or her experience.

6  
 7 Students who graduate from high school after 1999 must meet  
 8 the eligibility criteria pursuant to s. 1009.534.

9       (2) A student who graduates from high school in 1997  
 10 or earlier and who is eligible for the Florida Vocational Gold  
 11 Seal Endorsement Scholarship award pursuant to former s.  
 12 240.4021 is eligible for the Florida Gold Seal Vocational  
 13 Scholars award as provided in this act. A student who  
 14 graduates from high school in 1998 or 1999 is eligible for the  
 15 Florida Gold Seal Vocational Scholars award if the student  
 16 meets the criteria in s. 1009.536. However, in lieu of  
 17 satisfying the grade point average requirement set forth in s.  
 18 1009.536(1)(c), a student may earn a minimum cumulative  
 19 unweighted grade point average of 3.0 on a 4.0 scale on all  
 20 subjects required for a standard high school diploma. Students  
 21 who graduate from high school after 1999 must meet the  
 22 eligibility criteria pursuant to s. 1009.536.

23       (3) Effective for the 1997-1998 academic year, a  
 24 student is eligible for an initial award of a Florida Merit  
 25 Scholarship if the student:

26           (a)1. Is scheduled to graduate from high school in  
 27 1997;

28           2. Completes, or is enrolled in all courses required  
 29 to complete, the high school college-preparatory coursework  
 30 required in this act;

31           3. Achieves an unweighted grade point average of 3.0

1 on a 4.0 scale, or the equivalent, in high school courses that  
2 are adopted by the Board of Regents and recommended by the  
3 State Board of Community Colleges as college-preparatory  
4 academic courses; and

5 4. Earns a score of 970 or above on the combined  
6 verbal and quantitative parts of the recentered Scholastic  
7 Assessment Test of the College Entrance Examination, or an  
8 equivalent score on the American College Testing Program; or

9 (b) Has completed a college-preparatory curriculum in  
10 1997 through an approved home school program and has attained  
11 a score of 970 on the combined verbal and quantitative parts  
12 of the recentered Scholastic Assessment Test of the College  
13 Entrance Examination, or an equivalent score on the American  
14 College Testing Program. Eligibility shall be determined in  
15 the same manner as for public school students. For students  
16 whose parents are unable to document a college-preparatory  
17 curriculum, a score of 1070 on the SAT, or equivalent score on  
18 the ACT, shall be required for award eligibility.

19 Section 424. Section 1009.538, Florida Statutes, is  
20 created to read:

21 1009.538 Bright Futures Scholarship recipients  
22 attending nonpublic institutions; calculation of  
23 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and  
24 1009.536, a student who receives any award under the Florida  
25 Bright Futures Scholarship Program, who is enrolled in a  
26 nonpublic postsecondary education institution, and who is  
27 assessed tuition and fees that are the same as those of a  
28 full-time student at that institution, shall receive a fixed  
29 award calculated by using the average tuition and fee  
30 calculation as prescribed by the Department of Education for  
31 full-time attendance at a public postsecondary education

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1 institution at the comparable level. If the student is  
2 enrolled part-time and is assessed tuition and fees at a  
3 reduced level, the award shall be either one-half of the  
4 maximum award or three-fourths of the maximum award, depending  
5 on the level of fees assessed.

6 Section 1009.5385, Florida Statutes, is created to  
7 read:

8 1009.5385 Use of certain scholarship funds by children  
9 of deceased or disabled veterans.--The criteria for the use of  
10 scholarship funds which apply to students under the Florida  
11 Bright Futures Scholarship Program shall also apply to the  
12 children of deceased or disabled veterans who receive  
13 scholarships under chapter 295.

14 Section 425. Section 1009.539, Florida Statutes, is  
15 created to read:

16 1009.539 Florida Bright Futures Scholarship Testing  
17 Program.--

18 (1) The State Board of Education shall identify the  
19 minimum scores, maximum credit, and course or courses for  
20 which credit is to be awarded for each College Level  
21 Examination Program (CLEP) general examination, CLEP subject  
22 examination, College Board Advanced Placement Program  
23 examination, and International Baccalaureate examination. In  
24 addition, the State Board of Education shall identify such  
25 courses in the general education core curriculum of each state  
26 university and community college.

27 (2) Each community college and state university must  
28 award credit for specific courses for which competency has  
29 been demonstrated by successful passage of one of these  
30 examinations unless the award of credit duplicates credit  
31 already awarded. Community colleges and universities may not

1 exempt students from courses without the award of credit if  
2 competencies have been so demonstrated.

3 (3) Students eligible for a Florida Academic Scholars  
4 award or a Florida Medallion Scholars award who are admitted  
5 to and enroll in a community college or state university  
6 shall, prior to registering for courses that may be earned  
7 through a CLEP examination and no later than registration for  
8 their second term, complete at least five examinations from  
9 those specified in subsection (1) in the following areas:  
10 English; humanities; mathematics; natural sciences; and social  
11 sciences. Successful completion of dual enrollment courses,  
12 Advanced Placement examinations, and International  
13 Baccalaureate examinations taken prior to high school  
14 graduation satisfy this requirement. The State Board of  
15 Education shall identify the examinations that satisfy each  
16 component of this requirement.

17 (4) Each community college and state university shall  
18 pay for the CLEP examinations required pursuant to this  
19 section from the funds appropriated from the Educational  
20 Enhancement Trust Fund. Institutions shall pay no more than  
21 \$46 per examination for the program, which shall include  
22 access to a student guide to prepare for the test. The  
23 Department of Education shall negotiate with the College Board  
24 for a reduced rate for the examinations. The institution shall  
25 not charge the student for preparation and administration of  
26 the test, access to a student guide to prepare for the test,  
27 or recordkeeping and reporting of each student's test results  
28 to the department.

29 (5) The credit awarded pursuant to this section shall  
30 apply toward the 120 hours of college credit required pursuant  
31 to s. 1007.25(7).

1           (6) The Department of Education shall track and  
 2 annually report on the effectiveness of the program, and  
 3 include information on the number of students participating in  
 4 the program; the CLEP examinations taken and the passage rate  
 5 of Florida Academic Scholars and Florida Medallion Scholars  
 6 award recipients; the use of Advanced Placement and  
 7 International Baccalaureate examinations and dual enrollment  
 8 courses to satisfy the requirements of the program; and the  
 9 course credit provided.

10           Section 426. Section 1009.54, Florida Statutes, is  
 11 created to read:

12           1009.54 Critical Teacher Shortage Program.--There is  
 13 created the Critical Teacher Shortage Program. Funds  
 14 appropriated by the Legislature for the program shall be  
 15 deposited in the State Student Financial Assistance Trust  
 16 Fund. The Comptroller shall authorize expenditures from the  
 17 trust fund upon receipt of vouchers approved by the Department  
 18 of Education for the critical teacher shortage programs  
 19 established in s. 1009.57, s. 1009.58, or s. 1009.59. The  
 20 Comptroller shall also authorize expenditures from the trust  
 21 fund for the "Chappie" James Most Promising Teacher  
 22 Scholarship Loan Program and the Critical Teacher Shortage  
 23 Scholarship Loan Program recipients who participated in these  
 24 programs prior to July 1, 1993, provided that such students  
 25 continue to meet the renewal eligibility requirements that  
 26 were in effect at the time that their original awards were  
 27 made. Students who participated in the "Chappie" James Most  
 28 Promising Teacher Scholarship Loan Program prior to July 1,  
 29 1993, shall not have their awards reduced as a result of the  
 30 addition of new students to the program. All scholarship loan  
 31 repayments pursuant to s. 1009.57 shall be deposited into the



1 State Student Financial Assistance Trust Fund. Any remaining  
 2 balance at the end of any fiscal year that has been allocated  
 3 to the program shall remain in the trust fund and be available  
 4 for the individual programs in future years.

5 Section 427. Section 1009.55, Florida Statutes, is  
 6 created to read:

7 1009.55 Rosewood Family Scholarship Program.--

8 (1) There is created a Rosewood Family Scholarship  
 9 Program for minority persons with preference given to the  
 10 direct descendants of the Rosewood families, not to exceed 25  
 11 scholarships per year. Funds appropriated by the Legislature  
 12 for the program shall be deposited in the State Student  
 13 Financial Assistance Trust Fund.

14 (2) The Rosewood Family Scholarship Program shall be  
 15 administered by the Department of Education. The State Board  
 16 of Education shall adopt rules for administering this program  
 17 which shall at a minimum provide for the following:

18 (a) The annual award to a student shall be up to  
 19 \$4,000 but should not exceed an amount in excess of tuition  
 20 and registration fees.

21 (b) If funds are insufficient to provide a full  
 22 scholarship to each eligible applicant, the department may  
 23 prorate available funds and make a partial award to each  
 24 eligible applicant.

25 (c) The department shall rank eligible initial  
 26 applicants for the purposes of awarding scholarships with  
 27 preference being given to the direct descendants of the  
 28 Rosewood families. The remaining applicants shall be ranked  
 29 based on need as determined by the Department of Education.

30 (d) Payment of an award shall be transmitted in  
 31 advance of the registration period each semester on behalf of

1 the student to the president of the university or community  
2 college, or his or her representative, or to the director of  
3 the technical school which the recipient is attending.

4 (3) Beginning with the 1994-1995 academic year, the  
5 department is authorized to make awards for undergraduate  
6 study to students who:

7 (a) Meet the general requirements for student  
8 eligibility as provided in s. 1009.40, except as otherwise  
9 provided in this section.

10 (b) File an application for the scholarship within the  
11 established time limits.

12 (c) Enroll as certificate-seeking or degree-seeking  
13 students at a state university, community college, or  
14 technical school authorized by law.

15 Section 428. Section 1009.56, Florida Statutes, is  
16 created to read:

17 1009.56 Seminole and Miccosukee Indian Scholarships.--

18 (1) There is created a Seminole and Miccosukee Indian  
19 Scholarship Program to be administered by the Department of  
20 Education in accordance with rules established by the State  
21 Board of Education. The Seminole Tribe of Florida and the  
22 Miccosukee Tribe of Indians of Florida shall act in an  
23 advisory capacity in the development of the rules.

24 (2) The department shall award scholarships to  
25 students who:

26 (a) Have graduated from high school, have earned an  
27 equivalency diploma issued by the Department of Education  
28 pursuant to s. 1003.435, have earned an equivalency diploma  
29 issued by the United States Armed Forces Institute, or have  
30 been accepted through an early admission program;

31 (b) Are enrolled at a state university or community

1 college authorized by Florida law; a nursing diploma school  
 2 approved by the Board of Nursing; any Florida college,  
 3 university, or community college which is accredited by an  
 4 accrediting association whose standards are comparable to the  
 5 minimum standards required to operate an institution at that  
 6 level in Florida, as determined by rules of the Commission for  
 7 Independent Education; or any Florida institution the credits  
 8 of which are acceptable for transfer to state universities;

9 (c) Are enrolled as either full-time or part-time  
 10 undergraduate or graduate students and make satisfactory  
 11 academic progress as defined by the college or university;

12 (d) Have been recommended by the Seminole Tribe of  
 13 Florida or the Miccosukee Tribe of Indians of Florida; and

14 (e) Meet the general requirements for student  
 15 eligibility as provided in s. 1009.40, except as otherwise  
 16 provided in this section.

17 (3) Recommendation by the Seminole Tribe of Florida or  
 18 the Miccosukee Tribe of Indians of Florida shall:

19 (a) Be based upon established standards of financial  
 20 need as determined by the respective tribe and the department;

21 (b) Be based upon such other eligibility requirements  
 22 for student financial assistance as are adopted by the  
 23 respective tribe; and

24 (c) Include certification of membership or eligibility  
 25 for membership in the Seminole Tribe of Florida or the  
 26 Miccosukee Tribe of Indians of Florida.

27 (4) The amount of the scholarship shall be determined  
 28 by the Seminole Tribe of Florida or the Miccosukee Tribe of  
 29 Indians of Florida, for its respective applicants, within the  
 30 amount of funds appropriated for this purpose. The amount  
 31 shall be prorated accordingly for part-time students. At the

1 beginning of each semester or quarter, the department shall  
 2 certify the name of each scholarship holder eligible to  
 3 receive funds for that registration period to the Comptroller,  
 4 who shall draw a warrant in favor of each scholarship  
 5 recipient. Each recipient shall be eligible to have the  
 6 scholarship renewed from year to year, provided all academic  
 7 and other requirements of the college or university and rules  
 8 established by the State Board of Education are met.

9       (5) The Commissioner of Education shall include  
 10 amounts sufficient for continuation of this program in the  
 11 legislative budget requests of the department.

12       (6) Funds appropriated by the Legislature for the  
 13 program shall be deposited in the State Student Financial  
 14 Assistance Trust Fund.

15       Section 429. Section 1009.57, Florida Statutes, is  
 16 created to read:

17       1009.57 Florida Teacher Scholarship and Forgivable  
 18 Loan Program.--

19       (1) There is created the Florida Teacher Scholarship  
 20 and Forgivable Loan Program to be administered by the  
 21 Department of Education. The program shall provide scholarship  
 22 assistance to eligible students for lower-division  
 23 undergraduate study and loan assistance to eligible students  
 24 for upper-division undergraduate and graduate study. The  
 25 primary purpose of the program is to attract capable and  
 26 promising students to the teaching profession, attract  
 27 teachers to areas of projected or current critical teacher  
 28 shortage, attract liberal arts and science graduates to  
 29 teaching, and provide opportunity for persons making midcareer  
 30 decisions to enter the teaching profession. The State Board  
 31 of Education shall adopt rules necessary to administer the

1 program and shall annually identify critical teacher shortage  
2 areas.

3 (2) Within the Florida Teacher Scholarship and  
4 Forgivable Loan Program shall be established the "Chappie"  
5 James Most Promising Teacher Scholarship which shall be  
6 offered to a top graduating senior from each public secondary  
7 school in the state. An additional number of "Chappie" James  
8 Most Promising Teacher Scholarship awards shall be offered  
9 annually to graduating seniors from private secondary schools  
10 in the state which are listed with the Department of Education  
11 and accredited by the Southern Association of Colleges and  
12 Schools or any other private statewide accrediting agency  
13 which makes public its standards, procedures, and member  
14 schools. The private secondary schools shall be in compliance  
15 with regulations of the Office for Civil Rights. The number  
16 of awards to private secondary school students shall be  
17 proportional to the number of awards available to public  
18 secondary school students and shall be calculated as the ratio  
19 of the number of private to public secondary school seniors in  
20 the state multiplied by the number of public secondary schools  
21 in the state.

22 (a) The scholarship may be used for attendance at a  
23 state university, a community college, or an independent  
24 institution as defined in s. 1009.89.

25 (b) The amount of the scholarship is \$1,500 and may be  
26 renewed for 1 year if the student earns a 2.5 cumulative grade  
27 point average and 12 credit hours per term and meets the  
28 eligibility requirements for renewal of the award.

29 (c) To be eligible for the scholarship, a student  
30 shall: be ranked within the top quartile of the senior class;  
31 have been an active member of a high school future teacher

1 organization, if such organization exists in the student's  
 2 school; have earned a minimum unweighted cumulative grade  
 3 point average of 3.0 on a 4.0 scale; file an application  
 4 within the application period; meet the general requirements  
 5 for student eligibility as provided in s. 1009.40, except as  
 6 otherwise provided in this section; and have the intent to  
 7 enter the public teaching profession in Florida.

8 (d) Three candidates from each public secondary school  
 9 and one candidate from each nonpublic secondary school in the  
 10 state shall be nominated by the principal and a committee of  
 11 teachers, based on criteria which shall include, but need not  
 12 be limited to, rank in class, standardized test scores,  
 13 cumulative grade point average, extracurricular activities,  
 14 letters of recommendation, an essay, and a declaration of  
 15 intention to teach in a public school in the state.

16 (e) From public secondary school nominees, the  
 17 Commissioner of Education shall select a graduating senior  
 18 from each public high school to receive a scholarship.  
 19 Selection of recipients from nonpublic secondary schools shall  
 20 be made by a committee appointed by the Commissioner of  
 21 Education comprised of representatives from nonpublic  
 22 secondary schools and the Department of Education.

23 (f) Fifteen percent of scholarships awarded shall be  
 24 to minority students. However, in the event that fewer than  
 25 15 percent of the total eligible nominees are minority  
 26 students, the commissioner may allocate all award funds as  
 27 long as a scholarship is reserved for each eligible minority  
 28 nominee.

29 (3)(a) Within the Florida Teacher Scholarship and  
 30 Forgivable Loan Program shall be established the Florida  
 31 Critical Teacher Shortage Forgivable Loan Program which shall

1 make undergraduate and graduate forgivable loans available to  
2 eligible students entering programs of study that lead to a  
3 degree in a teaching program in a critical teacher shortage  
4 area. To be eligible for a program loan, a candidate shall:

5 1. Be a full-time student at the upper-division  
6 undergraduate or graduate level in a teacher training program  
7 approved by the department pursuant to s. 1004.04 leading to  
8 certification in a critical teacher shortage subject area.

9 2. Have declared an intent to teach, for at least the  
10 number of years for which a forgivable loan is received, in  
11 publicly funded elementary or secondary schools of Florida in  
12 a critical teacher shortage area identified by the State Board  
13 of Education. For purposes of this subsection, a school is  
14 publicly funded if it receives at least 75 percent of its  
15 operating costs from governmental agencies and operates its  
16 educational program under contract with a public school  
17 district or the Department of Education.

18 3. Meet the general requirements for student  
19 eligibility as provided in s. 1009.40, except as otherwise  
20 provided in this section.

21 4. If applying for an undergraduate forgivable loan,  
22 have maintained a minimum cumulative grade point average of  
23 2.5 on a 4.0 scale for all undergraduate work. Renewal  
24 applicants for undergraduate loans shall maintain a minimum  
25 cumulative grade point average of at least a 2.5 on a 4.0  
26 scale for all undergraduate work and have earned at least 12  
27 semester credits per term, or the equivalent.

28 5. If applying for a graduate forgivable loan, have  
29 maintained an undergraduate cumulative grade point average of  
30 at least a 3.0 on a 4.0 scale or have attained a Graduate  
31 Record Examination score of at least 1,000. Renewal applicants

1 for graduate loans shall maintain a minimum cumulative grade  
2 point average of at least a 3.0 on a 4.0 scale for all  
3 graduate work and have earned at least 9 semester credits per  
4 term, or the equivalent.

5 (b) An undergraduate forgivable loan may be awarded  
6 for 2 undergraduate years, not to exceed \$4,000 per year, or  
7 for a maximum of 3 years for programs requiring a fifth year  
8 of instruction to obtain initial teaching certification.

9 (c) A graduate forgivable loan may be awarded for 2  
10 graduate years, not to exceed \$8,000 per year. In addition to  
11 meeting criteria specified in paragraph (a), a loan recipient  
12 at the graduate level shall:

13 1. Hold a bachelor's degree from any college or  
14 university accredited by a regional accrediting association as  
15 defined by State Board of Education rule.

16 2. Not already hold a teaching certificate resulting  
17 from an undergraduate degree in education in an area of  
18 critical teacher shortage as designated by the State Board of  
19 Education.

20 3. Not have received an undergraduate forgivable loan  
21 as provided for in paragraph (b).

22 (d) Recipients of the Paul Douglas Teacher Scholarship  
23 Loan Program as authorized under title IV, part D, subpart 1  
24 of the Higher Education Act of 1965, as amended, shall not be  
25 eligible to participate in the Florida Critical Teacher  
26 Shortage Forgivable Loan Program.

27 (e) The State Board of Education shall adopt by rule  
28 repayment schedules and applicable interest rates under ss.  
29 1009.82 and 1009.95. A forgivable loan must be repaid within  
30 10 years of completion of a program of studies.

31 1. Credit for repayment of an undergraduate or



1 graduate forgivable loan shall be in an amount not to exceed  
 2 \$4,000 in loan principal plus applicable accrued interest for  
 3 each full year of eligible teaching service. However, credit  
 4 in an amount not to exceed \$8,000 in loan principal plus  
 5 applicable accrued interest shall be given for each full year  
 6 of eligible teaching service completed at a high-density,  
 7 low-economic urban school or at a low-density, low-economic  
 8 rural school, as identified by the State Board of Education.

9       2. Any forgivable loan recipient who fails to teach in  
 10 a publicly funded elementary or secondary school in this state  
 11 as specified in this subsection is responsible for repaying  
 12 the loan plus accrued interest at 8 percent annually.

13       3. Forgivable loan recipients may receive loan  
 14 repayment credit for teaching service rendered at any time  
 15 during the scheduled repayment period. However, such repayment  
 16 credit shall be applicable only to the current principal and  
 17 accrued interest balance that remains at the time the  
 18 repayment credit is earned. No loan recipient shall be  
 19 reimbursed for previous cash payments of principal and  
 20 interest.

21       (f) Funds appropriated by the Legislature for the  
 22 program shall be deposited in the State Student Financial  
 23 Assistance Trust Fund.

24       Section 430. Section 1009.58, Florida Statutes, is  
 25 created to read:

26       1009.58 Critical teacher shortage tuition  
 27 reimbursement program.--

28       (1) A critical teacher shortage tuition reimbursement  
 29 program shall be established for the purpose of improving the  
 30 skills and knowledge of current teachers or persons preparing  
 31 to teach in critical teacher shortage areas.

1           (2) The State Board of Education shall adopt rules to  
 2 implement the critical teacher shortage tuition reimbursement  
 3 program. Any full-time public school employee or  
 4 developmental research school employee certified to teach in  
 5 this state is eligible for the program. For the purposes of  
 6 this program, tuition reimbursement shall be limited to  
 7 courses in critical teacher shortage areas as determined by  
 8 the State Board of Education. Such courses shall be:

9           (a) Graduate-level courses leading to a master's,  
 10 specialist, or doctoral degree;

11           (b) Graduate-level courses leading to a new  
 12 certification area; or

13           (c) State-approved undergraduate courses leading to an  
 14 advanced degree or new certification area.

15           (3) Participants may receive tuition reimbursement  
 16 payments for up to 9 semester hours, or the equivalent in  
 17 quarter hours, per year, at a rate not to exceed \$78 per  
 18 semester hour, up to a total of 36 semester hours. All tuition  
 19 reimbursements shall be contingent on passing an approved  
 20 course with a minimum grade of 3.0 or its equivalent.

21           (4) This section shall be implemented only to the  
 22 extent specifically funded and authorized by law.

23           Section 431. Section 1009.59, Florida Statutes, is  
 24 created to read:

25           1009.59 Critical Teacher Shortage Student Loan  
 26 Forgiveness Program.--

27           (1) The Critical Teacher Shortage Student Loan  
 28 Forgiveness Program is established to encourage qualified  
 29 personnel to seek employment in subject areas in which  
 30 critical teacher shortages exist, as identified annually by  
 31 the State Board of Education. The primary function of the

1 program is to make repayments towards loans received by  
 2 students from federal programs or commercial lending  
 3 institutions for the support of postsecondary education study.  
 4 Repayments are intended to be made to qualified applicants who  
 5 begin teaching for the first time in designated subject areas,  
 6 and who apply during their first year of teaching as certified  
 7 teachers in these subject areas.

8       (2) From the funds available, the Department of  
 9 Education may make loan principal repayments as follows:

10       (a) Up to \$2,500 a year for up to 4 years on behalf of  
 11 selected graduates of state-approved undergraduate  
 12 postsecondary teacher preparation programs, persons certified  
 13 to teach pursuant to any applicable teacher certification  
 14 requirements, or selected teacher preparation graduates from  
 15 any state participating in the Interstate Agreement on the  
 16 Qualification of Educational Personnel.

17       (b) Up to \$5,000 a year for up to 2 years on behalf of  
 18 selected graduates of state-approved graduate postsecondary  
 19 teacher preparation programs, persons with graduate degrees  
 20 certified to teach pursuant to any applicable teacher  
 21 certification requirements, or selected teacher preparation  
 22 graduates from any state participating in the Interstate  
 23 Agreement on the Qualification of Educational Personnel.

24       (c) All repayments shall be contingent on continued  
 25 proof of employment in the designated subject areas in this  
 26 state and shall be made directly to the holder of the loan.  
 27 The state shall not bear responsibility for the collection of  
 28 any interest charges or other remaining balance. In the event  
 29 that designated critical teacher shortage subject areas are  
 30 changed by the State Board of Education, a teacher shall  
 31 continue to be eligible for loan forgiveness as long as he or

1 she continues to teach in the subject area for which the  
2 original loan repayment was made and otherwise meets all  
3 conditions of eligibility.

4 (3) Students receiving a scholarship loan or a  
5 fellowship loan are not eligible to participate in the  
6 Critical Teacher Shortage Student Loan Forgiveness Program.

7 (4) The State Board of Education may adopt rules  
8 pursuant to ss. 120.536(1) and 120.54, necessary for the  
9 administration of this program.

10 (5) This section shall be implemented only to the  
11 extent as specifically funded and authorized by law.

12 Section 432. Section 1009.60, Florida Statutes, is  
13 created to read:

14 1009.60 Minority teacher education scholars  
15 program.--There is created the minority teacher education  
16 scholars program, which is a collaborative performance-based  
17 scholarship program for African-American, Hispanic-American,  
18 Asian-American, and Native American students. The participants  
19 in the program include Florida's community colleges and its  
20 public and private universities that have teacher education  
21 programs.

22 (1) The minority teacher education scholars program  
23 shall provide an annual scholarship of \$4,000 for each  
24 approved minority teacher education scholar who is enrolled in  
25 one of Florida's public or private universities in the junior  
26 year and is admitted into a teacher education program.

27 (2) To assist each participating education institution  
28 in the recruitment and retention of minority teacher scholars,  
29 the administrators of the Florida Fund for Minority Teachers,  
30 Inc., shall implement a systemwide training program. The  
31 training program must include an annual conference or series

1 of conferences for students who are in the program or who are  
 2 identified by a high school or a community college as likely  
 3 candidates for the program. The training program must also  
 4 include research about and dissemination concerning successful  
 5 activities or programs that recruit minority students for  
 6 teacher education and retain them through graduation,  
 7 certification, and employment. Staff employed by the  
 8 corporation may work with each participating education  
 9 institution to assure that local faculty and administrators  
 10 receive the benefit of all available research and resources to  
 11 increase retention of their minority teacher education  
 12 scholars.

13 (3) The total amount appropriated annually for new  
 14 scholarships in the program must be divided by \$4,000 and by  
 15 the number of participating colleges and universities. Each  
 16 participating institution has access to the same number of  
 17 scholarships and may award all of them to eligible minority  
 18 students. If a college or university does not award all of its  
 19 scholarships by the date set by the program administration at  
 20 the Florida Fund for Minority Teachers, Inc., the remaining  
 21 scholarships must be transferred to another institution that  
 22 has eligible students.

23 (4) A student may receive a scholarship from the  
 24 program for 3 consecutive years if the student remains  
 25 enrolled full-time in the program and makes satisfactory  
 26 progress toward a baccalaureate degree with a major in  
 27 education.

28 (5) If a minority teacher education scholar graduates  
 29 and is employed as a teacher by a Florida district school  
 30 board, the scholar is not required to repay the scholarship  
 31 amount so long as the scholar teaches in a Florida public

1 school. A scholar may repay the entire scholarship amount by  
2 remaining employed as a Florida public school teacher for 1  
3 year for each year he or she received the scholarship.

4 (6) If a minority teacher education scholar does not  
5 graduate within 3 years, or if the scholar graduates but does  
6 not teach in a Florida public school, the scholar must repay  
7 the total amount awarded, plus annual interest of 8 percent.

8 (a) Interest begins accruing the first day of the 13th  
9 month after the month in which the recipient completes an  
10 approved teacher education program or after the month in which  
11 enrollment as a full-time student is terminated. Interest does  
12 not accrue during any period of deferment or eligible teaching  
13 service.

14 (b) The repayment period begins the first day of the  
15 13th month after the month in which the recipient completes an  
16 approved teacher education program or after the month in which  
17 enrollment as a full-time student is terminated.

18 (c) The terms and conditions of the scholarship  
19 repayment must be contained in a promissory note and a  
20 repayment schedule. The loan must be paid within 10 years  
21 after the date of graduation or termination of full-time  
22 enrollment, including any periods of deferment. A shorter  
23 repayment period may be granted. The minimum monthly repayment  
24 is \$50 or the unpaid balance, unless otherwise approved,  
25 except that the monthly payment may not be less than the  
26 accruing interest. The recipient may prepay any part of the  
27 scholarship without penalty.

28 (d) The holder of the promissory note may grant a  
29 deferment of repayment for a recipient who is a full-time  
30 student, who is unable to secure a teaching position that  
31 would qualify as repayment, who becomes disabled, or who

1 experiences other hardships. Such a deferment may be granted  
2 for a total of 24 months.

3 (e) If a student defaults on the scholarship, the  
4 entire unpaid balance, including interest accrued, becomes due  
5 and payable at the option of the holder of the promissory  
6 note, or when the recipient is no longer able to pay or no  
7 longer intends to pay. The recipient is responsible for paying  
8 all reasonable attorney's fees and other costs and charges  
9 necessary for administration of the collection process.

10 Section 433. Section 1009.605, Florida Statutes, is  
11 created to read:

12 1009.605 Florida Fund for Minority Teachers, Inc.--

13 (1) There is created the Florida Fund for Minority  
14 Teachers, Inc., which is a not-for-profit statutory  
15 corporation housed in the College of Education at the  
16 University of Florida. The corporation shall administer and  
17 manage the minority teacher education scholars program.

18 (2) The corporation shall submit an annual budget  
19 projection to the Department of Education to be included in  
20 the annual legislative budget request. The projection must be  
21 based on a 7-year plan that would be capable of awarding the  
22 following schedule of scholarships:

23 (a) In the initial year, 700 scholarships of \$4,000  
24 each to scholars in the junior year of college.

25 (b) In the second year, 350 scholarships to new  
26 scholars in their junior year and 700 renewal scholarships to  
27 the rising seniors.

28 (c) In each succeeding year, 350 scholarships to new  
29 scholars in the junior year and renewal scholarships to the  
30 350 rising seniors.

31 (3) A board of directors shall administer the

1 corporation. The Governor shall appoint to the board at least  
 2 15 but not more than 25 members, who shall serve terms of 3  
 3 years, except that 4 of the initial members shall serve 1-year  
 4 terms and 4 shall serve 2-year terms. At least 4 members must  
 5 be employed by public community colleges and at least 11  
 6 members must be employed by public or private postsecondary  
 7 institutions that operate colleges of education. At least one  
 8 member must be a financial aid officer employed by a  
 9 postsecondary education institution operating in Florida.  
 10 Administrative costs for support of the Board of Directors and  
 11 the Florida Fund for Minority Teachers may not exceed 5  
 12 percent of funds allocated for the program. The board shall:

- 13 (a) Hold meetings to implement this section.
- 14 (b) Select a chairperson annually.
- 15 (c) Make rules for its own government.
- 16 (d) Appoint an executive director to serve at its  
 17 pleasure. The executive director shall be the chief  
 18 administrative officer and agent of the board.
- 19 (e) Maintain a record of its proceedings.
- 20 (f) Delegate to the chairperson the responsibility for  
 21 signing final orders.
- 22 (g) Carry out the training program as required for the  
 23 minority teacher education scholars program. No more than 5  
 24 percent of the funds appropriated for the minority teacher  
 25 education scholars program may be expended for administration,  
 26 including administration of the required training program.

27 Section 434. Section 1009.61, Florida Statutes, is  
 28 created to read:

29 1009.61 Teacher/Quest Scholarship Program.--The  
 30 Teacher/Quest Scholarship Program is created for the purpose  
 31 of providing teachers with the opportunity to enhance their



1 knowledge of science, mathematics, and computer applications  
2 in business, industry, and government. A school district or  
3 developmental research school may propose that one or more  
4 teachers be granted a Teacher/Quest Scholarship by submitting  
5 to the Department of Education:

6 (1) A project proposal specifying activities a teacher  
7 will carry out to improve his or her:

8 (a) Understanding of mathematical, scientific, or  
9 computing concepts;

10 (b) Ability to apply and demonstrate such concepts  
11 through instruction;

12 (c) Knowledge of career and technical requirements for  
13 competency in mathematics, science, and computing; and

14 (d) Ability to integrate and apply technological  
15 concepts from all three fields; and

16 (2) A contractual agreement with a private corporation  
17 or governmental agency that implements the project proposal  
18 and guarantees employment to the teacher during a summer or  
19 other period when schools are out of session. The agreement  
20 must stipulate a salary rate that does not exceed regular  
21 rates of pay and a gross salary amount consistent with  
22 applicable statutory and contractual provisions for the  
23 teacher's employment. The teacher's compensation shall be  
24 provided for on an equally matched basis by funds from the  
25 employing corporation or agency.

26 Section 435. Section 1009.62, Florida Statutes, is  
27 created to read:

28 1009.62 Grants for teachers for special training in  
29 exceptional student education.--

30 (1) The Department of Education may make grants to  
31 teachers for special training in exceptional student education

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1 to meet professional requirements with respect thereto, and  
2 the department is responsible for the administration of such  
3 program.

4 (2) These grants are limited to teachers who:

5 (a) Hold a full-time contract to teach in a district  
6 school system, a state-operated or state-supported program, or  
7 an agency or organization under contract with the Department  
8 of Education;

9 (b) Hold a valid Florida educator's certificate that  
10 does not reflect an exceptional-student-education coverage or  
11 endorsement that is appropriate for the teacher's assignment;  
12 and

13 (c) Satisfactorily complete the eligible courses.

14 (3) Grant amounts are to be determined on the basis of  
15 rates established by the Department of Education.

16 (4) The Department of Education shall administer this  
17 program under rules established by the State Board of  
18 Education.

19 Section 436. Section 1009.63, Florida Statutes, is  
20 created to read:

21 1009.63 Occupational therapist or physical therapist  
22 critical shortage program; definitions.--For the purposes of  
23 ss. 1009.63-1009.634:

24 (1) "Critical shortage area" applies to licensed  
25 occupational therapists and physical therapists and  
26 occupational therapy assistants and physical therapist  
27 assistants employed by the public schools of this state.

28 (2) "Therapist" means occupational therapist or  
29 physical therapist.

30 Section 437. Section 1009.631, Florida Statutes, is  
31 created to read:

1           1009.631 Occupational therapist or physical therapist  
2 critical shortage program; establishment.--

3           (1) The occupational therapist or physical therapist  
4 critical shortage program is established in the Department of  
5 Education for the purpose of attracting capable and promising  
6 applicants in the occupational therapy or physical therapy  
7 profession to employment in the public schools of this state.  
8 The program shall include the Critical Occupational Therapist  
9 or Physical Therapist Shortage Student Loan Forgiveness  
10 Program, the Critical Occupational Therapist or Physical  
11 Therapist Shortage Scholarship Loan Program, and the Critical  
12 Occupational Therapist or Physical Therapist Shortage Tuition  
13 Reimbursement Program.

14           (2) Funds appropriated by the Legislature for the  
15 program shall be deposited in the State Student Financial  
16 Assistance Trust Fund. Any balance in the trust fund at the  
17 end of any fiscal year that has been allocated to the program  
18 shall remain therein and shall be available for carrying out  
19 the purposes of this section. Funds contained in the trust  
20 fund for the program shall be used for the programs specified  
21 in subsection (1) for those licensed therapists and therapy  
22 assistants employed by the public schools of this state.

23           (3) The State Board of Education shall annually review  
24 the designation of critical shortage areas and shall adopt  
25 rules necessary for the implementation of the program.

26           Section 438. Section 1009.632, Florida Statutes, is  
27 created to read:

28           1009.632 Critical Occupational Therapist or Physical  
29 Therapist Shortage Student Loan Forgiveness Program.--

30           (1) There is established the Critical Occupational  
31 Therapist or Physical Therapist Shortage Student Loan

1 Forgiveness Program. The primary function of the program is  
 2 to make repayments toward loans received by students from  
 3 institutions for the support of postsecondary study of  
 4 occupational therapy or physical therapy. Repayments shall be  
 5 made to qualified applicants who initiate employment in the  
 6 public schools of this state and who apply during their first  
 7 year of employment in a public school setting.

8 (2) From the funds available, the Department of  
 9 Education is authorized to make loan principal repayments as  
 10 follows:

11 (a) Up to \$2,500 a year for up to 4 years on behalf of  
 12 selected graduates of accredited undergraduate postsecondary  
 13 occupational therapist or physical therapist preparation  
 14 programs.

15 (b) Up to \$2,500 a year for up to 2 years on behalf of  
 16 selected graduates of accredited undergraduate postsecondary  
 17 occupational therapy or physical therapist assistant  
 18 preparation programs.

19 (c) Up to \$5,000 a year for up to 2 years on behalf of  
 20 selected graduates of accredited postbaccalaureate entry level  
 21 occupational therapist or physical therapist preparation  
 22 programs.

23 (d) All repayments shall be contingent on continued  
 24 proof of employment for 3 years as a therapist or therapy  
 25 assistant by the public schools in this state and shall be  
 26 made directly to the holder of the loan. The state shall not  
 27 bear the responsibility for the collection of any interest  
 28 charges or other remaining balance. In the event that a  
 29 critical shortage is no longer verified, a therapist or  
 30 therapy assistant shall continue to be eligible for loan  
 31 forgiveness as long as the therapist or therapy assistant

1 continues to be employed by the public schools of this state  
2 and otherwise meets all conditions of eligibility.

3 (3) Recipients under this program shall not be  
4 eligible to participate in the Critical Occupational Therapist  
5 or Physical Therapist Shortage Scholarship Loan Program or the  
6 Critical Occupational Therapist or Physical Therapist Shortage  
7 Tuition Reimbursement Program.

8 (4) This section shall be implemented only to the  
9 extent as specifically funded by law.

10 Section 439. Section 1009.633, Florida Statutes, is  
11 created to read:

12 1009.633 Critical Occupational Therapist or Physical  
13 Therapist Shortage Scholarship Loan Program.--

14 (1) There is established the Critical Occupational  
15 Therapist or Physical Therapist Shortage Scholarship Loan  
16 Program.

17 (2) To be eligible, a candidate shall:

18 (a) Be a full-time student in a therapy assistant  
19 program or in the upper division or higher level in an  
20 occupational therapist or physical therapist educational  
21 program. Occupational therapist and occupational therapy  
22 assistant programs must be accredited by the American Medical  
23 Association in collaboration with the American Occupational  
24 Therapy Association. Physical therapist and physical therapist  
25 assistant programs must be accredited by the American Physical  
26 Therapy Association.

27 (b) Have declared an intention to be employed by the  
28 public schools of this state for 3 years following completion  
29 of the requirements. In the event critical shortage areas are  
30 changed by the State Board of Education, a student shall  
31 continue to be eligible for an award as long as the student

1 continues in the therapist educational program for which the  
2 initial award was made and the student otherwise meets all  
3 other conditions of eligibility.

4 (c) Meet the general requirements for student  
5 eligibility as provided in s. 1009.40, except as otherwise  
6 provided in this section.

7 (d) Maintain a grade point average of 2.0 on a 4.0  
8 scale for undergraduate college work or a grade point average  
9 of 3.0 on a 4.0 scale for graduate college work.

10 (3) A scholarship loan may be awarded for no more than  
11 2 years and may not exceed \$4,000 a year.

12 (4) The State Board of Education shall adopt by rule  
13 repayment schedules and applicable interest rates under ss.  
14 1009.82 and 1009.95. A scholarship loan must be paid back  
15 within 10 years of completion of a program of studies.

16 (a) Credit for repayment of a scholarship loan shall  
17 be in an amount not to exceed \$2,000 plus applicable accrued  
18 interest for each full year of employment by the public  
19 schools of this state.

20 (b) Any therapist or therapy assistant who fails to be  
21 employed by a public school in this state as specified in this  
22 subsection is responsible for repaying the loan plus interest.  
23 Repayment schedules and applicable interest rates shall be  
24 determined by the rules of the State Board of Education under  
25 ss. 1009.82 and 1009.95.

26 (5) Recipients under this program shall not be  
27 eligible to participate in the Critical Occupational Therapist  
28 or Physical Therapist Shortage Student Loan Forgiveness  
29 Program or the Critical Occupational Therapist or Physical  
30 Therapist Shortage Tuition Reimbursement Program.

31 (6) This section shall be implemented only to the

1 extent specifically funded and authorized by law.

2 Section 440. Section 1009.634, Florida Statutes, is  
3 created to read:

4 1009.634 Critical Occupational Therapist or Physical  
5 Therapist Shortage Tuition Reimbursement Program.--

6 (1) There is established the Critical Occupational  
7 Therapist or Physical Therapist Shortage Tuition Reimbursement  
8 Program to improve the skills and knowledge of current  
9 therapists and therapy assistants who are employed by the  
10 public school system.

11 (2) Any full-time public school employee licensed to  
12 practice occupational therapy or physical therapy in this  
13 state is eligible for the program.

14 (3) Participants may receive tuition reimbursement  
15 payments for up to 9 semester hours, or the equivalent in  
16 quarter hours, per year, at a rate not to exceed \$78 per  
17 semester hour, up to a total of 36 semester hours. All tuition  
18 reimbursements shall be contingent on the participant passing  
19 an approved course with a minimum grade of 3.0 or its  
20 equivalent.

21 (4) The participant shall be employed by the public  
22 schools of this state for 3 years following completion of the  
23 requirements.

24 (5) Recipients under this program shall not be  
25 eligible to participate in the Critical Occupational Therapist  
26 or Physical Therapist Shortage Student Loan Forgiveness  
27 Program or the Critical Occupational Therapist or Physical  
28 Therapist Shortage Scholarship Loan Program.

29 (6) This section shall be implemented only to the  
30 extent specifically funded and authorized by the law.

31 Section 441. Section 1009.64, Florida Statutes, is

1 created to read:

2 1009.64 Certified Education Paraprofessional Welfare  
3 Transition Program.--

4 (1) There is created the Certified Education  
5 Paraprofessional Welfare Transition Program to provide  
6 education and employment for recipients of public assistance  
7 who are certified to work in schools that, because of the high  
8 proportion of economically disadvantaged children enrolled,  
9 are at risk of poor performance on traditional measures of  
10 achievement. The program is designed to enable such schools  
11 to increase the number of adults working with the school  
12 children. However, the increase in personnel working at  
13 certain schools is intended to supplement and not to supplant  
14 the school staff and should not affect current school board  
15 employment and staffing policies, including those contained in  
16 collective bargaining agreements. The program is intended to  
17 be supported by local, state, and federal program funds for  
18 which the participants may be eligible. Further, the program  
19 is designed to provide its participants not only with  
20 entry-level employment but also with a marketable credential,  
21 a career option, and encouragement to advance.

22 (2) The Commissioner of Education, the secretary of  
23 the Department of Children and Family Services, and the  
24 director of the Agency for Workforce Innovation have joint  
25 responsibility for planning and conducting the program.

26 (3) The agencies responsible may make recommendations  
27 to the State Board of Education and the Legislature if they  
28 find that implementation or operation of the program would  
29 benefit from the adoption or waiver of state or federal  
30 policy, rule, or law, including recommendations regarding  
31 program budgeting.



1           (4) The agencies shall complete an implementation plan  
2 that addresses at least the following recommended components  
3 of the program:

4           (a) A method of selecting participants. The method  
5 must not duplicate services provided by those assigned to  
6 screen participants of the welfare transition program, but  
7 must assure that screening personnel are trained to identify  
8 recipients of public assistance whose personal aptitudes and  
9 motivation make them most likely to succeed in the program and  
10 advance in a career related to the school community.

11           (b) A budget for use of incentive funding to provide  
12 motivation to participants to succeed and excel. The budget  
13 for incentive funding includes:

14           1. Funds allocated by the Legislature directly for the  
15 program.

16           2. Funds that may be made available from the federal  
17 Workforce Investment Act based on client eligibility or  
18 requested waivers to make the clients eligible.

19           3. Funds made available by implementation strategies  
20 that would make maximum use of work supplementation funds  
21 authorized by federal law.

22           4. Funds authorized by strategies to lengthen  
23 participants' eligibility for federal programs such as  
24 Medicaid, subsidized child care, and transportation.

25  
26 Incentives may include a stipend during periods of college  
27 classroom training, a bonus and recognition for a high  
28 grade-point average, child care and prekindergarten services  
29 for children of participants, and services to increase a  
30 participant's ability to advance to higher levels of  
31 employment. Nonfinancial incentives should include providing a

1 mentor or tutor, and service incentives should continue and  
 2 increase for any participant who plans to complete the  
 3 baccalaureate degree and become a certified teacher. Services  
 4 may be provided in accordance with family choice by community  
 5 colleges and school district technical centers, through family  
 6 service centers and full-service schools, or under contract  
 7 with providers through central agencies.

8       (5) The agencies shall select Department of Children  
 9 and Family Services districts to participate in the program. A  
 10 district that wishes to participate must demonstrate that a  
 11 district school board, a community college board of trustees,  
 12 an economic services program administrator, and a regional  
 13 workforce board are willing to coordinate to provide the  
 14 educational program, support services, employment  
 15 opportunities, and incentives required to fulfill the intent  
 16 of this section.

17       (6)(a) A community college or school district  
 18 technical center is eligible to participate if it provides a  
 19 technical certificate program in Child Development Early  
 20 Intervention as approved by Workforce Florida, Inc. Priority  
 21 programs provide an option and incentives to articulate with  
 22 an associate in science degree program or a baccalaureate  
 23 degree program.

24       (b) A participating educational agency may earn funds  
 25 appropriated for performance-based incentive funding for  
 26 successful outcomes of enrollment and placement of recipients  
 27 of public assistance who are in the program. In addition, an  
 28 educational agency is eligible for an incentive award  
 29 determined by Workforce Florida, Inc., for each recipient of  
 30 public assistance who successfully completes a program leading  
 31 to the award of a General Education Development credential.

1           (c) Historically black colleges or universities that  
 2 have established programs that serve participants in the  
 3 welfare transition program are eligible to participate in the  
 4 Performance Based Incentive Funding Program and may earn an  
 5 incentive award determined by Workforce Florida, Inc., for  
 6 successful placement of program completers in jobs as  
 7 education paraprofessionals in at-risk schools.

8           (7)(a) A participating school district shall identify  
 9 at-risk schools in which the program participants will work  
 10 during the practicum part of their education. For purposes of  
 11 this act, an at-risk school is a school with grades K-3 in  
 12 which 50 percent or more of the students enrolled at the  
 13 school are eligible for free lunches or reduced-price lunches.  
 14 Priority schools are schools whose service zones include the  
 15 participants' own communities.

16           (b) A participating school district may use funds  
 17 appropriated by the Legislature from Agency for Workforce  
 18 Innovation regional workforce board allotments to provide at  
 19 least 6 months of on-the-job training to participants in the  
 20 Certified Education Paraprofessional Welfare Transition  
 21 Program. Participating school districts may also use funds  
 22 provided by grant diversion of funds from the welfare  
 23 transition program for the participants during the practicum  
 24 portion of their training to earn the certificate required for  
 25 their employment.

26           (8) The agencies shall give priority for funding to  
 27 those programs that provide maximum security for the  
 28 long-range employment and career opportunities of the program  
 29 participants. Security is enhanced if employment is provided  
 30 through a governmental or nongovernmental agency other than  
 31 the school board, or if the plans assure in another way that

1 the participants will supplement, rather than supplant, the  
 2 workforce available to the school board. It is the intent of  
 3 the Legislature that, when a program participant succeeds in  
 4 becoming a certified education paraprofessional after working  
 5 successfully in a school during the practicum or on-the-job  
 6 training supported by the program, the participant shall have  
 7 the opportunity to continue in full-time employment at the  
 8 school that provided the training or at another school in the  
 9 district.

10 Section 442. Section 1009.65, Florida Statutes, is  
 11 created to read:

12 1009.65 Medical Education Reimbursement and Loan  
 13 Repayment Program.--

14 (1) To encourage qualified medical professionals to  
 15 practice in underserved locations where there are shortages of  
 16 such personnel, there is established the Medical Education  
 17 Reimbursement and Loan Repayment Program. The function of the  
 18 program is to make payments that offset loans and educational  
 19 expenses incurred by students for studies leading to a medical  
 20 or nursing degree, medical or nursing licensure, or advanced  
 21 registered nurse practitioner certification or physician  
 22 assistant licensure. The following licensed or certified  
 23 health care professionals are eligible to participate in this  
 24 program: medical doctors with primary care specialties,  
 25 doctors of osteopathic medicine with primary care specialties,  
 26 physician's assistants, licensed practical nurses and  
 27 registered nurses, and advanced registered nurse practitioners  
 28 with primary care specialties such as certified nurse  
 29 midwives. Primary care medical specialties for physicians  
 30 include obstetrics, gynecology, general and family practice,  
 31 internal medicine, pediatrics, and other specialties which may

1 be identified by the Department of Health.

2 (2) From the funds available, the Department of Health  
3 shall make payments to selected medical professionals as  
4 follows:

5 (a) Up to \$4,000 per year for licensed practical  
6 nurses and registered nurses, up to \$10,000 per year for  
7 advanced registered nurse practitioners and physician's  
8 assistants, and up to \$20,000 per year for physicians.

9 Penalties for noncompliance shall be the same as those in the  
10 National Health Services Corps Loan Repayment Program.

11 Educational expenses include costs for tuition, matriculation,  
12 registration, books, laboratory and other fees, other  
13 educational costs, and reasonable living expenses as  
14 determined by the Department of Health.

15 (b) All payments shall be contingent on continued  
16 proof of primary care practice in an area defined in s.  
17 395.602(2)(e), or an underserved area designated by the  
18 Department of Health, provided the practitioner accepts  
19 Medicaid reimbursement if eligible for such reimbursement.

20 Correctional facilities, state hospitals, and other state  
21 institutions that employ medical personnel shall be designated  
22 by the Department of Health as underserved locations.  
23 Locations with high incidences of infant mortality, high  
24 morbidity, or low Medicaid participation by health care  
25 professionals may be designated as underserved.

26 (c) The Department of Health may use funds  
27 appropriated for the Medical Education Reimbursement and Loan  
28 Repayment Program as matching funds for federal loan repayment  
29 programs such as the National Health Service Corps State Loan  
30 Repayment Program.

31 (3) The Department of Health may adopt any rules

1 necessary for the administration of the Medical Education  
 2 Reimbursement and Loan Repayment Program. The department may  
 3 also solicit technical advice regarding conduct of the program  
 4 from the Department of Education and Florida universities and  
 5 community colleges. The Department of Health shall submit a  
 6 budget request for an amount sufficient to fund medical  
 7 education reimbursement, loan repayments, and program  
 8 administration.

9 Section 443. Section 1009.66, Florida Statutes, is  
 10 created to read:

11 1009.66 Nursing Student Loan Forgiveness Program.--

12 (1) To encourage qualified personnel to seek  
 13 employment in areas of this state in which critical nursing  
 14 shortages exist, there is established the Nursing Student Loan  
 15 Forgiveness Program. The primary function of the program is  
 16 to increase employment and retention of registered nurses and  
 17 licensed practical nurses in nursing homes and hospitals in  
 18 the state and in state-operated medical and health care  
 19 facilities, public schools, birth centers, federally sponsored  
 20 community health centers, family practice teaching hospitals,  
 21 and specialty children's hospitals by making repayments toward  
 22 loans received by students from federal or state programs or  
 23 commercial lending institutions for the support of  
 24 postsecondary study in accredited or approved nursing  
 25 programs.

26 (2) To be eligible, a candidate must have graduated  
 27 from an accredited or approved nursing program and have  
 28 received a Florida license as a licensed practical nurse or a  
 29 registered nurse or a Florida certificate as an advanced  
 30 registered nurse practitioner.

31 (3) Only loans to pay the costs of tuition, books, and

1 living expenses shall be covered, at an amount not to exceed  
2 \$4,000 for each year of education towards the degree obtained.

3 (4) Receipt of funds pursuant to this program shall be  
4 contingent upon continued proof of employment in the  
5 designated facilities in this state. Loan principal payments  
6 shall be made by the Department of Health directly to the  
7 federal or state programs or commercial lending institutions  
8 holding the loan as follows:

9 (a) Twenty-five percent of the loan principal and  
10 accrued interest shall be retired after the first year of  
11 nursing;

12 (b) Fifty percent of the loan principal and accrued  
13 interest shall be retired after the second year of nursing;

14 (c) Seventy-five percent of the loan principal and  
15 accrued interest shall be retired after the third year of  
16 nursing; and

17 (d) The remaining loan principal and accrued interest  
18 shall be retired after the fourth year of nursing.

19  
20 In no case may payment for any nurse exceed \$4,000 in any  
21 12-month period.

22 (5) There is created the Nursing Student Loan  
23 Forgiveness Trust Fund to be administered by the Department of  
24 Health pursuant to this section and s. 1009.67 and department  
25 rules. The Comptroller shall authorize expenditures from the  
26 trust fund upon receipt of vouchers approved by the Department  
27 of Health. All moneys collected from the private health care  
28 industry and other private sources for the purposes of this  
29 section shall be deposited into the Nursing Student Loan  
30 Forgiveness Trust Fund. Any balance in the trust fund at the  
31 end of any fiscal year shall remain therein and shall be

1 available for carrying out the purposes of this section and s.  
2 1009.67.

3 (6) In addition to licensing fees imposed under part I  
4 of chapter 464, there is hereby levied and imposed an  
5 additional fee of \$5, which fee shall be paid upon licensure  
6 or renewal of nursing licensure. Revenues collected from the  
7 fee imposed in this subsection shall be deposited in the  
8 Nursing Student Loan Forgiveness Trust Fund of the Department  
9 of Health and will be used solely for the purpose of carrying  
10 out the provisions of this section and s. 1009.67. Up to 50  
11 percent of the revenues appropriated to implement this  
12 subsection may be used for the nursing scholarship program  
13 established pursuant to s. 1009.67.

14 (7)(a) Funds contained in the Nursing Student Loan  
15 Forgiveness Trust Fund which are to be used for loan  
16 forgiveness for those nurses employed by hospitals, birth  
17 centers, and nursing homes must be matched on a  
18 dollar-for-dollar basis by contributions from the employing  
19 institutions, except that this provision shall not apply to  
20 state-operated medical and health care facilities, public  
21 schools, county health departments, federally sponsored  
22 community health centers, teaching hospitals as defined in s.  
23 408.07, family practice teaching hospitals as defined in s.  
24 395.805, or specialty hospitals for children as used in s.  
25 409.9119. If in any given fiscal quarter there are  
26 insufficient funds in the trust fund to grant all eligible  
27 applicant requests, awards shall be based on the following  
28 priority of employer: county health departments; federally  
29 sponsored community health centers; state-operated medical and  
30 health care facilities; public schools; teaching hospitals as  
31 defined in s. 408.07; family practice teaching hospitals as



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1 defined in s. 395.805; specialty hospitals for children as  
2 used in s. 409.9119; and other hospitals, birth centers, and  
3 nursing homes.

4 (b) All Nursing Student Loan Forgiveness Trust Fund  
5 moneys shall be invested pursuant to s. 18.125. Interest  
6 income accruing to that portion of the trust fund not matched  
7 shall increase the total funds available for loan forgiveness  
8 and scholarships. Pledged contributions shall not be eligible  
9 for matching prior to the actual collection of the total  
10 private contribution for the year.

11 (8) The Department of Health may solicit technical  
12 assistance relating to the conduct of this program from the  
13 Department of Education.

14 (9) The Department of Health is authorized to recover  
15 from the Nursing Student Loan Forgiveness Trust Fund its costs  
16 for administering the Nursing Student Loan Forgiveness  
17 Program.

18 (10) The Department of Health may adopt rules  
19 necessary to administer this program.

20 (11) This section shall be implemented only as  
21 specifically funded.

22 Section 444. Section 1009.67, Florida Statutes, is  
23 created to read:

24 1009.67 Nursing scholarship program.--

25 (1) There is established within the Department of  
26 Health a scholarship program for the purpose of attracting  
27 capable and promising students to the nursing profession.

28 (2) A scholarship applicant shall be enrolled as a  
29 full-time or part-time student in the upper division of an  
30 approved nursing program leading to the award of a  
31 baccalaureate degree or graduate degree to qualify for a

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1 nursing faculty position or as an advanced registered nurse  
2 practitioner or be enrolled as a full-time or part-time  
3 student in an approved program leading to the award of an  
4 associate degree in nursing.

5 (3) A scholarship may be awarded for no more than 2  
6 years, in an amount not to exceed \$8,000 per year. However,  
7 registered nurses pursuing a graduate degree for a faculty  
8 position or to practice as an advanced registered nurse  
9 practitioner may receive up to \$12,000 per year. Beginning  
10 July 1, 1998, these amounts shall be adjusted by the amount of  
11 increase or decrease in the consumer price index for urban  
12 consumers published by the United States Department of  
13 Commerce.

14 (4) Credit for repayment of a scholarship shall be as  
15 follows:

16 (a) For each full year of scholarship assistance, the  
17 recipient agrees to work for 12 months in a faculty position  
18 in a college of nursing or community college nursing program  
19 in this state or at a health care facility in a medically  
20 underserved area as approved by the Department of Health.  
21 Scholarship recipients who attend school on a part-time basis  
22 shall have their employment service obligation prorated in  
23 proportion to the amount of scholarship payments received.

24 (b) Eligible health care facilities include nursing  
25 homes and hospitals in this state, state-operated medical or  
26 health care facilities, public schools, county health  
27 departments, federally sponsored community health centers,  
28 colleges of nursing in universities in this state, and  
29 community college nursing programs in this state, family  
30 practice teaching hospitals as defined in s. 395.805, or  
31 specialty children's hospitals as described in s. 409.9119.

1 The recipient shall be encouraged to complete the service  
 2 obligation at a single employment site. If continuous  
 3 employment at the same site is not feasible, the recipient may  
 4 apply to the department for a transfer to another approved  
 5 health care facility.

6 (c) Any recipient who does not complete an appropriate  
 7 program of studies or who does not become licensed shall repay  
 8 to the Department of Health, on a schedule to be determined by  
 9 the department, the entire amount of the scholarship plus 18  
 10 percent interest accruing from the date of the scholarship  
 11 payment. Moneys repaid shall be deposited into the Nursing  
 12 Student Loan Forgiveness Trust Fund established in s. 1009.66.  
 13 However, the department may provide additional time for  
 14 repayment if the department finds that circumstances beyond  
 15 the control of the recipient caused or contributed to the  
 16 default.

17 (d) Any recipient who does not accept employment as a  
 18 nurse at an approved health care facility or who does not  
 19 complete 12 months of approved employment for each year of  
 20 scholarship assistance received shall repay to the Department  
 21 of Health an amount equal to two times the entire amount of  
 22 the scholarship plus interest accruing from the date of the  
 23 scholarship payment at the maximum allowable interest rate  
 24 permitted by law. Repayment shall be made within 1 year of  
 25 notice that the recipient is considered to be in default.  
 26 However, the department may provide additional time for  
 27 repayment if the department finds that circumstances beyond  
 28 the control of the recipient caused or contributed to the  
 29 default.

30 (5) Scholarship payments shall be transmitted to the  
 31 recipient upon receipt of documentation that the recipient is

1 enrolled in an approved nursing program. The Department of  
2 Health shall develop a formula to prorate payments to  
3 scholarship recipients so as not to exceed the maximum amount  
4 per academic year.

5 (6) The Department of Health shall adopt rules,  
6 including rules to address extraordinary circumstances that  
7 may cause a recipient to default on either the school  
8 enrollment or employment contractual agreement, to implement  
9 this section and may solicit technical assistance relating to  
10 the conduct of this program from the Department of Health.

11 (7) The Department of Health may recover from the  
12 Nursing Student Loan Forgiveness Trust Fund its costs for  
13 administering the nursing scholarship program.

14 Section 445. Section 1009.68, Florida Statutes, is  
15 created to read:

16 1009.68 Florida Minority Medical Education Program.--

17 (1) There is created a Florida Minority Medical  
18 Education Program to be administered by the Department of  
19 Education in accordance with rules established by the State  
20 Board of Education. The program shall provide scholarships to  
21 enable minority students to pursue a medical education at the  
22 University of Florida, the University of South Florida,  
23 Florida State University, the University of Miami, or  
24 Southeastern University of the Health Sciences, for the  
25 purpose of addressing the primary health care needs of  
26 underserved groups.

27 (2) In order to be eligible to receive a scholarship  
28 pursuant to this section, an applicant shall:

29 (a) Be a racial or ethnic minority student.

30 (b) Be a citizen of the United States and meet the  
31 general eligibility requirements as provided in s. 1009.40,

1 except as otherwise provided in this section.

2 (c) Have maintained residency in this state for no  
3 less than 1 year preceding the award.

4 (d) Be accepted by, and enroll as a full-time student  
5 in, a Florida medical school.

6 (e) Have an undergraduate grade point average  
7 established by rule.

8 (f) Have received scores on selected examinations  
9 established by rule.

10 (g) Meet financial need requirements established by  
11 rule.

12 (h) Agree to serve in a medical corps for a period of  
13 not less than 2 years for the purpose of providing health care  
14 to underserved individuals in the State of Florida.

15 (3) In order to renew a scholarship awarded pursuant  
16 to this section, a student shall maintain full-time student  
17 status and a cumulative grade point average established by  
18 rule.

19 (4) The number of scholarships annually awarded shall  
20 be three per school. Priority in the distribution of  
21 scholarships shall be given to students with the lowest total  
22 family resources.

23 (5) Funds appropriated by the Legislature for the  
24 program shall be deposited in the State Student Financial  
25 Assistance Trust Fund. Interest income accruing to the program  
26 from funds of the program in the trust fund not allocated  
27 shall increase the funds available for scholarships. Any  
28 balance in the trust fund at the end of any fiscal year that  
29 has been allocated to the program shall remain in the trust  
30 fund and shall be available for carrying out the purposes of  
31 this section.

1           (6) A scholarship recipient who, upon graduation,  
 2 defaults on the commitment to serve in the medical corps for  
 3 the full 2 years shall be required to repay all scholarship  
 4 money plus interest.

5           (7) The State Board of Education shall adopt rules  
 6 necessary to implement the provisions of this section.

7           Section 446. Section 1009.69, Florida Statutes, is  
 8 created to read:

9           1009.69 Virgil Hawkins Fellows Assistance Program.--

10          (1) The Virgil Hawkins Fellows Assistance Program  
 11 shall provide financial assistance for study in law to  
 12 minority students in the colleges of law at the Florida State  
 13 University, the University of Florida, the Florida  
 14 Agricultural and Mechanical University, and the Florida  
 15 International University. For the purposes of this section, a  
 16 minority student qualified to receive assistance from the  
 17 Virgil Hawkins Fellows Assistance Program shall be identified  
 18 pursuant to policies adopted by the State Board of Education.

19          (2) Each student who is awarded a fellowship shall be  
 20 entitled to receive an award under this act for each academic  
 21 term that the student is in good standing as approved by the  
 22 law school pursuant to guidelines of the State Board of  
 23 Education.

24          (3) If a fellowship vacancy occurs, that slot shall be  
 25 reassigned and funded as a continuing fellowship for the  
 26 remainder of the period for which the award was originally  
 27 designated.

28          (4) The State Board of Education shall adopt policies,  
 29 and the Department of Education shall administer the Virgil  
 30 Hawkins Fellows Assistance Program.

31          Section 447. Section 1009.70, Florida Statutes, is

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1 created to read:

2 1009.70 Florida Education Fund.--

3 (1) This section shall be known and may be cited as  
4 the "Florida Education Fund Act."

5 (2)(a) The Florida Education Fund, a not-for-profit  
6 statutory corporation, is created from a challenge endowment  
7 grant from the McKnight Foundation and operates on income  
8 derived from the investment of endowment gifts and other gifts  
9 as provided by state statute and appropriate matching funds as  
10 provided by the state.

11 (b) The amount appropriated to the fund shall be on  
12 the basis of \$1 for each \$2 contributed by private sources.  
13 The Florida Education Fund shall certify to the Legislature  
14 the amount of donations contributed between July 1, 1990, and  
15 June 30, 1991. Only the new donations above the certified base  
16 shall be calculated for state matching funds during the first  
17 year of the program. In subsequent years, only the new  
18 donations above the certified prior year base shall be  
19 calculated for state matching funds.

20 (3) The Florida Education Fund shall use the income of  
21 the fund to provide for programs which seek to:

22 (a) Enhance the quality of higher educational  
23 opportunity in this state;

24 (b) Enhance equality by providing access to effective  
25 higher education programs by minority and economically  
26 deprived individuals in this state, with particular  
27 consideration to be given to the needs of both blacks and  
28 women; and

29 (c) Increase the representation of minorities in  
30 faculty and administrative positions in higher education in  
31 this state and to provide more highly educated minority

1 leadership in business and professional enterprises in this  
2 state.

3 (4) The Florida Education Fund shall be administered  
4 by a board of directors, which is hereby established.

5 (a) The board of directors shall consist of 12  
6 members, to be appointed as follows:

7 1. Two laypersons appointed by the Governor;

8 2. Two laypersons appointed by the President of the  
9 Senate;

10 3. Two laypersons appointed by the Speaker of the  
11 House of Representatives; and

12 4. Two representatives of state universities, two  
13 representatives of public community colleges, and two  
14 representatives of independent colleges or universities  
15 appointed by the State Board of Education.

16  
17 The board of directors may appoint to the board an additional  
18 five members from the private sector for the purpose of  
19 assisting in the procurement of private contributions. Such  
20 members shall serve as voting members of the board.

21 (b) Each of the educational sectors in paragraph (a)  
22 shall be represented by a president and a faculty member of  
23 the corresponding institutions.

24 (c) Each director shall hold office for a term of 3  
25 years or until resignation or removal for cause. A director  
26 may resign at any time by filing his or her written  
27 resignation with the executive secretary for the board. The  
28 terms of the directors shall be staggered so that the terms of  
29 one-third of the directors will expire annually.

30 (d) In the event of a vacancy on the board caused by  
31 other than the expiration of a term, a new member shall be



1 appointed by the appointing entity in the sector of which the  
2 vacancy occurs.

3 (e) Each member is accountable to the Governor for the  
4 proper performance of the duties of his or her office. The  
5 Governor shall cause any complaint or unfavorable report  
6 received concerning an action of the board or any of its  
7 members to be investigated and shall take appropriate action  
8 thereon. The Governor may remove any member from office for  
9 malfeasance, misfeasance, neglect of duty, incompetence, or  
10 permanent inability to perform his or her official duties or  
11 for pleading nolo contendere to, or being found guilty of, a  
12 crime.

13 (5) The Board of Directors of the Florida Education  
14 Fund shall review and evaluate initial programs created by the  
15 McKnight Foundation and continue funding the Black Doctorate  
16 Fellowship Program and the Junior Fellowship Program if the  
17 evaluation is positive, and the board shall identify,  
18 initiate, and fund new and creative programs and monitor,  
19 review, and evaluate those programs. The purpose of this  
20 commitment is to broaden the participation and funding  
21 potential for further significant support of higher education  
22 in this state. In addition, the board shall:

23 (a) Hold such meetings as are necessary to implement  
24 the provisions of this section.

25 (b) Select a chairperson annually.

26 (c) Adopt and use an official seal in the  
27 authentication of its acts.

28 (d) Make rules for its own government.

29 (e) Administer this section.

30 (f) Appoint an executive director to serve at its  
31 pleasure and perform all duties assigned by the board. The

1 executive director shall be the chief administrative officer  
2 and agent of the board.

3 (g) Maintain a record of its proceedings.

4 (h) Delegate to the chairperson of the board the  
5 responsibility for signing final orders.

6 (i) Utilize existing higher education organizations,  
7 associations, and agencies to carry out its educational  
8 programs and purposes with minimal staff employment.

9 (j) Be empowered to enter into contracts with the  
10 Federal Government, state agencies, or individuals.

11 (k) Receive bequests, gifts, grants, donations, and  
12 other valued goods and services. Such bequests and gifts  
13 shall be used only for the purpose or purposes stated by the  
14 donor.

15 (6) The board of directors is authorized to establish  
16 a trust fund from the proceeds of the Florida Education Fund.  
17 All funds deposited into the trust fund shall be invested  
18 pursuant to the provisions of s. 215.47. Interest income  
19 accruing to the unused portion of the trust fund shall  
20 increase the total funds available for endowments. The  
21 Department of Education may, at the request of the board of  
22 directors, administer the fund for investment purposes.

23 (7) It is the intent of the Legislature that the Board  
24 of Directors of the Florida Education Fund recruit eligible  
25 residents of the state before it extends its search to  
26 eligible nonresidents. However, for the purposes of subsection  
27 (8), the board of directors shall recruit eligible residents  
28 only. It is further the intent of the Legislature that the  
29 board of directors establish service terms, if any, that  
30 accompany the award of moneys from the fund.

31 (8) There is created a legal education component of

1 the Florida Education Fund to provide the opportunity for  
 2 minorities to attain representation within the legal  
 3 profession proportionate to their representation within the  
 4 general population. The legal education component of the  
 5 Florida Education Fund includes a law school program and a  
 6 pre-law program.

7       (a) The law school scholarship program of the Florida  
 8 Education Fund is to be administered by the Board of Directors  
 9 of the Florida Education Fund for the purpose of increasing by  
 10 200 the number of minority students enrolled in law schools in  
 11 this state. Implementation of this program is to be phased in  
 12 over a 3-year period.

13           1. The board of directors shall provide financial,  
 14 academic, and other support to students selected for  
 15 participation in this program from funds appropriated by the  
 16 Legislature.

17           2. Student selection must be made in accordance with  
 18 rules adopted by the board of directors for that purpose and  
 19 must be based, at least in part, on an assessment of potential  
 20 for success, merit, and financial need.

21           3. Support must be made available to students who  
 22 enroll in private, as well as public, law schools in this  
 23 state which are accredited by the American Bar Association.

24           4. Scholarships must be paid directly to the  
 25 participating students.

26           5. Students who participate in this program must agree  
 27 in writing to sit for The Florida Bar examination and, upon  
 28 successful admission to The Florida Bar, to either practice  
 29 law in the state for a period of time equal to the amount of  
 30 time for which the student received aid, up to 3 years, or  
 31 repay the amount of aid received.

1           6. Annually the board of directors shall compile a  
 2 report that includes a description of the selection process,  
 3 an analysis of the academic progress of all scholarship  
 4 recipients, and an analysis of expenditures. This report must  
 5 be submitted to the President of the Senate, the Speaker of  
 6 the House of Representatives, and the Governor.

7           (b) The minority pre-law scholarship loan program of  
 8 the Florida Education Fund is to be administered by the Board  
 9 of Directors of the Florida Education Fund for the purpose of  
 10 increasing the opportunity of minority students to prepare for  
 11 law school.

12           1. From funds appropriated by the Legislature, the  
 13 board of directors shall provide for student fees, room,  
 14 board, books, supplies, and academic and other support to  
 15 selected minority undergraduate students matriculating at  
 16 eligible public and independent colleges and universities in  
 17 Florida.

18           2. Student selection must be made in accordance with  
 19 rules adopted by the board of directors for that purpose and  
 20 must be based, at least in part, on an assessment of potential  
 21 for success, merit, and financial need.

22           3. To be eligible, a student must make a written  
 23 agreement to enter or be accepted to enter a law school in  
 24 this state within 2 years after graduation or repay the  
 25 scholarship loan amount plus interest at the prevailing rate.

26           4. Recipients who fail to gain admission to a law  
 27 school within the specified period of time, may, upon  
 28 admission to law school, be eligible to have their loans  
 29 canceled.

30           5. Minority pre-law scholarship loans shall be  
 31 provided to 34 minority students per year for up to 4 years

1 each, for a total of 136 scholarship loans. To continue  
 2 receipt of scholarship loans, recipients must maintain a 2.75  
 3 grade point average for the freshman year and a 3.25 grade  
 4 point average thereafter. Participants must also take  
 5 specialized courses to enhance competencies in English and  
 6 logic.

7 6. The board of directors shall maintain records on  
 8 all scholarship loan recipients. Participating institutions  
 9 shall submit academic progress reports to the board of  
 10 directors following each academic term. Annually, the board  
 11 of directors shall compile a report that includes a  
 12 description of the selection process, an analysis of the  
 13 academic progress of all scholarship loan recipients, and an  
 14 analysis of expenditures. This report must be submitted to  
 15 the President of the Senate, the Speaker of the House of  
 16 Representatives, and the Governor.

17 Section 448. Section 1009.72, Florida Statutes, is  
 18 created to read:

19 1009.72 Jose Marti Scholarship Challenge Grant  
 20 Program.--

21 (1) There is hereby established a Jose Marti  
 22 Scholarship Challenge Grant Program to be administered by the  
 23 Department of Education pursuant to this section and rules of  
 24 the State Board of Education. The program shall provide  
 25 matching grants for private sources that raise money for  
 26 scholarships to be awarded to Hispanic-American students.

27 (2) Funds appropriated by the Legislature for the  
 28 program shall be deposited in the State Student Financial  
 29 Assistance Trust Fund. The Comptroller shall authorize  
 30 expenditures from the trust fund upon receipt of vouchers  
 31 approved by the Department of Education. All moneys collected

1 from private sources for the purposes of this section shall be  
 2 deposited into the trust fund. Any balance in the trust fund  
 3 at the end of any fiscal year that has been allocated to the  
 4 program shall remain therein and shall be available for  
 5 carrying out the purposes of the program.

6 (3) The Legislature shall designate funds to be  
 7 transferred to the trust fund for the program from the General  
 8 Revenue Fund. Such funds shall be divided into challenge  
 9 grants to be administered by the Department of Education. All  
 10 appropriated funds deposited into the trust fund for the  
 11 program shall be invested pursuant to the provisions of s.  
 12 18.125. Interest income accruing to that portion of the funds  
 13 that are allocated to the program in the trust fund and not  
 14 matched shall increase the total funds available for the  
 15 program.

16 (4) The amount appropriated to the trust fund for the  
 17 program shall be allocated by the department on the basis of  
 18 one \$5,000 challenge grant for each \$2,500 raised from private  
 19 sources. Matching funds shall be generated through  
 20 contributions made after July 1, 1986, and pledged for the  
 21 purposes of this section. Pledged contributions shall not be  
 22 eligible for matching prior to the actual collection of the  
 23 total funds.

24 (5)(a) In order to be eligible to receive a  
 25 scholarship pursuant to this section, an applicant shall:

26 1. Be a Hispanic-American, or a person of Spanish  
 27 culture with origins in Mexico, South America, Central  
 28 America, or the Caribbean, regardless of race.

29 2. Be a citizen of the United States and meet the  
 30 general requirements for student eligibility as provided in s.  
 31 1009.40, except as otherwise provided in this section.

1           3. Be accepted at a state university or community  
 2 college or any Florida college or university that is  
 3 accredited by an association whose standards are comparable to  
 4 the minimum standards required to operate a postsecondary  
 5 education institution at that level in Florida.

6           4. Enroll as a full-time undergraduate or graduate  
 7 student.

8           5. Earn a 3.0 unweighted grade point average on a 4.0  
 9 scale, or the equivalent for high school subjects creditable  
 10 toward a diploma. If an applicant applies as a graduate  
 11 student, he or she shall have earned a 3.0 cumulative grade  
 12 point average for undergraduate college-level courses.

13           (b) In order to renew a scholarship awarded pursuant  
 14 to this section, a student must:

15           1. Earn a grade point average of at least 3.0 on a 4.0  
 16 scale for the previous term, maintain at least a 3.0 average  
 17 for college work, or have an average below 3.0 only for the  
 18 previous term and be eligible for continued enrollment at the  
 19 institution.

20           2. Maintain full-time enrollment.

21           (6) The annual scholarship to each recipient shall be  
 22 \$2,000. Priority in the distribution of scholarships shall be  
 23 given to students with the lowest total family resources.  
 24 Renewal scholarships shall take precedence over new awards in  
 25 any year in which funds are not sufficient to meet the total  
 26 need. No undergraduate student shall receive an award for  
 27 more than the equivalent of 8 semesters or 12 quarters over a  
 28 period of no more than 6 consecutive years, except as  
 29 otherwise provided in s. 1009.40(3). No graduate student  
 30 shall receive an award for more than the equivalent of 4  
 31 semesters or 6 quarters.

1           (7) The criteria and procedure for establishing  
 2 standards of eligibility shall be determined by the  
 3 department. The department is directed to establish a rating  
 4 system upon which to base the approval of grants. Such system  
 5 shall include a certification of acceptability by the  
 6 postsecondary institution of the applicant's choice.

7           (8) Payment of scholarships shall be transmitted to  
 8 the president of the postsecondary institution that the  
 9 recipient is attending or to the president's designee. Should  
 10 a recipient terminate his or her enrollment during the  
 11 academic year, the president or his or her designee shall  
 12 refund the unused portion of the scholarship to the department  
 13 within 60 days. In the event that a recipient transfers from  
 14 one eligible institution to another, his or her scholarship  
 15 shall be transferable upon approval of the department.

16           (9) This section shall be implemented to the extent  
 17 funded and authorized by law.

18           Section 449. Section 1009.73, Florida Statutes, is  
 19 created to read:

20           1009.73 Mary McLeod Bethune Scholarship Program.--

21           (1) There is established the Mary McLeod Bethune  
 22 Scholarship Program to be administered by the Department of  
 23 Education pursuant to this section and rules of the State  
 24 Board of Education. The program shall provide matching grants  
 25 for private sources that raise money for scholarships to be  
 26 awarded to students who attend Florida Agricultural and  
 27 Mechanical University, Bethune-Cookman College, Edward Waters  
 28 College, or Florida Memorial College.

29           (2) Funds appropriated by the Legislature for the  
 30 program shall be deposited in the State Student Financial  
 31 Assistance Trust Fund. The Comptroller shall authorize



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1 expenditures from the trust fund upon receipt of vouchers  
 2 approved by the Department of Education. The Department of  
 3 Education shall receive all moneys collected from private  
 4 sources for the purposes of this section and shall deposit  
 5 such moneys into the trust fund. Notwithstanding the  
 6 provisions of s. 216.301 and pursuant to s. 216.351, any  
 7 balance in the trust fund at the end of any fiscal year that  
 8 has been allocated to the program shall remain in the trust  
 9 fund and shall be available for carrying out the purposes of  
 10 the program.

11 (3) The Legislature shall appropriate moneys to the  
 12 trust fund for the program from the General Revenue Fund. Such  
 13 moneys shall be applied to scholarships to be administered by  
 14 the Department of Education. All moneys deposited into the  
 15 trust fund for the program shall be invested pursuant to the  
 16 provisions of s. 18.125. Interest income accruing to the  
 17 program shall be expended to increase the total moneys  
 18 available for scholarships.

19 (4) The moneys in the trust fund for the program shall  
 20 be allocated by the department among the institutions of  
 21 higher education listed in subsection (1) on the basis of one  
 22 \$2,000 challenge grant for each \$1,000 raised from private  
 23 sources. Matching funds shall be generated through  
 24 contributions made after July 1, 1990, and pledged for the  
 25 purposes of this section. Pledged contributions shall not be  
 26 eligible for matching prior to the actual collection of the  
 27 total funds. The department shall allocate to each of those  
 28 institutions a proportionate share of the contributions  
 29 received on behalf of those institutions and a share of the  
 30 appropriations and matching funds generated by such  
 31 institution.

1           (5)(a) In order to be eligible to receive a  
2 scholarship pursuant to this section, an applicant must:

3           1. Meet the general eligibility requirements set forth  
4 in s. 1009.40.

5           2. Be accepted at Florida Agricultural and Mechanical  
6 University, Bethune-Cookman College, Edward Waters College, or  
7 Florida Memorial College.

8           3. Enroll as a full-time undergraduate student.

9           4. Earn a 3.0 grade point average on a 4.0 scale, or  
10 the equivalent, for high school subjects creditable toward a  
11 diploma.

12           (b) In order to renew a scholarship awarded pursuant  
13 to this section, a student must earn a minimum cumulative  
14 grade point average of 3.0 on a 4.0 scale and complete 12  
15 credits each term for which the student received the  
16 scholarship.

17           (6) The amount of the scholarship to be granted to  
18 each recipient is \$3,000 annually. Priority in the awarding  
19 of scholarships shall be given to students having financial  
20 need as determined by the institution. If funds are  
21 insufficient to provide the full amount of the scholarship  
22 authorized in this section to each eligible applicant, the  
23 institution may prorate available funds and make a partial  
24 award to each eligible applicant. A student may not receive an  
25 award for more than the equivalent of 8 semesters or 12  
26 quarters over a period of 6 consecutive years, except that a  
27 student who is participating in college-preparatory  
28 instruction or who requires additional time to complete the  
29 college-level communication and computation skills testing  
30 program may continue to receive a scholarship while enrolled  
31 for the purpose of receiving college-preparatory instruction

1 or while completing the testing program.

2 (7) The criteria and procedure for establishing  
3 standards of eligibility shall be determined by the  
4 department. The department shall establish a rating system  
5 upon which the institutions shall award the scholarships. The  
6 system must require a certification of eligibility issued by  
7 the postsecondary institution selected by the applicant.

8 (8) Scholarship moneys shall be transmitted to the  
9 president or the president's designee of the postsecondary  
10 institution that the recipient is attending. The president or  
11 his or her designee shall submit a report annually to the  
12 Department of Education on the scholarships. If a recipient  
13 terminates his or her enrollment during the academic year, the  
14 president or his or her designee shall refund the unused  
15 portion of the scholarship to the department within 60 days.  
16 If a recipient transfers from one of the institutions listed  
17 in subsection (1) to another of those institutions, the  
18 recipient's scholarship is transferable upon approval of the  
19 department.

20 (9) This section shall be implemented in any academic  
21 year to the extent funded and authorized by law.

22 (10) The State Board of Education may adopt any rules  
23 necessary to implement the provisions of this section.

24 Section 450. Section 1009.74, Florida Statutes, is  
25 created to read:

26 1009.74 The Theodore R. and Vivian M. Johnson  
27 Scholarship Program.--

28 (1) There is established the Theodore R. and Vivian M.  
29 Johnson Scholarship Program to be administered by the  
30 Department of Education. The program shall provide  
31 scholarships to students attending a state university. The

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1 program shall be funded by contributions from the Theodore R.  
2 and Vivian M. Johnson Scholarship Foundation and from state  
3 matching funds to be allocated from the Trust Fund for Major  
4 Gifts.

5 (2) The amount to be allocated to the program shall be  
6 on the basis of a 50-percent match of funds from the Trust  
7 Fund for Major Gifts for each contribution received from the  
8 Theodore R. and Vivian M. Johnson Scholarship Foundation. The  
9 funds allocated to the program, including the corpus and  
10 interest income, shall be expended for scholarships to benefit  
11 disabled students attending a state university.

12 (3) Students eligible for receipt of scholarship funds  
13 shall provide documentation of a disability and shall have a  
14 demonstrated financial need for the funds.

15 Section 451. Section 1009.76, Florida Statutes, is  
16 created to read:

17 1009.76 Ethics in Business Scholarship Program for  
18 state universities.--The Ethics in Business Scholarship  
19 Program for state universities is hereby created, to be  
20 administered by the Department of Education. Moneys  
21 appropriated and allocated to university foundations for  
22 purposes of the program shall be used to create endowments for  
23 the purpose of providing scholarships to undergraduate college  
24 students enrolled in state institutions of higher learning who  
25 register for one or more credit hours in courses in business  
26 ethics and who have demonstrated a commitment to serving the  
27 interests of their community. First priority for awarding such  
28 scholarships shall be given to students who demonstrate  
29 financial need.

30 Section 452. Section 1009.765, Florida Statutes, is  
31 created to read:

1           1009.765 Ethics in Business scholarships for community  
2 colleges and independent postsecondary educational  
3 institutions.--When the Department of Insurance receives a \$6  
4 million settlement as specified in the Consent Order of the  
5 Treasurer and Insurance Commissioner, case number 18900-96-c,  
6 that portion of the \$6 million not used to satisfy the  
7 requirements of section 18 of the Consent Order must be  
8 transferred from the Insurance Commissioner's Regulatory Trust  
9 Fund to the State Student Financial Assistance Trust Fund is  
10 appropriated from the State Student Financial Assistance Trust  
11 Fund to provide Ethics in Business scholarships to students  
12 enrolled in public community colleges and independent  
13 postsecondary educational institutions eligible to participate  
14 in the William L. Boyd, IV, Florida Resident Access Grant  
15 Program under s. 1009.89. The funds shall be allocated to  
16 institutions for scholarships in the following ratio:  
17 Two-thirds for community colleges and one-third for eligible  
18 independent institutions. The Department of Education shall  
19 administer the scholarship program for students attending  
20 community colleges and independent institutions. These funds  
21 must be allocated to institutions that provide an equal amount  
22 of matching funds generated by private donors for the purpose  
23 of providing Ethics in Business scholarships. Public funds may  
24 not be used to provide the match, nor may funds collected for  
25 other purposes. Notwithstanding any other provision of law,  
26 the State Board of Administration shall have the authority to  
27 invest the funds appropriated under this section. The  
28 Department of Education may adopt rules for administration of  
29 the program.

30           Section 453. Section 1009.77, Florida Statutes, is  
31 created to read:

1           1009.77 Florida Work Experience Program.--

2           (1) There is established the Florida Work Experience  
3 Program to be administered by the Department of Education. The  
4 purpose of the program is to introduce eligible students to  
5 work experience that will complement and reinforce their  
6 educational program and career goals and provide a self-help  
7 student aid program. Such program shall be available to:

8           (a) Any student attending a state university or  
9 community college authorized by Florida law; or

10           (b) Any student attending a nonprofit Florida  
11 postsecondary education institution that is eligible to  
12 participate in either of the student assistance grant programs  
13 established in ss. 1009.51 and 1009.52.

14           (2)(a) A participating institution may use up to 25  
15 percent of its program allocation for student employment  
16 within the institution.

17           (b) A participating institution may use up to 10  
18 percent of its program allocation for program administration.

19           (3) Each participating institution is authorized to  
20 enter into contractual agreements with private or public  
21 employers for the purpose of establishing a Florida work  
22 experience program.

23           (4) The participating postsecondary educational  
24 institution shall be responsible for reimbursing employers for  
25 student wages from moneys it receives from the trust fund  
26 pursuant to subsection (8). Public elementary or secondary  
27 school employers shall be reimbursed for 100 percent of the  
28 student's wages by the participating institution. All other  
29 employers shall be reimbursed for 70 percent of the student's  
30 wages. When a college or university employs a student on  
31 campus through this program, other student financial aid funds

1 may not be used to fund the institution's 30-percent portion  
2 of the student's wages.

3 (5) The employer is responsible for furnishing the  
4 full cost of any mandatory benefits. Such benefits may not be  
5 considered part of the 30-percent wage requirement total for  
6 matching purposes.

7 (6) A student is eligible to participate in the  
8 Florida Work Experience Program if the student:

9 (a) Is enrolled at an eligible college or university  
10 as no less than a half-time undergraduate student in good  
11 standing. However, a student may be employed during the break  
12 between two consecutive terms or employed, although not  
13 enrolled, during a term if the student was enrolled at least  
14 half time during the preceding term and preregisters as no  
15 less than a half-time student for the subsequent academic  
16 term. A student who attends an institution that does not  
17 provide preregistration shall provide documentation of intent  
18 to enroll as no less than a half-time student for the  
19 subsequent academic term.

20 (b) Meets the general requirements for student  
21 eligibility as provided in s. 1009.40, except as otherwise  
22 provided in this section.

23 (c) Demonstrates financial need.

24 (d) Maintains a 2.0 cumulative grade point average on  
25 a 4.0 scale for all college work.

26 (7) The Department of Education shall prescribe such  
27 rules for the program as are necessary for its administration,  
28 for the determination of eligibility and selection of  
29 institutions to receive funds for students, to ensure the  
30 proper expenditure of funds, and to provide an equitable  
31 distribution of funds between students at public and

1 independent colleges and universities.

2 (8) Funds appropriated by the Legislature for the  
3 Florida Work Experience Program shall be deposited in the  
4 State Student Financial Assistance Trust Fund. The Comptroller  
5 shall authorize expenditures from the trust fund upon receipt  
6 of vouchers approved by the Department of Education. Any  
7 balance therein at the end of any fiscal year that has been  
8 allocated to the program shall remain therein and shall be  
9 available for carrying out the purposes of the program.

10 Section 454. Section 1009.78, Florida Statutes, is  
11 created to read:

12 1009.78 Student Loan Program.--There is hereby created  
13 a Student Loan Program, referred to in ss. 1009.78-1009.88 as  
14 the program.

15 Section 455. Section 1009.79, Florida Statutes, is  
16 created to read:

17 1009.79 Issuance of revenue bonds pursuant to s. 15,  
18 Art. VII, State Constitution.--

19 (1) The issuance of revenue bonds to finance the  
20 establishment of the program, to be payable primarily from  
21 payments of interest, principal, and handling charges to the  
22 program from the recipients of the loans, and with the other  
23 revenues authorized hereby being pledged as additional  
24 security, is hereby authorized, subject and pursuant to the  
25 provisions of s. 15, Art. VII, State Constitution; the State  
26 Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

27 (2) The amount of such revenue bonds to be issued  
28 shall be determined by the Division of Bond Finance of the  
29 State Board of Administration. However, the total principal  
30 amount outstanding shall not exceed \$80 million, other than  
31 refunding bonds issued pursuant to s. 215.79.



1 Section 456. Section 1009.80, Florida Statutes, is  
2 created to read:

3 1009.80 Approval of loans; administration of  
4 program.--

5 (1) The loans to be made with the proceeds of the  
6 program shall be determined and approved by the Department of  
7 Education, pursuant to rules promulgated by the State Board of  
8 Education. The program shall be administered by the  
9 Department of Education as provided by law and the proceeds  
10 thereof shall be maintained and secured in the same manner as  
11 other public trust funds.

12 (2) The Department of Education may contract for the  
13 purchase of federally insured student loans to be made by  
14 other eligible lenders under the guaranteed student loan  
15 program; however, any such loans must comply with all  
16 applicable requirements of s. 15, Art. VII of the State  
17 Constitution, ss. 1009.78-1009.88, the rules of the State  
18 Board of Education relating to the guaranteed student loan  
19 program, and the proceedings authorizing the student loan  
20 revenue bonds, and the loans so purchased shall have been made  
21 during the period specified in the contract.

22 (3) The Department of Education may sell loan notes  
23 acquired pursuant to ss. 1009.78-1009.88 to the federally  
24 created Student Loan Marketing Association or another  
25 federally authorized holder of such notes. The department may  
26 also repurchase loan notes from authorized holders of such  
27 notes. The department shall comply with applicable federal  
28 law and regulations and the provisions of any agreement with  
29 the Student Loan Marketing Association or the other authorized  
30 holders.

31 Section 457. Section 1009.81, Florida Statutes, is

1 created to read:

2 1009.81 Loan agreements.--The Department of Education  
3 may enter into loan agreements between the department and the  
4 recipients of loans from the program for such periods and  
5 under such other terms and conditions as may be prescribed by  
6 the applicable rules and regulations and mutually agreed upon  
7 by the parties thereto in order to carry out the purposes of  
8 s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

9 Section 458. Section 1009.82, Florida Statutes, is  
10 created to read:

11 1009.82 Terms of loans.--The term of all authorized  
12 loans shall be fixed by rules adopted by the state board and  
13 the loan agreements to be entered into with the student  
14 borrowers.

15 Section 459. Section 1009.83, Florida Statutes, is  
16 created to read:

17 1009.83 Rate of interest and other charges.--The  
18 Department of Education shall from time to time fix the  
19 interest and other charges to be paid for any student loan, at  
20 rates sufficient to pay the interest on revenue bonds issued  
21 pursuant to ss. 1009.78-1009.88, plus any costs incident to  
22 issuance, sale, security, and retirement thereof, including  
23 administrative expenses.

24 Section 460. Section 1009.84, Florida Statutes, is  
25 created to read:

26 1009.84 Procurement of insurance as security for  
27 loans.--The Department of Education may contract with any  
28 insurance company or companies licensed to do business in the  
29 state for insurance payable in the event of the death or total  
30 disability of any student borrower in an amount sufficient to  
31 retire the principal and interest owed under a loan made as

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1 provided in ss. 1009.78-1009.88. The cost of any insurance  
2 purchased under this section shall be paid by the student  
3 borrower as a part of the handling charges for the loan or as  
4 a separate item to be paid in connection with the loan.

5 Section 461. Section 1009.85, Florida Statutes, is  
6 created to read:

7 1009.85 Participation in guaranteed student loan  
8 program.--The State Board of Education shall adopt rules  
9 necessary for participation in the guaranteed student loan  
10 program, as provided by the Higher Education Act of 1965 (20  
11 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The  
12 intent of this act is to authorize student loans when this  
13 state, through the Department of Education, has become an  
14 eligible lender under the provisions of the applicable federal  
15 laws providing for the guarantee of loans to students and the  
16 partial payment of interest on such loans by the United States  
17 Government.

18 Section 462. Section 1009.86, Florida Statutes, is  
19 created to read:

20 1009.86 Student Loan Operating Trust Fund.--  
21 (1) The Student Loan Operating Trust Fund is hereby  
22 created, to be administered by the Department of Education.  
23 Funds shall be credited to the trust fund pursuant to the  
24 Higher Education Act of 1965, as amended, from loan processing  
25 and issuance fees, administrative cost allowances, account  
26 maintenance fees, default aversion fees, amounts remaining  
27 from collection of defaulted loans, amounts borrowed from the  
28 Student Loan Guaranty Reserve Fund, and other amounts  
29 specified in federal regulation. The purpose of the trust fund  
30 is to segregate funds used for administration of the  
31 guaranteed student loan program from the reserve funds used to

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1 guarantee student loans contained in the Student Loan Guaranty  
2 Reserve Fund. The fund is exempt from the service charges  
3 imposed by s. 215.20.

4 (2) Notwithstanding the provisions of s. 216.301 and  
5 pursuant to s. 216.351, any balance in the trust fund at the  
6 end of any fiscal year shall remain in the trust fund at the  
7 end of the year and shall be available for carrying out the  
8 purposes of the trust fund.

9 (3) Pursuant to the provisions of s. 19(f)(2), Art.  
10 III of the State Constitution, the trust fund shall, unless  
11 terminated sooner, be terminated on July 1, 2003. However,  
12 prior to its scheduled termination, the trust fund shall be  
13 reviewed as provided in s. 215.3206(1) and (2).

14 Section 463. Section 1009.87, Florida Statutes, is  
15 created to read:

16 1009.87 Provisions of ss. 1009.78-1009.88  
17 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in  
18 addition to the other provisions of this chapter and shall not  
19 be construed to be in derogation thereof, except as otherwise  
20 expressly provided hereby.

21 Section 464. Section 1009.88, Florida Statutes, is  
22 created to read:

23 1009.88 Validation of bonds.--Revenue bonds issued  
24 pursuant to ss. 1009.78-1009.88 shall be validated in the  
25 manner provided by chapter 75. In actions to validate such  
26 revenue bonds, the complaint shall be filed in the circuit  
27 court of the county where the seat of state government is  
28 situated, the notice required by s. 75.06 to be published  
29 shall be published only in the county where the complaint is  
30 filed, and the complaint and order of the circuit court shall  
31 be served only on the attorney of the circuit in which the

1 action is pending.

2 Section 465. Section 1009.89, Florida Statutes, is  
3 created to read:

4 1009.89 The William L. Boyd, IV, Florida resident  
5 access grants.--

6 (1) The Legislature finds and declares that  
7 independent colleges and universities eligible to participate  
8 in the William L. Boyd, IV, Florida Resident Access Grant  
9 Program are an integral part of the higher education system in  
10 this state and that a significant number of state residents  
11 choose this form of higher education. The Legislature further  
12 finds that a strong and viable system of independent colleges  
13 and universities reduces the tax burden on the citizens of the  
14 state. Because the William L. Boyd, IV, Florida Resident  
15 Access Grant Program is not related to a student's financial  
16 need or other criteria upon which financial aid programs are  
17 based, it is the intent of the Legislature that the William L.  
18 Boyd, IV, Florida Resident Access Grant Program not be  
19 considered a financial aid program but rather a tuition  
20 assistance program for its citizens.

21 (2) The William L. Boyd, IV, Florida Resident Access  
22 Grant Program shall be administered by the Department of  
23 Education. The State Board of Education shall adopt rules for  
24 the administration of the program.

25 (3) The department shall issue through the program a  
26 William L. Boyd, IV, Florida resident access grant to any  
27 full-time degree-seeking undergraduate student registered at  
28 an independent college or university which is located in and  
29 chartered by the state; which is accredited by the Commission  
30 on Colleges of the Southern Association of Colleges and  
31 Schools; which grants baccalaureate degrees; which is not a

1 state university or state community college; and which has a  
 2 secular purpose, so long as the receipt of state aid by  
 3 students at the institution would not have the primary effect  
 4 of advancing or impeding religion or result in an excessive  
 5 entanglement between the state and any religious sect. Any  
 6 independent college or university that was eligible to receive  
 7 tuition vouchers on January 1, 1989, and which continues to  
 8 meet the criteria under which its eligibility was established,  
 9 shall remain eligible to receive William L. Boyd, IV, Florida  
 10 resident access grant payments.

11 (4) A person is eligible to receive such William L.  
 12 Boyd, IV, Florida resident access grant if:

13 (a) He or she meets the general requirements,  
 14 including residency, for student eligibility as provided in s.  
 15 1009.40, except as otherwise provided in this section; and

16 (b)1. He or she is enrolled as a full-time  
 17 undergraduate student at an eligible college or university;

18 2. He or she is not enrolled in a program of study  
 19 leading to a degree in theology or divinity; and

20 3. He or she is making satisfactory academic progress  
 21 as defined by the college or university in which he or she is  
 22 enrolled.

23 (5)(a) Funding for the William L. Boyd, IV, Florida  
 24 Resident Access Grant Program shall be based on a formula  
 25 composed of planned enrollment and the state cost of funding  
 26 undergraduate enrollment at public institutions pursuant to s.  
 27 1011.90. The amount of the William L. Boyd, IV, Florida  
 28 resident access grant issued to a full-time student shall be  
 29 an amount as specified in the General Appropriations Act. The  
 30 William L. Boyd, IV, Florida resident access grant may be paid  
 31 on a prorated basis in advance of the registration period. The

1 department shall make such payments to the college or  
2 university in which the student is enrolled for credit to the  
3 student's account for payment of tuition and fees.

4 Institutions shall certify to the department the amount of  
5 funds disbursed to each student and shall remit to the  
6 department any undisbursed advances or refunds within 60 days  
7 of the end of regular registration. Students shall not be  
8 eligible to receive the award for more than 9 semesters or 14  
9 quarters, except as otherwise provided in s. 1009.40(3).

10 (b) If the combined amount of the William L. Boyd, IV,  
11 Florida resident access grant issued pursuant to this act and  
12 all other scholarships and grants for tuition or fees exceeds  
13 the amount charged to the student for tuition and fees, the  
14 department shall reduce the William L. Boyd, IV, Florida  
15 resident access grant issued pursuant to this act by an amount  
16 equal to such excess.

17 (6) Funds appropriated by the Legislature for the  
18 William L. Boyd, IV, Florida Resident Access Grant Program  
19 shall be deposited in the State Student Financial Assistance  
20 Trust Fund. Notwithstanding the provisions of s. 216.301 and  
21 pursuant to s. 216.351, any balance in the trust fund at the  
22 end of any fiscal year which has been allocated to the William  
23 L. Boyd, IV, Florida Resident Access Grant Program shall  
24 remain therein and shall be available for carrying out the  
25 purposes of this section. If the number of eligible students  
26 exceeds the total authorized in the General Appropriations  
27 Act, an institution may use its own resources to assure that  
28 each eligible student receives the full benefit of the grant  
29 amount authorized.

30 Section 466. Part III.c. of chapter 1009, Florida  
31 Statutes, shall be entitled "Role of the Department of

1 Education" and shall consist of ss. 1009.90-1009.96.

2 Section 467. Section 1009.90, Florida Statutes, is  
3 created to read:

4 1009.90 Duties of the Department of Education.--The  
5 duties of the department shall include:

6 (1) Administration of this part and rules adopted by  
7 the State Board of Education.

8 (2) Administration of federal funding, insurance, or  
9 reinsurance in full compliance with applicable federal laws  
10 and regulations.

11 (3) Development of written administrative procedures  
12 and controls for the administration of each financial aid  
13 program conducted by the office, maintenance of program  
14 records and documents, timely collection and remittance of  
15 insurance premiums, and timely assignment of defaulted loans  
16 to collection agencies.

17 (4) Annual compilation of sources of financial aid  
18 available to students in this state.

19 (5) Biennial analysis of the amount of available  
20 financial aid moneys and the effect of such moneys on student  
21 access to postsecondary institutions.

22 (6) Biennial internal evaluation of the administrative  
23 efficiency and effectiveness of the office.

24 (7) Annual assessment of the accuracy of eligibility  
25 information from a random sample of award recipients.

26 (8) Annual review of procedures for the distribution  
27 of state financial aid funds.

28 (9) Development and submission of a report, annually,  
29 to the State Board of Education, the President of the Senate,  
30 and the Speaker of the House of Representatives, which shall  
31 include, but not be limited to, recommendations for the



1 distribution of state financial aid funds.

2 (10) Development and evaluation of a comprehensive,  
3 long-range program of all sources of student financial aid.

4 (11) Dissemination of information on available  
5 financial aid programs to district school superintendents and  
6 other persons who request such information.

7 (12) Calculation of the amount of need-based student  
8 financial aid required to offset fee increases recommended by  
9 the State Board of Education and inclusion of such amount  
10 within the legislative budget request for student assistance  
11 grant programs.

12 Section 468. Section 1009.91, Florida Statutes, is  
13 created to read:

14 1009.91 Assistance programs and activities of the  
15 department.--

16 (1) The department may contract for the administration  
17 of the student financial assistance programs as specifically  
18 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

19 (2) The department may contract to provide the  
20 planning and development activities required pursuant to the  
21 provisions of this part.

22 (3) The department shall administer the guarantee of  
23 student loans made by participating commercial financial  
24 institutions in such a manner as to fully comply with  
25 applicable provisions of the Higher Education Act of 1965, as  
26 amended, relating to loan reinsurance.

27 (4) The department shall maintain records on the  
28 student loan default rate of each Florida postsecondary  
29 institution and report that information annually to both the  
30 institution and the State Board of Education.

31 Section 469. Section 1009.92, Florida Statutes, is

1 created to read:

2 1009.92 Funding for programs administered by the  
3 department.--

4 (1) In the preparation of its annual budget, the  
5 department shall request that the Legislature continue to  
6 provide funding for applicable programs from the General  
7 Revenue Fund.

8 (2) The department is authorized to expend moneys from  
9 available trust funds in applicable student financial  
10 assistance programs.

11 (3) There is created a Student Loan Guaranty Reserve  
12 Fund, which shall be administered by the department in  
13 carrying out the provisions of this act.

14 (4) The principal sources of operating funds shall be  
15 from the earnings from the temporary investment of the Student  
16 Loan Guaranty Reserve Fund and from compensation for services  
17 performed under contract for the administration of student  
18 financial assistance programs pursuant to s. 1009.91.

19 (5) The department is authorized to accept grant funds  
20 under the Leveraging Educational Assistance Program and  
21 Supplemental Leveraging Educational Assistance Program of the  
22 Federal Government, as provided by the Higher Education Act of  
23 1965, as amended.

24 (6) The department is authorized to accept federal  
25 advances for the establishment of the Student Loan Guaranty  
26 Reserve Fund pursuant to the Higher Education Act of 1965, as  
27 amended, under agreement with the United States Commissioner  
28 of Education and to maintain such advances until recalled by  
29 the United States Commissioner of Education.

30 (7) The department is authorized to assess a student  
31 loan insurance premium on each loan guaranteed by the

1 department. The amount of insurance premium will be determined  
 2 by the department in the amount sufficient to maintain the  
 3 pledged level of reserve funds but in no event may the amount  
 4 of the insurance premium exceed the maximum provided by  
 5 federal law.

6 (8) The department shall invest, or contract for the  
 7 temporary investment of, any unencumbered cash, and the  
 8 interest earned therefrom, except as otherwise provided for by  
 9 law or covenant, shall accrue to the Student Loan Guaranty  
 10 Reserve Fund or for the administration of financial aid  
 11 programs.

12 Section 470. Section 1009.93, Florida Statutes, is  
 13 created to read:

14 1009.93 Student financial aid planning and  
 15 development.--

16 (1) The department shall administer a student  
 17 financial aid planning and development program. It is the  
 18 intent of the Legislature that a specific sum of funds be  
 19 allocated each year for the purpose of sponsoring the design,  
 20 development, and implementation of a comprehensive program of  
 21 student financial aid and of initiating activities of  
 22 inservice training for student financial aid administrators  
 23 and activities to encourage maximum lender participation in  
 24 guaranteed loans.

25 (2) The objective of a state program is the  
 26 maintenance of a state student financial aid program to  
 27 supplement a basic national program which will provide equal  
 28 access to postsecondary education to citizens of this state  
 29 who have the ability and motivation to benefit from a  
 30 postsecondary education. In the development of a state program  
 31 to achieve this objective, it shall be the policy that:

- 1           (a) State student financial aid be provided primarily
- 2 on the basis of financial need;
- 3           (b) Students receiving need-based financial aid be
- 4 expected to contribute toward their cost of education through
- 5 self-help resources such as savings, work, and loans;
- 6           (c) Student financial aid be available to state
- 7 residents for attendance at accredited public or private
- 8 institutions of higher education in this state;
- 9           (d) Student financial aid be provided for all levels
- 10 of postsecondary education; and
- 11           (e) State student financial aid be administered by a
- 12 central state agency.
- 13
- 14 Planning and development must be in accordance with the
- 15 foregoing objective and policies.
- 16           (3) The planning and development procedures shall
- 17 provide for:
- 18           (a) The review of public policy;
- 19           (b) The development of performance objectives;
- 20           (c) The development of alternate approaches;
- 21           (d) The evaluation of performance; and
- 22           (e) The participation and involvement in the planning
- 23 process of representatives of the groups affected by a state
- 24 program of student financial aid.
- 25           (4) The State Board of Education shall adopt rules
- 26 providing for the verification of the independent status of
- 27 state financial aid recipients.
- 28           (5) The department shall encourage industry and
- 29 education linkages through the development of temporary
- 30 employment opportunities for students attending postsecondary
- 31 institutions in this state.

1           Section 471. Section 1009.94, Florida Statutes, is  
2 created to read:

3           1009.94 Student financial assistance database.--

4           (1) The Department of Education shall design and  
5 maintain a student financial assistance database that can be  
6 used to support all aspects of the administration and delivery  
7 of state-funded student financial aid. In addition, the  
8 database must have the capability of providing policymakers  
9 with comprehensive information regarding the various financial  
10 assistance programs available to students attending Florida  
11 postsecondary education institutions.

12           (2) For purposes of this section, financial assistance  
13 includes:

14           (a) For all students, any scholarship, grant, loan,  
15 fee waiver, tuition assistance payment, or other form of  
16 compensation provided from state or federal funds.

17           (b) For students attending public institutions, any  
18 scholarship, grant, loan, fee waiver, tuition assistance  
19 payment, or other form of compensation supported by  
20 institutional funds.

21           (3) The database must include records on any student  
22 receiving any form of financial assistance as described in  
23 subsection (2). Institutions participating in any state  
24 financial assistance program shall annually submit such  
25 information to the Department of Education in a format  
26 prescribed by the department and consistent with the  
27 provisions of s. 1002.22.

28           Section 472. Section 1009.95, Florida Statutes, is  
29 created to read:

30           1009.95 Delinquent accounts.--

31           (1) The Department of Education is directed to exert

1 every lawful and reasonable effort to collect all delinquent  
2 unpaid and uncanceled scholarship loan notes, student loan  
3 notes, and defaulted guaranteed loan notes.

4 (2) The department may establish a recovery account  
5 into which unpaid and uncanceled scholarship loan note,  
6 student loan note, and defaulted guaranteed loan note accounts  
7 may be transferred.

8 (3) The department may settle any delinquent unpaid  
9 and uncanceled scholarship loan notes, student loan notes, and  
10 defaulted guaranteed loan notes and employ the service of a  
11 collection agent when deemed advisable in collecting  
12 delinquent or defaulted accounts. However, no collection agent  
13 may be paid a commission in excess of 35 percent of the amount  
14 collected. Any expense incurred by the department in enforcing  
15 the collection of a loan note may be borne by the signer of  
16 the note and may be added to the amount of the principal of  
17 such note.

18 (4) The department may charge off unpaid and  
19 uncanceled scholarship loan notes and student loan notes which  
20 are at least 3 years delinquent and which prove uncollectible  
21 after good faith collection efforts. However, a delinquent  
22 account with a past due balance of \$25 or less may be charged  
23 off as uncollectible when it becomes 6 months past due and the  
24 cost of further collection effort or assignment to a  
25 collection agent would not be warranted.

26 (5) No individual borrower who has been determined to  
27 be in default in making legally required scholarship loan,  
28 student loan, or guaranteed loan repayments shall be furnished  
29 with his or her academic transcripts or other student records  
30 until such time as the loan is paid in full or the default  
31 status has been removed.

1           (6) The department may charge an individual borrower  
2 who has been determined to be in default in making legally  
3 required loan repayments the maximum interest rate authorized  
4 by law.

5           (7) The State Board of Education shall adopt such  
6 rules as are necessary to regulate the collection, settlement,  
7 and charging off of delinquent unpaid and uncanceled  
8 scholarship loan notes, student loan notes, and defaulted  
9 guaranteed loan notes.

10           Section 473. Section 1009.96, Florida Statutes, is  
11 created to read:

12           1009.96 Annual review of financial assistance  
13 programs.--All new and existing financial assistance programs  
14 authorized under this chapter which are not funded for 3  
15 consecutive years after enactment shall stand repealed.  
16 Financial assistance programs provided under this part on July  
17 1, 1992, which lose funding for 3 consecutive years shall  
18 stand repealed. The Department of Education shall annually  
19 review the legislative appropriation for financial assistance  
20 programs to identify such programs.

21           Section 474. Part IV of chapter 1009, Florida  
22 Statutes, shall be entitled "Prepaid College Board Programs"  
23 and shall consist of ss. 1009.97-1009.984.

24           Section 475. Section 1009.97, Florida Statutes, is  
25 created to read:

26           1009.97 General provisions.--

27           (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The  
28 Legislature recognizes that educational opportunity at the  
29 postsecondary level is a critical state interest and is best  
30 ensured through the provision of postsecondary institutions  
31 that are geographically and financially accessible, that

1 affordability and accessibility of higher education are  
 2 essential to the welfare and well-being of the residents of  
 3 the state and are a critical state interest, and that  
 4 promoting and enhancing financial access to postsecondary  
 5 institutions serve a legitimate public purpose.

6       (2) LEGISLATIVE INTENT.--It is the intent of the  
 7 Legislature that a prepaid program be established through  
 8 which many of the costs associated with postsecondary  
 9 attendance may be paid in advance and fixed at a guaranteed  
 10 level for the duration of undergraduate enrollment and that  
 11 this program fosters timely financial planning for  
 12 postsecondary attendance and to encourage employer  
 13 participation in such planning through program contributions  
 14 on behalf of employees and the dependents of employees. It is  
 15 further the intent of the Legislature that a savings program  
 16 be established as a supplement and alternative to the prepaid  
 17 program to allow persons to make contributions to a trust  
 18 account to meet some or all of the qualified higher education  
 19 expenses of a designated beneficiary, consistent with federal  
 20 law authorizing such programs, but without a guarantee by the  
 21 state that such contributions, together with the investment  
 22 return on such contributions, if any, will be adequate to pay  
 23 for qualified higher education expenses, to enable  
 24 participants to save for qualified higher education expenses,  
 25 and to provide a choice to persons who determine that the  
 26 overall educational needs of their families are best suited to  
 27 a savings program or who wish to save to meet postsecondary  
 28 educational needs beyond the traditional 4-year curriculum.  
 29 Finally, the Legislature intends that the prepaid program and  
 30 the savings program be conducted in a manner to maximize  
 31 program efficiency and effectiveness.



1           (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the  
2 term:

3           (a) "Advance payment contract" means a contract  
4 entered into by the board and a purchaser pursuant to s.  
5 1009.98.

6           (b) "Board" means the Florida Prepaid College Board.

7           (c) "Trust fund" means the Florida Prepaid College  
8 Trust Fund.

9           (d) "Prepaid program" means the Florida Prepaid  
10 College Program established pursuant to s. 1009.98.

11           (e) "Purchaser" means a person who makes or is  
12 obligated to make advance registration or dormitory residence  
13 payments in accordance with an advance payment contract.

14           (f) "Qualified beneficiary" means:

15           1. A resident of this state at the time a purchaser  
16 enters into an advance payment contract on behalf of the  
17 resident;

18           2. A nonresident who is the child of a noncustodial  
19 parent who is a resident of this state at the time that such  
20 parent enters into an advance payment contract on behalf of  
21 the child; or

22           3. For purposes of advance payment contracts entered  
23 into pursuant to s. 1009.983, a graduate of an accredited high  
24 school in this state who is a resident of this state at the  
25 time he or she is designated to receive the benefits of the  
26 advance payment contract.

27           (g) "Registration fee" means tuition fee, financial  
28 aid fee, building fee, and Capital Improvement Trust Fund fee.

29           (h) "State postsecondary institution" means any public  
30 community college or state university.

31           (i) "Benefactor" means any person making a deposit,

1 payment, contribution, gift, or other expenditure into the  
2 savings program.

3 (j) "Designated beneficiary" means:

4 1. Any individual designated in the participation  
5 agreement;

6 2. Any individual defined in s. 152(a)(1)-(8) of the  
7 Internal Revenue Code; or

8 3. Any individual receiving a scholarship from  
9 interests in the program purchased by a state or local  
10 government or an organization described in s. 501(c)(3) of the  
11 Internal Revenue Code.

12 (k) "Eligible educational institution" means an  
13 institution of higher education that qualifies under s. 529 of  
14 the Internal Revenue Code as an eligible educational  
15 institution.

16 (l) "Internal Revenue Code" means the Internal Revenue  
17 Code of 1986, as defined in s. 220.03(1), and regulations  
18 adopted pursuant thereto.

19 (m) "Participation agreement" means an agreement  
20 between the board and a benefactor for participation in the  
21 savings program for a designated beneficiary.

22 (n) "Savings program" means the Florida College  
23 Savings Program established pursuant to s. 1009.981.

24 (o) "Qualified higher education expenses" means higher  
25 education expenses permitted under s. 529 of the Internal  
26 Revenue Code and required for the enrollment or attendance of  
27 a designated beneficiary at an eligible educational  
28 institution, including undergraduate and graduate schools, and  
29 any other higher education expenses that are permitted under  
30 s. 529 of the Internal Revenue Code.

31 (p) "Prepaid fund" means the fund within the trust

1 fund into which moneys belonging to the prepaid program are  
2 deposited and held.

3 (α) "Savings fund" means the fund within the trust  
4 fund into which moneys belonging to the savings program are  
5 deposited and held.

6 Section 476. Section 1009.971, Florida Statutes, is  
7 created to read:

8 1009.971 Florida Prepaid College Board.--

9 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The  
10 Florida Prepaid College Board is hereby created as a body  
11 corporate with all the powers of a body corporate for the  
12 purposes delineated in this section. The board shall  
13 administer the prepaid program and the savings program, and  
14 shall perform essential governmental functions as provided in  
15 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the  
16 State Constitution, the board shall be assigned to and  
17 administratively housed within the State Board of  
18 Administration, but it shall independently exercise the powers  
19 and duties specified in ss. 1009.97-1009.984.

20 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The  
21 board shall consist of seven members to be composed of the  
22 Attorney General, the Chief Financial Officer, the Deputy  
23 Commissioner of Colleges and Universities, the Deputy  
24 Commissioner of Community Colleges, and three members  
25 appointed by the Governor and subject to confirmation by the  
26 Senate. Each member appointed by the Governor shall possess  
27 knowledge, skill, and experience in the areas of accounting,  
28 actuary, risk management, or investment management. Each  
29 member of the board not appointed by the Governor may name a  
30 designee to serve on the board on behalf of the member;  
31 however, any designee so named shall meet the qualifications

1 required of gubernatorial appointees to the board. Members  
 2 appointed by the Governor shall serve terms of 3 years. Any  
 3 person appointed to fill a vacancy on the board shall be  
 4 appointed in a like manner and shall serve for only the  
 5 unexpired term. Any member shall be eligible for reappointment  
 6 and shall serve until a successor qualifies. Members of the  
 7 board shall serve without compensation but shall be reimbursed  
 8 for per diem and travel in accordance with s. 112.061. Each  
 9 member of the board shall file a full and public disclosure of  
 10 his or her financial interests pursuant to s. 8, Art. II of  
 11 the State Constitution and corresponding statute.

12 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;  
 13 MEETINGS.--The board shall annually elect a board member to  
 14 serve as chair and a board member to serve as vice chair and  
 15 shall designate a secretary-treasurer who need not be a member  
 16 of the board. The secretary-treasurer shall keep a record of  
 17 the proceedings of the board and shall be the custodian of all  
 18 printed material filed with or by the board and of its  
 19 official seal. Notwithstanding the existence of vacancies on  
 20 the board, a majority of the members shall constitute a  
 21 quorum. The board shall take no official action in the absence  
 22 of a quorum. The board shall meet, at a minimum, on a  
 23 quarterly basis at the call of the chair.

24 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND  
 25 DUTIES.--The board shall have the powers and duties necessary  
 26 or proper to carry out the provisions of ss. 1009.97-1009.984,  
 27 including, but not limited to, the power and duty to:

28 (a) Appoint an executive director to serve as the  
 29 chief administrative and operational officer of the board and  
 30 to perform other duties assigned to him or her by the board.

31 (b) Adopt an official seal and rules.

- 1           (c) Sue and be sued.
- 2           (d) Make and execute contracts and other necessary
- 3 instruments.
- 4           (e) Establish agreements or other transactions with
- 5 federal, state, and local agencies, including state
- 6 universities and community colleges.
- 7           (f) Administer the trust fund in a manner that is
- 8 sufficiently actuarially sound to defray the obligations of
- 9 the prepaid program and the savings program, considering the
- 10 separate purposes and objectives of each program. The board
- 11 shall annually evaluate or cause to be evaluated the actuarial
- 12 soundness of the prepaid fund. If the board perceives a need
- 13 for additional assets in order to preserve actuarial soundness
- 14 of the prepaid program, the board may adjust the terms of
- 15 subsequent advance payment contracts to ensure such soundness.
- 16           (g) Invest funds not required for immediate
- 17 disbursement.
- 18           (h) Appear in its own behalf before boards,
- 19 commissions, or other governmental agencies.
- 20           (i) Hold, buy, and sell any instruments, obligations,
- 21 securities, and property determined appropriate by the board.
- 22           (j) Require a reasonable length of state residence for
- 23 qualified beneficiaries.
- 24           (k) Segregate contributions and payments to the trust
- 25 fund into the appropriate fund.
- 26           (l) Procure and contract for goods and services,
- 27 employ personnel, and engage the services of private
- 28 consultants, actuaries, managers, legal counsel, and auditors
- 29 in a manner determined to be necessary and appropriate by the
- 30 board.
- 31           (m) Solicit and accept gifts, grants, loans, and other

1 aids from any source or participate in any other way in any  
2 government program to carry out the purposes of ss.  
3 1009.97-1009.984.

4 (n) Require and collect administrative fees and  
5 charges in connection with any transaction and impose  
6 reasonable penalties, including default, for delinquent  
7 payments or for entering into an advance payment contract or a  
8 participation agreement on a fraudulent basis.

9 (o) Procure insurance against any loss in connection  
10 with the property, assets, and activities of the trust fund or  
11 the board.

12 (p) Impose reasonable time limits on use of the  
13 benefits provided by the prepaid program or savings program.  
14 However, any such limitations shall be specified within the  
15 advance payment contract or the participation agreement,  
16 respectively.

17 (q) Delineate the terms and conditions under which  
18 payments may be withdrawn from the trust fund and impose  
19 reasonable fees and charges for such withdrawal. Such terms  
20 and conditions shall be specified within the advance payment  
21 contract or the participation agreement.

22 (r) Provide for the receipt of contributions in lump  
23 sums or installment payments.

24 (s) Require that purchasers of advance payment  
25 contracts or benefactors of participation agreements verify,  
26 under oath, any requests for contract conversions,  
27 substitutions, transfers, cancellations, refund requests, or  
28 contract changes of any nature. Verification shall be  
29 accomplished as authorized and provided for in s.  
30 92.525(1)(a).

31 (t) Delegate responsibility for administration of one

1 or both of the comprehensive investment plans required in s.  
2 1009.973 to persons the board determines to be qualified. Such  
3 persons shall be compensated by the board.

4 (u) Endorse insurance coverage written exclusively for  
5 the purpose of protecting advance payment contracts, and  
6 participation agreements, and the purchasers, benefactors, and  
7 beneficiaries thereof, including group life policies and group  
8 disability policies, which are exempt from the provisions of  
9 part V of chapter 627.

10 (v) Form strategic alliances with public and private  
11 entities to provide benefits to the prepaid program, savings  
12 program, and participants of either or both programs.

13 (w) Solicit proposals and contract, pursuant to s.  
14 287.057, for the marketing of the prepaid program or the  
15 savings program, or both together. Any materials produced for  
16 the purpose of marketing the prepaid program or the savings  
17 program shall be submitted to the board for review. No such  
18 materials shall be made available to the public before the  
19 materials are approved by the board. Any educational  
20 institution may distribute marketing materials produced for  
21 the prepaid program or the savings program; however, all such  
22 materials shall be approved by the board prior to  
23 distribution. Neither the state nor the board shall be liable  
24 for misrepresentation of the prepaid program or the savings  
25 program by a marketing agent.

26 (x) Establish other policies, procedures, and criteria  
27 to implement and administer the provisions of ss.  
28 1009.97-1009.984.

29 (y) Adopt procedures to govern contract dispute  
30 proceedings between the board and its vendors.

31 (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL

1 SERVICES.--The board shall solicit proposals and contract,  
2 pursuant to s. 287.057, for:

3       (a) The services of records administrators.

4       (b) Investment consultants to review the performance  
5 of the board's investment managers and advise the board on  
6 investment management and performance and investment policy,  
7 including the contents of the comprehensive investment plans.

8       (c) Trustee services firms to provide trustee and  
9 related services to the board. The trustee services firm shall  
10 agree to meet the obligations of the board to qualified  
11 beneficiaries if moneys in the fund fail to offset the  
12 obligations of the board as a result of imprudent selection or  
13 supervision of investment programs by such firm.

14       (d) Investment managers to provide investment  
15 portfolios for the prepaid program or the savings program.  
16 Investment managers shall be limited to authorized insurers as  
17 defined in s. 624.09, banks as defined in s. 658.12,  
18 associations as defined in s. 665.012, authorized Securities  
19 and Exchange Commission investment advisers, and investment  
20 companies as defined in the Investment Company Act of 1940.  
21 All investment managers shall have their principal place of  
22 business and corporate charter located and registered in the  
23 United States. In addition, each investment manager shall  
24 agree to meet the obligations of the board to qualified  
25 beneficiaries if moneys in the fund fail to offset the  
26 obligations of the board as a result of imprudent investing by  
27 such provider. Each authorized insurer shall evidence superior  
28 performance overall on an acceptable level of surety in  
29 meeting its obligations to its policyholders and other  
30 contractual obligations. Only qualified public depositories  
31 approved by the Insurance Commissioner and Treasurer shall be



1 eligible for board consideration. Each investment company  
 2 shall provide investment plans as specified within the request  
 3 for proposals.

4  
 5 The goals of the board in procuring such services shall be to  
 6 provide all purchasers and benefactors with the most secure,  
 7 well-diversified, and beneficially administered prepaid  
 8 program or savings program possible, to allow all qualified  
 9 firms interested in providing such services equal  
 10 consideration, and to provide such services to the state at no  
 11 cost and to the purchasers and benefactors at the lowest cost  
 12 possible. Evaluations of proposals submitted pursuant to this  
 13 subsection shall include, but not be limited to, fees and  
 14 other costs that are charged to purchasers or benefactors that  
 15 affect account values, or that impact the operational costs of  
 16 the prepaid program or the savings program; past experience  
 17 and past performance in providing the required services;  
 18 financial history and current financial strength and capital  
 19 adequacy to provide the required services; and capabilities  
 20 and experience of the proposed personnel that will provide the  
 21 required services.

22 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding  
 23 any other provision of ss. 1009.97-1009.984, the board may  
 24 adopt rules necessary for the prepaid program and the savings  
 25 program each to retain its status as a "qualified tuition  
 26 program" in order to maintain its tax exempt status or other  
 27 similar status of the program, purchasers, and qualified  
 28 beneficiaries under the Internal Revenue Code. The board shall  
 29 inform participants in the prepaid program and the savings  
 30 program of changes to the tax or securities status of advance  
 31 purchase contracts and participation agreements.

1 Section 477. Section 1009.972, Florida Statutes, is  
2 created to read:

3 1009.972 Florida Prepaid College Trust Fund.--

4 (1) There is created within the State Board of  
5 Administration the Florida Prepaid College Trust Fund. The  
6 trust fund shall be segregated into two separate funds, the  
7 prepaid fund and the savings fund.

8 (2) The prepaid fund shall consist of state  
9 appropriations, moneys acquired from other governmental or  
10 private sources for the prepaid program, and moneys remitted  
11 in accordance with advance payment contracts. Dividends,  
12 interest, and gains accruing to the prepaid fund shall  
13 increase the total funds available for the prepaid program. If  
14 dividends, interest, and gains for the prepaid fund exceed the  
15 amount necessary for program administration and disbursements,  
16 the board may designate an additional percentage of the  
17 prepaid fund to serve as a contingency fund.

18 (3) The savings fund shall consist of appropriations,  
19 moneys acquired from other governmental or private sources for  
20 the savings program, and moneys remitted in accordance with  
21 participation agreements. The amounts on deposit in the  
22 savings fund shall remain therein and shall be available  
23 solely for carrying out the purposes of the savings program.

24 (4) Any balance contained within the trust fund, and  
25 within each fund in the trust fund, at the end of a fiscal  
26 year shall remain therein and shall be available for carrying  
27 out the purposes of each respective program and the  
28 direct-support organization established pursuant to s.  
29 1009.983. Moneys contained within the trust fund shall be  
30 exempt from the investment requirements of s. 18.10. All funds  
31 deposited in the prepaid fund may be invested pursuant to s.

1 215.47. Any funds of a direct-support organization created  
2 pursuant to s. 1009.983 shall be exempt from the provisions of  
3 this section.

4 (5) Notwithstanding the provisions of chapter 717,  
5 funds associated with terminated advance payment contracts  
6 pursuant to s. 1009.98(4)(k) and canceled contracts for which  
7 no refunds have been claimed shall be retained by the board.  
8 The board shall establish procedures for notifying purchasers  
9 who subsequently cancel their advance payment contracts of any  
10 unclaimed refund and shall establish a time period after which  
11 no refund may be claimed by a purchaser who canceled a  
12 contract. The board may transfer funds retained from such  
13 terminated advance payment contracts and cancelled contracts  
14 to the Florida Prepaid Tuition Scholarship Program to provide  
15 matching funds for prepaid tuition scholarships for  
16 economically disadvantaged youth that remain drug free and  
17 crime free.

18 (6) The assets of the prepaid fund and the savings  
19 fund shall be maintained, invested, and expended solely for  
20 the purposes of the prepaid program and the savings program,  
21 respectively, and shall not be loaned, transferred, or  
22 otherwise used by the state for any purpose other than the  
23 purposes of ss. 1009.97-1009.984. This subsection shall not be  
24 construed to prohibit the board from investing in, by purchase  
25 or otherwise, bonds, notes, or other obligations of the state  
26 or an agency or instrumentality of the state. Unless otherwise  
27 specified by the board, assets of the prepaid fund and the  
28 savings fund shall be expended in the following order of  
29 priority:

30 (a) To make payments to state postsecondary  
31 institutions on behalf of qualified beneficiaries or

1 designated beneficiaries.

2 (b) To make refunds upon termination of advance  
3 payment contracts or participation agreements.

4 (c) To pay the costs of administration and operations  
5 for the prepaid program and the savings program.

6 Section 478. Section 1009.973, Florida Statutes, is  
7 created to read:

8 1009.973 Comprehensive investment plans.--The Florida  
9 Prepaid College Board shall establish separate comprehensive  
10 investment plans for the prepaid program and for the savings  
11 program, each subject to the approval of the State Board of  
12 Administration. Each comprehensive investment plan shall  
13 specify the investment policies to be utilized by the board in  
14 its administration of each respective program. The board may  
15 place assets of each program in investment products pursuant  
16 to the comprehensive investment plan for each respective  
17 program and in such proportions as may be designated or  
18 approved under the plan for each respective program. Such  
19 products shall be underwritten and offered in compliance with  
20 the applicable federal and state laws, regulations, and rules  
21 by persons authorized by applicable federal and state  
22 authorities. A purchaser may not direct the investment of his  
23 or her contribution to the prepaid program. A benefactor or  
24 designated beneficiary may not direct the investment of any  
25 contributions to the savings program other than the specific  
26 fund options provided by the board, if any. Board members and  
27 employees of the board are not prohibited from purchasing  
28 advance payment contracts or entering into participation  
29 agreements by virtue of their fiduciary responsibilities as  
30 members of the board or official duties as employees of the  
31 board.

1           Section 479. Section 1009.974, Florida Statutes, is  
2 created to read:

3           1009.974 Exemption from claims of creditors.--Moneys  
4 paid into or out of the trust fund by or on behalf of a  
5 purchaser or qualified beneficiary of an advance payment  
6 contract or benefactor or designated beneficiary of a  
7 participation agreement are exempt, as provided by s. 222.22,  
8 from all claims of creditors of the purchaser or the qualified  
9 beneficiary of an advance payment contract or the benefactor  
10 or designated beneficiary of a participation agreement,  
11 respectively, provided that the advance payment contract or  
12 participation agreement has not been terminated. Neither  
13 moneys paid into the prepaid program or savings program nor  
14 benefits accrued through the prepaid program or savings  
15 program may be pledged for the purpose of securing a loan.

16           Section 480. Section 1009.975, Florida Statutes, is  
17 created to read:

18           1009.975 Payroll deduction authority.--The state or  
19 any state agency, county, municipality, or other political  
20 subdivision may, by contract or collective bargaining  
21 agreement, agree with any employee to remit payments toward  
22 advance payment contracts or participation agreements through  
23 payroll deductions made by the appropriate officer or officers  
24 of the state, state agency, county, municipality, or political  
25 subdivision. Such payments shall be held and administered in  
26 accordance with ss. 1009.97-1009.984.

27           Section 481. Section 1009.976, Florida Statutes, is  
28 created to read:

29           1009.976 Annual report.--On or before March 31 of each  
30 year, the Florida Prepaid College Board shall prepare or cause  
31 to be prepared separate reports setting forth in appropriate

1 detail an accounting of the prepaid program and the savings  
 2 program which include a description of the financial condition  
 3 of each respective program at the close of the fiscal year.  
 4 The board shall submit copies of the reports to the Governor,  
 5 the President of the Senate, the Speaker of the House of  
 6 Representatives, and the minority leaders of the House and  
 7 Senate and shall make the report for the prepaid program  
 8 available to each purchaser and the report for the savings  
 9 program available to each benefactor and designated  
 10 beneficiary. The accounts of the fund for the prepaid program  
 11 and the savings program shall be subject to annual audits by  
 12 the Auditor General or his or her designee.

13 Section 482. Section 1009.98, Florida Statutes, is  
 14 created to read:

15 1009.98 Florida Prepaid College Program.--

16 (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There  
 17 is created a Florida Prepaid College Program to provide a  
 18 medium through which the cost of registration and dormitory  
 19 residence may be paid in advance of enrollment in a state  
 20 postsecondary institution at a rate lower than the projected  
 21 corresponding cost at the time of actual enrollment. Such  
 22 payments shall be combined and invested in a manner that  
 23 yields, at a minimum, sufficient interest to generate the  
 24 difference between the prepaid amount and the cost of  
 25 registration and dormitory residence at the time of actual  
 26 enrollment. Students who enroll in a state postsecondary  
 27 institution pursuant to this section shall be charged no fees  
 28 in excess of the terms delineated in the advance payment  
 29 contract.

30 (2) PREPAID COLLEGE PLANS.--At a minimum, the board  
 31 shall make advance payment contracts available for two

1 independent plans to be known as the community college plan  
 2 and the university plan. The board may also make advance  
 3 payment contracts available for a dormitory residence plan.  
 4 The board may restrict the number of participants in the  
 5 community college plan, university plan, and dormitory  
 6 residence plan, respectively. However, any person denied  
 7 participation solely on the basis of such restriction shall be  
 8 granted priority for participation during the succeeding year.

9       (a)1. Through the community college plan, the advance  
 10 payment contract shall provide prepaid registration fees for a  
 11 specified number of undergraduate semester credit hours not to  
 12 exceed the average number of hours required for the conference  
 13 of an associate degree. Qualified beneficiaries shall bear the  
 14 cost of any laboratory fees associated with enrollment in  
 15 specific courses. Each qualified beneficiary shall be  
 16 classified as a resident for tuition purposes, pursuant to s.  
 17 1009.21, regardless of his or her actual legal residence.

18       2. Effective July 1, 1998, the board may provide  
 19 advance payment contracts for additional fees delineated in s.  
 20 1009.23, not to exceed the average number of hours required  
 21 for the conference of an associate degree, in conjunction with  
 22 advance payment contracts for registration fees. Community  
 23 college plan contracts purchased prior to July 1, 1998, shall  
 24 be limited to the payment of registration fees as defined in  
 25 s. 1009.97.

26       (b)1. Through the university plan, the advance payment  
 27 contract shall provide prepaid registration fees for a  
 28 specified number of undergraduate semester credit hours not to  
 29 exceed the average number of hours required for the conference  
 30 of a baccalaureate degree. Qualified beneficiaries shall bear  
 31 the cost of any laboratory fees associated with enrollment in

1 specific courses. Each qualified beneficiary shall be  
2 classified as a resident for tuition purposes pursuant to s.  
3 1009.21, regardless of his or her actual legal residence.

4 2. Effective July 1, 1998, the board may provide  
5 advance payment contracts for additional fees delineated in s.  
6 1009.24(8)-(11), for a specified number of undergraduate  
7 semester credit hours not to exceed the average number of  
8 hours required for the conference of a baccalaureate degree,  
9 in conjunction with advance payment contracts for registration  
10 fees. Such contracts shall provide prepaid coverage for the  
11 sum of such fees, to a maximum of 45 percent of the cost of  
12 registration fees. University plan contracts purchased prior  
13 to July 1, 1998, shall be limited to the payment of  
14 registration fees as defined in s. 1009.97.

15 (c) The cost of participation in contracts authorized  
16 under paragraph (a) or paragraph (b) shall be based primarily  
17 on the current and projected registration fees within the  
18 Florida Community College System or the State University  
19 System, respectively, and the number of years expected to  
20 elapse between the purchase of the plan on behalf of a  
21 qualified beneficiary and the exercise of the benefits  
22 provided in the plan by such beneficiary.

23 (d) Through the dormitory residence plan, the advance  
24 payment contract may provide prepaid housing fees for a  
25 maximum of 10 semesters of full-time undergraduate enrollment  
26 in a state university. Dormitory residence plans shall be  
27 purchased in increments of 2 semesters. The cost of  
28 participation in the dormitory residence plan shall be based  
29 primarily on the average current and projected housing fees  
30 within the State University System and the number of years  
31 expected to elapse between the purchase of the plan on behalf



1 of a qualified beneficiary and the exercise of the benefits  
2 provided in the plan by such beneficiary. Qualified  
3 beneficiaries shall have the highest priority in the  
4 assignment of housing within university residence halls.  
5 Qualified beneficiaries shall bear the cost of any additional  
6 elective charges such as laundry service or long-distance  
7 telephone service. Each state university may specify the  
8 residence halls or other university-held residences eligible  
9 for inclusion in the plan. In addition, any state university  
10 may request immediate termination of a dormitory residence  
11 contract based on a violation or multiple violations of rules  
12 of the residence hall or other university-held residences. In  
13 the event that sufficient housing is not available for all  
14 qualified beneficiaries, the board shall refund the purchaser  
15 or qualified beneficiary an amount equal to the fees charged  
16 for dormitory residence during that semester. If a qualified  
17 beneficiary fails to be admitted to a state university or  
18 chooses to attend a community college that operates one or  
19 more dormitories or residency opportunities, or has one or  
20 more dormitories or residency opportunities operated by the  
21 community college direct-support organization, the qualified  
22 beneficiary may transfer or cause to have transferred to the  
23 community college, or community college direct-support  
24 organization, the fees associated with dormitory residence.  
25 Dormitory fees transferred to the community college or  
26 community college direct-support organization may not exceed  
27 the maximum fees charged for state university dormitory  
28 residence for the purposes of this section, or the fees  
29 charged for community college or community college  
30 direct-support organization dormitories or residency  
31 opportunities, whichever is less.

1           (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
 2 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A  
 3 qualified beneficiary may apply the benefits of an advance  
 4 payment contract toward:

5           (a) An independent college or university that is  
 6 located and chartered in Florida, that is not for profit, that  
 7 is accredited by the Commission on Colleges of the Southern  
 8 Association of Colleges and Schools or the Accrediting Council  
 9 for Independent Colleges and Schools, and that confers degrees  
 10 as defined in s. 1005.02.

11           (b) An out-of-state college or university that is not  
 12 for profit and is accredited by a regional accrediting  
 13 association, and that confers degrees.

14           (c) An applied technology diploma program or technical  
 15 certificate program conducted by a community college listed in  
 16 s. 1004.02(2) or technical center operated by a district  
 17 school board.

18  
 19 The board shall transfer or cause to be transferred to the  
 20 institution designated by the qualified beneficiary an amount  
 21 not to exceed the redemption value of the advance payment  
 22 contract at a state postsecondary institution. If the cost of  
 23 registration or housing fees at such institution is less than  
 24 the corresponding fees at a state postsecondary institution,  
 25 the amount transferred may not exceed the actual cost of  
 26 registration and housing fees. A transfer authorized under  
 27 this subsection may not exceed the number of semester credit  
 28 hours or semesters of dormitory residence contracted on behalf  
 29 of a qualified beneficiary. Notwithstanding any other  
 30 provision in this section, an institution must be an "eligible  
 31 educational institution" under s. 529 of the Internal Revenue

1 Code to be eligible for the transfer of advance payment  
2 contract benefits.

3 (4) ADVANCE PAYMENT CONTRACTS.--The board shall  
4 develop advance payment contracts for registration and may  
5 develop advance payment contracts for dormitory residence as  
6 provided in this section. Advance payment contracts shall be  
7 exempt from chapter 517 and the Florida Insurance Code. Such  
8 contracts shall include, but not be limited to, the following:

9 (a) The amount of the payment or payments and the  
10 number of payments required from a purchaser on behalf of a  
11 qualified beneficiary.

12 (b) The terms and conditions under which purchasers  
13 shall remit payments, including, but not limited to, the date  
14 or dates upon which each payment shall be due.

15 (c) Provisions for late payment charges and for  
16 default.

17 (d) Provisions for penalty fees for withdrawals from  
18 the fund.

19 (e) Except for an advance payment contract entered  
20 into pursuant to subsection (9) or s. 1009.983, the name and  
21 date of birth of the qualified beneficiary on whose behalf the  
22 contract is drawn and the terms and conditions under which  
23 another person may be substituted as the qualified  
24 beneficiary.

25 (f) The name of any person who may terminate the  
26 contract. The terms of the contract shall specify whether the  
27 contract may be terminated by the purchaser, the qualified  
28 beneficiary, a specific designated person, or any combination  
29 of these persons.

30 (g) The terms and conditions under which a contract  
31 may be terminated, modified, or converted, the name of the

1 person entitled to any refund due as a result of termination  
2 of the contract pursuant to such terms and conditions, and the  
3 amount of refund, if any, due to the person so named.

4 (h) The number of semester credit hours or semesters  
5 of dormitory residence contracted by the purchaser.

6 (i) The state postsecondary system toward which the  
7 contracted credit hours or semesters of dormitory residence  
8 will be applied.

9 (j) The assumption of a contractual obligation by the  
10 board to the qualified beneficiary to provide for a specified  
11 number of semester credit hours of undergraduate instruction  
12 at a state postsecondary institution, not to exceed the  
13 average number of credit hours required for the conference of  
14 the degree that corresponds to the plan purchased on behalf of  
15 the qualified beneficiary or to provide for a specified number  
16 of semesters of dormitory residence, not to exceed the number  
17 of semesters of full-time enrollment required for the  
18 conference of a baccalaureate degree.

19 (k) The period of time after which advance payment  
20 contracts that have not been terminated or the benefits used  
21 shall be considered terminated. Time expended by a qualified  
22 beneficiary as an active duty member of any of the armed  
23 services of the United States shall be added to the period of  
24 time specified by the board. No purchaser or qualified  
25 beneficiary whose advance payment contract is terminated  
26 pursuant to this paragraph shall be entitled to a refund.

27 Notwithstanding chapter 717, the board shall retain any moneys  
28 paid by the purchaser for an advance payment contract that has  
29 been terminated in accordance with this paragraph. Such moneys  
30 may be transferred to the Florida Prepaid Tuition Scholarship  
31 Program to provide matching funds for prepaid tuition

1 scholarships for economically disadvantaged youths that remain  
2 drug free and crime free.

3 (1) Other terms and conditions deemed by the board to  
4 be necessary or proper.

5 (5) REFUNDS.--

6 (a) No refund shall exceed the amount paid into the  
7 fund by the purchaser except as provided in paragraphs (b) and  
8 (c).

9 (b) If the beneficiary is awarded a scholarship, the  
10 terms of which cover the benefits included in the advance  
11 payment contracts, moneys paid for the purchase of the advance  
12 payment contracts shall be refunded to the purchaser in  
13 semester installments coinciding with the tuition by the  
14 beneficiary in an amount which, in total, does not exceed the  
15 redemption value of the advance payment contract at a state  
16 postsecondary institution.

17 (c) In the event of the death or total disability of  
18 the beneficiary, moneys paid for the purchase of advance  
19 payment contracts shall be refunded to the purchaser in an  
20 amount not to exceed the redemption value of the advance  
21 payment contract at a state postsecondary institution.

22 (d) If an advance payment contract is converted from  
23 one registration plan to a plan of lesser value, the amount  
24 refunded shall not exceed the difference between the amount  
25 paid for the original contract and the amount that would have  
26 been paid for the contract to which the plan is converted had  
27 the converted plan been purchased under the same payment plan  
28 at the time the original advance payment contract was  
29 executed.

30 (e) No refund shall be authorized through an advance  
31 payment contract for any school year partially attended but

1 not completed. For purposes of this section, a school year  
 2 partially attended but not completed shall mean any one  
 3 semester whereby the student is still enrolled at the  
 4 conclusion of the official drop-add period, but withdraws  
 5 before the end of such semester. If a beneficiary does not  
 6 complete a community college plan or university plan for  
 7 reasons other than specified in paragraph (c), the purchaser  
 8 shall receive a refund of the amount paid into the fund for  
 9 the remaining unattended years of the advance payment contract  
 10 pursuant to rules promulgated by the board.

11 (6) CONFIDENTIALITY OF ACCOUNT  
 12 INFORMATION.--Information that identifies the purchasers or  
 13 beneficiaries of any plan promulgated under this section and  
 14 their advance payment account activities is exempt from the  
 15 provisions of s. 119.07(1). However, the board may authorize  
 16 the program's records administrator to release such  
 17 information to a community college, college, or university in  
 18 which a beneficiary may enroll or is enrolled. Community  
 19 colleges, colleges, and universities shall maintain such  
 20 information as exempt from the provisions of s. 119.07(1).

21 (7) OBLIGATIONS OF BOARD.--The state shall agree to  
 22 meet the obligations of the board to qualified beneficiaries  
 23 if moneys in the fund fail to offset the obligations of the  
 24 board. The Legislature shall appropriate to the Florida  
 25 Prepaid College Trust Fund the amount necessary to meet the  
 26 obligations of the board to qualified beneficiaries.

27 (8) PROGRAM TERMINATION.--In the event that the state  
 28 determines the prepaid program to be financially infeasible,  
 29 the state may discontinue the provision of the program. Any  
 30 qualified beneficiary who has been accepted by and is enrolled  
 31 or is within 5 years of enrollment in an eligible independent

1 college or university or state postsecondary institution shall  
 2 be entitled to exercise the complete benefits for which he or  
 3 she has contracted. All other contract holders shall receive a  
 4 refund of the amount paid in and an additional amount in the  
 5 nature of interest at a rate that corresponds, at a minimum,  
 6 to the prevailing interest rates for savings accounts provided  
 7 by banks and savings and loan associations.

8 (9) SCHOLARSHIPS.--A nonprofit organization described  
 9 in s. 501(c)(3) of the United States Internal Revenue Code and  
 10 exempt from taxation under s. 501(a) of the United States  
 11 Internal Revenue Code may purchase advance payment contracts  
 12 for a scholarship program that has been approved by the board  
 13 and is operated by the purchasing organization.

14 Section 483. Section 1009.981, Florida Statutes, is  
 15 created to read:

16 1009.981 Florida College Savings Program.--

17 (1)(a) The Florida Prepaid College Board is authorized  
 18 to create, establish, and administer the Florida College  
 19 Savings Program to promote and enhance the affordability of  
 20 higher education in the state and to enable persons to  
 21 contribute funds that are combined and invested to pay the  
 22 subsequent higher education expenses of a designated  
 23 beneficiary. The board may not implement the savings program  
 24 until it has obtained:

25 1. A written opinion from counsel specializing in  
 26 federal tax matters indicating that the savings program  
 27 constitutes a qualified tuition program under s. 529 of the  
 28 Internal Revenue Code;

29 2. A written opinion from a qualified member of the  
 30 United States Patent Bar indicating that the implementation of  
 31 the savings program or the operation of the savings program

1 will not knowingly infringe upon any patent or copyright  
2 specifically related to the financing of higher education  
3 expenses;

4 3. A written opinion of qualified counsel specializing  
5 in federal securities law that the savings program and the  
6 offering of participation in the savings program does not  
7 violate federal securities law; and

8 4. A written opinion from the board's litigation  
9 counsel indicating that the implementation or operation of the  
10 savings program will not adversely impact any pending  
11 litigation against the board.

12 (b) The benefactor retains ownership of all amounts on  
13 deposit in his or her account with the savings program up to  
14 the date of distribution on behalf of a designated  
15 beneficiary. Earnings derived from investment of the  
16 contributions shall be considered to be held in trust in the  
17 same manner as contributions, except as applied for purposes  
18 of the designated beneficiary and for purposes of maintaining  
19 and administering the program as provided in this section.

20 (c) All amounts attributable to penalties shall be  
21 used for purposes of the savings program or as required by the  
22 Internal Revenue Code, and other amounts received other than  
23 contributions shall be properties of the savings program.  
24 Proceeds from penalties shall remain with the program and may  
25 be used for any costs or purposes of the savings program or  
26 used as required by the Internal Revenue Code.

27 (d) Deposits and contributions to the program, the  
28 property of the board, and the earnings on the college savings  
29 accounts are exempt from taxation.

30 (e) The assets of the savings program shall be  
31 continuously invested and reinvested in a manner consistent



1 with the purposes of the program, expended on expenses  
 2 incurred by the operation and management of the savings  
 3 program, or refunded to the benefactor or designated  
 4 beneficiary under the conditions provided in the participation  
 5 agreement. The board is not required to invest directly in  
 6 obligations of the state or any political subdivision of the  
 7 state or in any investment or other fund administered by the  
 8 state.

9 (2) PARTICIPATION AGREEMENTS.--

10 (a) The board may establish plans to permit  
 11 benefactors to prepay the qualified higher education expenses  
 12 associated with enrollment in an eligible educational  
 13 institution and may permit benefactors to select from among  
 14 alternative investment plans designed to provide funds to pay  
 15 qualified education expenses of a designated beneficiary. The  
 16 board shall not accept contributions in excess of the amount  
 17 allowed pursuant to s. 529 of the Internal Revenue Code and  
 18 shall prescribe by rule the methodology and information  
 19 sources that shall be used to determine the projected costs of  
 20 qualified higher education expenses for designated  
 21 beneficiaries of prescribed ages.

22 (b) The board shall develop a participation agreement  
 23 which shall be the agreement between the board and each  
 24 benefactor, which may include, but is not limited to:

25 1. The name, date of birth, and social security number  
 26 of the designated beneficiary.

27 2. The amount of the contribution or contributions and  
 28 number of contributions required from a benefactor on behalf  
 29 of a designated beneficiary.

30 3. The terms and conditions under which benefactors  
 31 shall remit contributions, including, but not limited to, the

1 date or dates upon which each contribution is due. Deposits to  
 2 the savings program by benefactors may only be in cash.  
 3 Benefactors may contribute in a lump sum, periodically, in  
 4 installments, or through electronic funds transfer or employer  
 5 payroll deductions.

6 4. Provisions for late contribution charges and for  
 7 default.

8 5. Provisions for penalty fees for withdrawals from  
 9 the program.

10 6. The name of the person who may terminate  
 11 participation in the program. The participation agreement must  
 12 specify whether the account may be terminated by the  
 13 benefactor, the designated beneficiary, a specific designated  
 14 person, or any combination of these persons.

15 7. The terms and conditions under which an account may  
 16 be terminated, modified, or converted, the name of the person  
 17 entitled to any refund due as a result of termination of the  
 18 account pursuant to such terms and conditions, and the amount  
 19 of refund, if any, due to the person so named.

20 8. Penalties for distributions not used or made in  
 21 accordance with s. 529 of the Internal Revenue Code.

22 9. Any charges or fees in connection with the  
 23 administration of the savings fund.

24 10. The period of time after which each participation  
 25 agreement shall be considered to be terminated. Time expended  
 26 by a designated beneficiary as an active duty member of any of  
 27 the armed services of the United States shall be added to the  
 28 period specified pursuant to this subparagraph. Should a  
 29 participation agreement be terminated, the balance of the  
 30 account, after notice to the benefactor, shall be declared  
 31 unclaimed and abandoned property. The board shall retain any

1 monies paid by the benefactor for a participation agreement  
 2 that has been terminated in accordance with this subparagraph.  
 3 Such moneys may be transferred to the Florida Prepaid Tuition  
 4 Scholarship Program to provide matching funds for prepaid  
 5 tuition scholarships for economically disadvantaged youths  
 6 that remain drug free and crime free.

7 11. Other terms and conditions deemed by the board to  
 8 be necessary or proper.

9 (c) The participation agreement shall clearly state  
 10 that:

11 1. The contract is only a debt or obligation of the  
 12 savings program and the savings fund, and is not otherwise a  
 13 debt or obligation of the state.

14 2. Participation in the program does not guarantee  
 15 that sufficient funds will be available to cover all qualified  
 16 higher education expenses for any designated beneficiary and  
 17 does not guarantee admission to or continued enrollment at an  
 18 eligible educational institution of any designated  
 19 beneficiary.

20 (d) The participation agreement may be freely amended  
 21 throughout its term for purposes including, but not limited  
 22 to, allowing to enable the benefactor to increase or decrease  
 23 the level of participation, change designated beneficiaries,  
 24 and carry out similar matters permitted by this section and  
 25 the Internal Revenue Code.

26 (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION  
 27 EXPENSES.--The board shall establish requirements and  
 28 procedures for beneficiaries to realize the benefits of  
 29 participation agreements. In establishing such requirements  
 30 and procedures, the board shall make distributions in as  
 31 efficient and expeditious manner as is prudent and possible,

1 consistent with the Internal Revenue Code.

2 (4) REFUNDS.--

3 (a) A benefactor may request a refund of the principal  
4 amount of his or her contributions, plus actual investment  
5 earnings or minus actual investment losses on the  
6 contributions, less any applicable penalty, and less any  
7 amounts used to provide benefits to the designated  
8 beneficiary.

9 (b) Notwithstanding paragraph (a), a penalty may not  
10 be levied if a benefactor requests a refund from the program  
11 due to:

- 12 1. Death of the beneficiary.
- 13 2. Total disability of the beneficiary.
- 14 3. Scholarship, allowance, or payment received by the  
15 beneficiary to the extent that the amount of the refund does  
16 not exceed the amount of the scholarship, allowance, or  
17 payment in accordance with federal law.

18 (c) If a benefactor requests a refund of funds  
19 contributed to the program for any cause other than those  
20 listed in paragraph (b), there shall be imposed a penalty of  
21 10 percent of the earnings of the account and any applicable  
22 taxes, or the amount required by the Internal Revenue Code.  
23 Earnings shall be calculated as the total value of the  
24 participation agreement, less the aggregate contributions, or  
25 in the manner prescribed in the Internal Revenue Code.

26 (5) MATERIAL MISREPRESENTATION; PENALTY.--If the  
27 benefactor or the designated beneficiary makes any material  
28 misrepresentation in the application for a participation  
29 agreement or in any communication with the board regarding the  
30 program, especially regarding the withdrawal or distribution  
31 of funds therefrom, the account may be involuntarily

1 liquidated by the board. If the account is so liquidated, the  
2 benefactor is entitled to a refund, subject to a 10-percent  
3 penalty or the amount required by the Internal Revenue Code.

4 (6) CONFIDENTIALITY OF ACCOUNT

5 INFORMATION.--Information that identifies the benefactors or  
6 the designated beneficiary of any account initiated under this  
7 section and information regarding individual account  
8 activities conducted through the savings program established  
9 in this section are confidential and exempt from the  
10 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
11 Constitution. However, the board may authorize the release of  
12 such information to a community college, college, or  
13 university in which a designated beneficiary may enroll or is  
14 enrolled. Community colleges, colleges, and universities shall  
15 maintain the confidentiality of such information. This  
16 subsection is subject to the Open Government Sunset Review Act  
17 of 1995 in accordance with s. 119.15, and shall stand repealed  
18 on October 2, 2005, unless reviewed and saved from repeal  
19 through reenactment by the Legislature.

20 (7) OBLIGATIONS OF BOARD.--Any contract or

21 participation agreement entered into by or any obligation of  
22 the board on behalf of and for the benefit of the savings  
23 program does not constitute a debt or obligation of the state  
24 but is an obligation of the savings program. The state has no  
25 obligation to any designated beneficiary or any other person  
26 as a result of the savings program. The obligation of the  
27 savings program is limited solely to those amounts deposited  
28 in the savings fund. All amounts obligated to be paid from the  
29 savings fund are limited to amounts available for such  
30 obligation. The amounts on deposit in the savings program may  
31 only be disbursed in accordance with the provisions of this

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1 section.

2           (8) PROGRAM TERMINATION.--The savings program shall  
 3 continue in existence until its existence is terminated by  
 4 law. If the state determines that the savings program is  
 5 financially infeasible, the state may discontinue the savings  
 6 program. Upon termination of the savings program, all deposits  
 7 shall be returned to benefactors, to the extent possible, and  
 8 any unclaimed assets in the savings program may be transferred  
 9 to the Florida Prepaid Tuition Scholarship Program to provide  
 10 matching funds for prepaid tuition scholarships for  
 11 economically disadvantaged youths that remain drug free and  
 12 crime free.

13           (9) STATE PLEDGE.--The state pledges to benefactors  
 14 and designated beneficiaries of the savings program that the  
 15 state will not limit or alter the rights under this section  
 16 which are vested in the program until such obligations are met  
 17 and discharged. However, this subsection does not preclude  
 18 such limitation if adequate provision is made by law for the  
 19 protection of the benefactors and designated beneficiaries  
 20 pursuant to the obligations of the board, and, if the state or  
 21 the board determines that the savings program is not  
 22 financially feasible, the state or the board may discontinue  
 23 the program. If the program is discontinued, the board shall  
 24 refund to benefactors their contributions to the program, plus  
 25 any investment earnings or minus any investment losses. The  
 26 board, on behalf of the state, may include this pledge and  
 27 undertaking by the state in participation agreements.

28           Section 484. Section 1009.982, Florida Statutes, is  
 29 created to read:

30           1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984  
 31 shall be construed as a promise or guarantee that a qualified

1 beneficiary or a designated beneficiary will be admitted to a  
 2 state postsecondary institution or to a particular state  
 3 postsecondary institution, will be allowed to continue  
 4 enrollment at a state postsecondary institution after  
 5 admission, or will be graduated from a state postsecondary  
 6 institution.

7 Section 485. Section 1009.983, Florida Statutes, is  
 8 created to read:

9 1009.983 Direct-support organization; authority.--

10 (1) The Florida Prepaid College Board may establish a  
 11 direct-support organization which is:

12 (a) A Florida corporation, not for profit,  
 13 incorporated under the provisions of chapter 617 and approved  
 14 by the Secretary of State.

15 (b) Organized and operated exclusively to receive,  
 16 hold, invest, and administer property and to make expenditures  
 17 to or for the benefit of the board.

18 (c) An organization which the board, after review, has  
 19 certified to be operating in a manner consistent with the  
 20 goals of the board and in the best interests of the state.  
 21 Unless so certified, the organization may not use the name of  
 22 the prepaid program or savings program.

23 (2) The direct-support organization shall operate  
 24 under written contract with the board. The contract must  
 25 provide for:

26 (a) Approval of the articles of incorporation and  
 27 bylaws of the direct-support organization by the board.

28 (b) Submission of an annual budget for the approval of  
 29 the board. The budget must comply with rules adopted by the  
 30 board.

31 (c) An annual financial and compliance audit of its

1 financial accounts and records by an independent certified  
2 public accountant in accordance with s. 215.981.

3 (d) Certification by the board that the direct-support  
4 organization is complying with the terms of the contract and  
5 in a manner consistent with the goals and purposes of the  
6 board and in the best interest of the state. Such  
7 certification must be made annually and reported in the  
8 official minutes of a meeting of the board.

9 (e) The reversion to the board, or to the state if the  
10 board ceases to exist, of moneys and property held in trust by  
11 the direct-support organization for the benefit of the board  
12 or prepaid program if the direct-support organization is no  
13 longer approved to operate for the board or if the board  
14 ceases to exist.

15 (f) The fiscal year of the direct-support  
16 organization, which must begin July 1 of each year and end  
17 June 30 of the following year.

18 (g) The disclosure of material provisions of the  
19 contract and of the distinction between the board and the  
20 direct-support organization to donors of gifts, contributions,  
21 or bequests, and such disclosure on all promotional and  
22 fundraising publications.

23 (3) An annual financial and compliance audit of the  
24 financial accounts and records of the direct-support  
25 organization must be performed by an independent certified  
26 public accountant. The audit must be submitted to the board  
27 for review and approval. Upon approval, the board shall  
28 certify the audit report to the Auditor General for review.  
29 The board and Auditor General shall have the authority to  
30 require and receive from the organization or its independent  
31 auditor any detail or supplemental data relative to the



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1 operation of the organization.  
 2       (4) The identity of donors who desire to remain  
 3 anonymous shall be confidential and exempt from the provisions  
 4 of s. 119.07(1) and s. 24(a), Art. I of the State  
 5 Constitution, and such anonymity shall be maintained in the  
 6 auditor's report. Information received by the organization  
 7 that is otherwise confidential or exempt by law shall retain  
 8 such status. Any sensitive, personal information regarding  
 9 contract beneficiaries, including their identities, is exempt  
 10 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
 11 the State Constitution.

12       (5) The chair and the executive director of the board  
 13 shall be directors of the direct-support organization and  
 14 shall jointly name, at a minimum, three other individuals to  
 15 serve as directors of the organization.

16       (6) The board may authorize the direct-support  
 17 organization established in this section to use board  
 18 property, except money, and use facilities and personal  
 19 services subject to the provisions of this section. If the  
 20 direct-support organization does not provide equal employment  
 21 opportunities to all persons regardless of race, color,  
 22 religion, sex, age, or national origin, it may not use the  
 23 property, facilities, or personal services of the board. For  
 24 the purposes of this section, the term "personal services"  
 25 includes full-time personnel and part-time personnel as well  
 26 as payroll processing as prescribed by rule of the board. The  
 27 board shall adopt rules prescribing the procedures by which  
 28 the direct-support organization is governed and any conditions  
 29 with which such a direct-support organization must comply to  
 30 use property, facilities, or personal services of the board.

31       (7) The board may invest funds of the direct-support

1 organization which have been allocated for the purchase of  
2 advance payment contracts for scholarships with receipts for  
3 advance payment contracts.

4 Section 486. Section 1009.984, Florida Statutes, is  
5 created to read:

6 1009.984 Florida Prepaid Tuition Scholarship  
7 Program.--The Florida Prepaid Tuition Scholarship Program is  
8 established to provide economically disadvantaged youth with  
9 prepaid postsecondary tuition scholarships. The direct-support  
10 organization established pursuant to s. 1009.983 shall  
11 administer the program with the assistance and cooperation of  
12 the Department of Education to:

13 (1) Provide an incentive for economically  
14 disadvantaged youth to improve school attendance and academic  
15 performance in order to graduate and pursue a postsecondary  
16 education.

17 (2) Obtain the commitment and involvement of private  
18 sector entities by virtue of funding matches with a ratio of  
19 50 percent provided by the private sector and 50 percent  
20 provided by the state.

21 (3) Purchase prepaid tuition scholarships for students  
22 certified by the Department of Education to the direct-support  
23 organization who meet minimum economic and school requirements  
24 and remain drug free and crime free.

25 (a) For the purpose of this subsection, "drug free"  
26 means not being convicted of, or adjudicated delinquent for,  
27 any violation of chapter 893 after being designated a  
28 recipient of a Florida prepaid tuition scholarship.

29 (b) For the purpose of this subsection, "crime free"  
30 means not being convicted of, or adjudicated delinquent for,  
31 any felony or first degree misdemeanor as defined in ss.

1 775.08 and 775.081 after being designated a recipient of a  
2 Florida prepaid tuition scholarship.

3 Section 487. Part V of chapter 1009, Florida Statutes,  
4 shall be entitled "Florida Higher Education Loan Authority"  
5 and shall consist of ss. 1009.99-1009.9994.

6 Section 488. Section 1009.99, Florida Statutes, is  
7 created to read:

8 1009.99 Short title.--Sections 1009.99-1009.9994 may  
9 be cited as the "Florida Higher Education Loan Authority Act."

10 Section 489. Section 1009.991, Florida Statutes, is  
11 created to read:

12 1009.991 Purpose.--It is the purpose of this act to  
13 provide assistance and an additional method of financing the  
14 cost of higher education to students and the families of  
15 students attending institutions of higher education in this  
16 state and to encourage investment of private capital to  
17 provide funds for financing student loans.

18 Section 490. Section 1009.992, Florida Statutes, is  
19 created to read:

20 1009.992 Definitions.--As used in this act:

21 (1) "Authority" means any public corporation created  
22 by s. 1009.993 or any board, body, commission, department, or  
23 officer of the county succeeding to the principal functions  
24 thereof or to whom the powers conferred upon an authority by  
25 this act are given by this act.

26 (2) "Authority loan" means any loan by an authority to  
27 an institution of higher education for the purpose of funding  
28 education loans.

29 (3) "Bond" or "revenue bond" means any revenue bond of  
30 an authority issued under the provisions of this act,  
31 including any revenue-refunding bond, notwithstanding that the

1 bond may be secured by mortgage or the full faith and credit  
2 of a participating institution of higher education or any  
3 other lawfully pledged security of a participating institution  
4 of higher education.

5 (4) "Bond resolution" means the resolution of an  
6 authority and the trust agreement, if any, and any supplement  
7 or amendment to the foregoing, authorizing the issuance of,  
8 and providing for the terms and conditions applicable to,  
9 obligations.

10 (5) "Bond service charge" means the principal  
11 (including mandatory sinking fund requirements for retirement  
12 of obligations) and interest, and redemption premium, if any,  
13 required to be paid by an authority on obligations.

14 (6) "Borrower" means any student who has received an  
15 education loan or any parent who has received or agreed to pay  
16 an education loan.

17 (7) "Clerk" means the clerk of a commission or the  
18 county officer charged with the duties customarily imposed  
19 upon the clerk.

20 (8) "Commission" means a board of county commissioners  
21 or other body charged with governing the county.

22 (9) "Default insurance" means insurance insuring  
23 education loans, authority loans, or obligations against  
24 default.

25 (10) "Default reserve fund" means a fund established  
26 pursuant to a bond resolution for the purpose of securing  
27 education loans, authority loans, or obligations.

28 (11) "Education loan" means a loan which is made by an  
29 institution to a student or the parents of a student, or both,  
30 in an amount not in excess of the maximum amount specified in  
31 regulations to be formulated by the authority, in order to

1 finance all or any part of the cost of the student's  
2 attendance at such institution.

3 (12) "Education loan series portfolio" means all  
4 educational loans made by a specific institution which are  
5 funded from the proceeds of an authority loan to such  
6 institution out of the proceeds of a related specific issue of  
7 obligations through the authority.

8 (13) "Institution" means any college or university  
9 which, by virtue of law or charter, is accredited by and holds  
10 membership in the Commission on Recognition of Postsecondary  
11 Accreditation; which grants baccalaureate or associate  
12 degrees; which is not a pervasively sectarian institution; and  
13 which does not discriminate in the admission of students on  
14 the basis of race, color, religion, sex, or creed.

15 (14) "Loan funding deposit" means moneys or other  
16 property which is deposited by an institution with the  
17 authority or a trustee for the purpose of:

- 18 (a) Providing security for obligations;
- 19 (b) Funding a default reserve fund;
- 20 (c) Acquiring default insurance; or
- 21 (d) Defraying costs of the authority, and

22  
23 which shall be in such amounts as are deemed necessary by the  
24 authority as a condition for participation by such institution  
25 in the program of the authority.

26 (15) "Obligation" means any revenue bond, note, or  
27 other evidence of indebtedness of an authority, including any  
28 interest coupon pertaining thereto, issued under this act,  
29 including any refunding bond.

30 (16) "Parent" means any parent or guardian of a  
31 student at an institution.

1           (17) "Participating institution" means an institution  
 2 of higher education which, pursuant to the provisions of this  
 3 act, undertakes the financing of an educational student loan  
 4 program or undertakes the refunding or refinancing of  
 5 obligations, a mortgage, or advances as provided in and  
 6 permitted by this act.

7           (18) "Person" means any person, firm, partnership,  
 8 association, corporation, or other body, public or private.

9           Section 491. Section 1009.993, Florida Statutes, is  
 10 created to read:

11           1009.993 Authority; creation, membership, terms of  
 12 members, expenses.--

13           (1) In each county there is created a public body  
 14 corporate and politic to be known as the "... County  
 15 Education Loan Authority." Each such authority is constituted  
 16 as a public instrumentality, and its exercise of the powers  
 17 conferred by this act shall be deemed the performance of an  
 18 essential public function. No authority shall transact any  
 19 business or exercise any power pursuant to this act until the  
 20 commission by ordinance or resolution declares that there is a  
 21 need for an authority to function in such county.

22           (2) The commission may adopt such an ordinance or  
 23 resolution of need if it finds that the youth of the county  
 24 and state do not have the opportunity to attend institutions  
 25 of higher learning located within the county because of their  
 26 inability to obtain financing for the cost of such education  
 27 and the inability of such institutions to provide adequate  
 28 financial aid to their students.

29           (3) In any suit, action, or proceeding involving the  
 30 validity or enforcement of or relating to any contract of the  
 31 authority, the authority shall be conclusively deemed to have

1 been established and authorized to transact business and  
 2 exercise its powers hereunder upon proof of the adoption of an  
 3 ordinance or resolution by the commission declaring the need  
 4 for the authority. Such ordinance or resolution shall be  
 5 sufficient if it declares that there is such a need for an  
 6 authority in the county. A copy of such ordinance or  
 7 resolution certified by the clerk shall be admissible in  
 8 evidence in any suit, action, or proceeding.

9 (4) The ordinance or resolution shall designate five  
 10 persons as members of the authority. The membership of the  
 11 authority shall include:

12 (a) A trustee, director, officer, or employee of an  
 13 institution located in such county.

14 (b) One lay citizen who does not derive a majority of  
 15 his or her income from education or an education-related  
 16 field.

17 (c) Two persons from the commercial financial  
 18 community in the county, each of whom has a favorable  
 19 reputation for skill, knowledge, and experience in the field  
 20 of state and municipal finance.

21 (d) One person from the commercial financial community  
 22 or educational community in the state who has a favorable  
 23 reputation for skill, knowledge, and experience in the field  
 24 of higher education loan finance.

25 (5) Of the members first appointed, one shall serve  
 26 for 1 year, one for 2 years, one for 3 years, one for 4 years,  
 27 and one for 5 years, in each case until his or her successor  
 28 is appointed and has qualified. Thereafter, the commission  
 29 shall appoint for terms of 5 years each members to succeed  
 30 those whose terms will expire. The commission shall fill any  
 31 vacancy for the unexpired portion of the term. Any member of

1 the authority may be reappointed. Any member of the authority  
 2 may be removed by the commission for misfeasance, malfeasance,  
 3 or willful neglect of duty. Before entering upon his or her  
 4 duties, each member of the authority shall take and subscribe  
 5 to the oath or affirmation required by the State Constitution.  
 6 A record of each such oath shall be filed with the Department  
 7 of State and with the clerk.

8       (6) The authority shall annually elect one of its  
 9 members as chair and one as vice chair and shall also appoint  
 10 an executive director who shall not be a member of the  
 11 authority and who shall serve at the pleasure of the authority  
 12 and receive such compensation as fixed by the authority.

13       (7) The executive director shall keep a record of the  
 14 proceedings of the authority and shall be custodian of all  
 15 books, documents, and papers filed with the authority; the  
 16 minute book or journal of the authority; and its official  
 17 seal. The director may have copies made of all minutes and  
 18 other records and documents of the authority and may give  
 19 certificates under the official seal of the authority to the  
 20 effect that such copies are true copies, and any person  
 21 dealing with the authority may rely upon any such certificate.

22       (8) Three members of the authority shall constitute a  
 23 quorum, and the affirmative vote of a majority of the members  
 24 present at a meeting shall be necessary for any action to be  
 25 taken; however, any action may be taken by an authority with  
 26 the unanimous consent of all of the members. A vacancy in the  
 27 membership of the authority shall not impair the right of a  
 28 quorum to exercise the rights or perform the duties of the  
 29 authority. The majority shall not include any member who has a  
 30 conflict of interest, and a statement by a member of a  
 31 conflict of interest is conclusive for this purpose. Any



1 action taken by the authority under the provisions of this act  
2 may be authorized by resolution at any regular or special  
3 meeting. Each such resolution shall take effect immediately  
4 and need not be published or posted.

5 (9) The members of the authority shall receive no  
6 compensation for the performance of their duties, but each  
7 member, when engaged in the performance of such duties, shall  
8 be entitled to per diem and travel expenses as provided in s.  
9 112.061.

10 (10) Notwithstanding any other law to the contrary, it  
11 shall not be, nor shall it constitute, a conflict of interest  
12 for a trustee, director, officer, or employee of an  
13 institution to serve as a member of the authority.

14 Section 492. Section 1009.994, Florida Statutes, is  
15 created to read:

16 1009.994 Functions and powers of authority.--Each  
17 authority shall have the following functions and powers:

18 (1) To adopt rules for the regulation of its affairs  
19 and the conduct of its business.

20 (2) To adopt an official seal.

21 (3) To maintain an office at a place it designates.

22 (4) To sue and be sued in its own name and to plead  
23 and be impleaded.

24 (5) To establish rules for the use of education loan  
25 financing programs and to designate a participating  
26 institution as its agent to establish rules for the use of a  
27 program undertaken by such participating institution.

28 (6) To issue obligations for the purpose of making  
29 authority loans to participating institutions for the purpose  
30 of providing education loans utilizing such eligibility  
31 standards for borrowers as the authority determines to be

1 necessary, but such standards shall include the following:

2 (a) Each student shall have a certificate of admission  
3 or enrollment at a participating institution;

4 (b) Each student or his or her parents shall satisfy  
5 such financial qualifications as the authority shall  
6 establish; and

7 (c) Each student and his or her parents shall submit  
8 such information to the applicable institution as may be  
9 required by the authority.

10 (7) To contract with financial institutions and other  
11 qualified loan origination and servicing organizations, which  
12 shall assist in prequalifying borrowers for education loans  
13 and which shall service and administer each education loan and  
14 the respective loan series portfolio of each institution, and  
15 to establish sufficient fees for each educational loan to  
16 cover the applicable pro rata cost of such servicing and  
17 originating organizations.

18 (8) To establish criteria governing the eligibility of  
19 institutions to participate in its programs, the making and  
20 allocation of authority loans and education loans, provisions  
21 for default, the establishment of default reserve funds, the  
22 purchase of default insurance, the provision of prudent debt  
23 service reserves, and the furnishing by participating  
24 institutions of such additional guarantees of the education  
25 loans, authority loans, or obligations as the authority shall  
26 determine necessary to assure the marketability of the  
27 obligations and the adequacy of the security therefor;  
28 however, the provisions applicable to participation by Florida  
29 public participating institutions in the financing programs of  
30 the authority shall be subject to approval and authorization  
31 by the budgetary and other state agencies having jurisdiction

1 over those institutions.

2 (9) To fix, revise, charge, and collect rates, fees,  
3 and charges for services furnished by the authority and to  
4 contract with any person in respect thereto, including any  
5 financial institution, loan originator, servicer,  
6 administrator, issuer of letters of credit, or insurer.

7 (10) To employ consultants, attorneys, accountants,  
8 financial experts, loan processors, bankers, managers, and  
9 such other employees and agents as may be necessary and to fix  
10 their compensation.

11 (11) To receive and accept, from any source, loans,  
12 contributions, or grants for or in aid of an authority  
13 education loan financing program or any portion thereof and,  
14 when required, to use such funds, property, or labor only for  
15 the purposes for which it was loaned, contributed, or granted.

16 (12) To make authority loans to institutions and  
17 require that the proceeds thereof be used solely for making  
18 education loans or for costs and fees in connection therewith  
19 and to require institutions to obtain certification from each  
20 borrower that proceeds from any education loan are used solely  
21 for the purpose intended by this act.

22 (13) To charge to and apportion among participating  
23 institutions administrative and operating costs and expenses  
24 incurred in the exercise of the powers and duties conferred by  
25 this act.

26 (14) To borrow working capital funds and other funds  
27 as may be necessary for startup and continuing operations,  
28 provided that such funds are borrowed solely in the name of  
29 the authority. Such borrowings shall be limited obligations of  
30 the character described in s. 1009.9975 and shall be payable  
31 solely from revenues of the authority or proceeds of

1 obligations pledged for that purpose.

2 (15) Notwithstanding any other provisions of this act,  
3 to commingle and pledge as security for a series or issue of  
4 obligations, with the consent of all of the institutions which  
5 are participating in such series or issue:

6 (a) The education loan series portfolios and some or  
7 all future education loan series portfolios of such  
8 institutions; and

9 (b) The loan funding deposits of such institutions,  
10 except that education loan series portfolios and other  
11 security and moneys set aside in any fund pledged for any  
12 series or issue of obligations shall be held for the sole  
13 benefit of such series or issue separate and apart from  
14 education loan series portfolios and other security and moneys  
15 pledged for any other series of issue of obligations of the  
16 authority. Obligations may be issued in series under one or  
17 more resolutions or trust agreements in the discretion of the  
18 authority.

19 (16) To examine records and financial reports of  
20 participating institutions and to examine records and  
21 financial reports of any contractor organization or  
22 institution retained by the authority under the provisions of  
23 this act.

24 (17) To make loans to a participating institution to  
25 refund outstanding obligations, mortgages, or advances issued,  
26 made, or given by such institution for authority loans; and  
27 whenever such refunding obligations are issued to refund  
28 obligations, the proceeds of which were used to make authority  
29 loans, the authority may reduce the amount of interest owed to  
30 it by the institution which had received authority loans from  
31 the proceeds of the refunded obligations. Such institution

1 may use this reduced amount to reduce the amount of interest  
2 being paid on education loans which the institution had made  
3 pursuant to the authority loans from the proceeds of the  
4 refunded obligations.

5 (18) To authorize its officers, agents, and employees  
6 to take any other action which is necessary in order to carry  
7 out the purposes of this act.

8 Section 493. Section 1009.995, Florida Statutes, is  
9 created to read:

10 1009.995 Expenses of authority.--All expenses incurred  
11 in carrying out the provisions of this act shall be payable  
12 solely from funds provided under the provisions of this act;  
13 and, except as specifically authorized under this act, no  
14 liability shall be incurred by an authority beyond the extent  
15 to which moneys have been provided under this act.

16 Section 494. Section 1009.996, Florida Statutes, is  
17 created to read:

18 1009.996 Higher education facilities authority as  
19 higher education loan authority.--As an alternative to the  
20 creation of an authority, a commission may confer all rights,  
21 powers, privileges, duties, and immunities of an authority  
22 upon any entity in existence on July 1, 1982, which has been  
23 authorized by law to function as a higher education facilities  
24 authority pursuant to the provisions of chapter 243. Any such  
25 entity which has been vested with the rights, powers,  
26 privileges, duties, and immunities of a higher education loan  
27 authority shall be subject to all provisions and  
28 responsibilities imposed by this act, notwithstanding any  
29 provisions to the contrary in any law which established the  
30 entity. Nothing in this act shall be construed to impair or  
31 diminish any powers of any other entity in existence on July

1 1, 1982, or to repeal, modify, or amend any law establishing  
2 such entity, except as specifically set forth herein.

3 Section 495. Section 1009.9965, Florida Statutes, is  
4 created to read:

5 1009.9965 Moneys, endowments, properties; acquisition,  
6 deposit, and guarantees.--Each authority is authorized to  
7 establish specific guidelines relating to the deposits of  
8 moneys, endowments, or properties by institutions which  
9 moneys, endowments, or properties would provide prudent  
10 security for education loan funding programs, authority loans,  
11 education loans, or obligations; and it may establish  
12 guidelines relating to guarantees of, or contracts to  
13 purchase, education loans or obligations by such institutions,  
14 financial institutions, or others. A default reserve fund may  
15 be established for each series or issue of obligations. In  
16 this regard, the authority is empowered to receive such  
17 moneys, endowments, properties, and guarantees as it deems  
18 appropriate and, if necessary, to take title in the name of  
19 the authority or in the name of a participating institution or  
20 a trustee, subject, however, to the limitations applicable to  
21 public participating institutions set forth in s. 1009.994(8).

22 Section 496. Section 1009.997, Florida Statutes, is  
23 created to read:

24 1009.997 Conveyance of loan funding deposit to  
25 participating institutions.--When the principal of and  
26 interest on obligations of an authority issued to finance the  
27 cost of an education loan financing program, including any  
28 refunding obligations issued to refund and refinance such  
29 obligations, have been fully paid and retired or when adequate  
30 provision has been made to fully pay and retire the  
31 obligations and all other conditions of the bond resolution

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1 have been satisfied and the lien created by such bond  
 2 resolution has been released in accordance with the provisions  
 3 thereof, the authority shall promptly do such things and  
 4 execute such deeds and conveyances as are necessary to convey  
 5 any remaining moneys, properties, and other assets comprising  
 6 loan funding deposits to the institutions in proportion to the  
 7 amounts furnished by the respective institutions.

8 Section 497. Section 1009.9975, Florida Statutes, is  
 9 created to read:

10 1009.9975 Notes of authority.--An authority may issue  
 11 its negotiable notes for any corporate purpose and renew any  
 12 notes by the issuance of new notes, whether or not the notes  
 13 to be renewed have matured. The authority may issue notes  
 14 partly to renew notes or to discharge other obligations then  
 15 outstanding and partly for any other purpose. The notes may be  
 16 authorized, sold, executed, and delivered in the same manner  
 17 as bonds. Any resolution authorizing notes of the authority  
 18 or any issue thereof may contain any provisions which the  
 19 authority is authorized to include in any resolution  
 20 authorizing revenue bonds or any issue thereof, and the  
 21 authority may include in any notes any terms, covenants, or  
 22 conditions which it is authorized to include in any bonds.  
 23 All such notes shall be payable solely from the revenues of  
 24 the authority, subject only to any contractual rights of the  
 25 holders of any of its notes or other obligations then  
 26 outstanding.

27 Section 498. Section 1009.9976, Florida Statutes, is  
 28 created to read:

29 1009.9976 Issuance of obligations.--

30 (1) An authority may issue its negotiable revenue  
 31 obligations for any corporate purpose. In anticipation of the

1 sale of such obligations, the authority may issue negotiable  
 2 bond anticipation notes and may renew them, but the maximum  
 3 maturity of any such note, including renewals thereof, shall  
 4 not exceed 5 years from the date of issue of the original  
 5 note. Such notes shall be paid from revenues of the authority  
 6 available therefor and not otherwise pledged or from the  
 7 proceeds of sale of the revenue bonds of the authority in  
 8 anticipation of which they were issued. The notes shall be  
 9 issued in the same manner as the revenue bonds. Such notes and  
 10 the resolution authorizing them may contain any provisions,  
 11 conditions, or limitations which a bond resolution of the  
 12 authority may contain.

13       (2) Each issue of obligations shall be payable solely  
 14 out of those revenues of the authority that pertain to the  
 15 program relating to such issue, including principal and  
 16 interest on authority loans and education loans; payments by  
 17 institutions of higher education, banks, insurance companies,  
 18 or others pursuant to letters of credit or purchase  
 19 agreements; investment earnings from funds or accounts  
 20 maintained pursuant to the bond resolution; insurance  
 21 proceeds; loan funding deposits; proceeds of sales of  
 22 education loans; proceeds of refunding obligations; and fees,  
 23 charges, and other revenues of the authority from such  
 24 program, subject only to any agreements with the holders of  
 25 particular revenue bonds or notes pledging any particular  
 26 reserves.

27       (3) The obligations may be issued as serial  
 28 obligations or as term obligations, or in both forms. The  
 29 obligations shall be authorized by a bond resolution of the  
 30 authority and shall bear such dates; mature at such times, not  
 31 to exceed the year following the last year in which the final



1 payments in an education loan series portfolio are due or 30  
 2 years, whichever is sooner, from their respective dates of  
 3 issue; bear interest at such rates; be payable at such times;  
 4 be in such denominations; be in such form, either coupon or  
 5 fully registered; carry such registration and conversion  
 6 privileges; be payable in lawful money of the United States of  
 7 America at such places; and be subject to such terms of  
 8 redemption as such bond resolution may provide. Obligations  
 9 shall be executed by the manual or facsimile signatures of  
 10 such officers of the authority as shall be designated by the  
 11 authority. Obligations may be sold at public or private sale  
 12 in such manner and for such price as the authority shall  
 13 determine. Pending preparation of the definitive bonds, the  
 14 authority may issue interim receipts or certificates which  
 15 shall be exchanged for such definitive bonds.

16 (4) Any bond resolution may contain provisions, which  
 17 shall be a part of the contract with the holders of the  
 18 obligations to be authorized, as to:

19 (a) The pledging or assigning of all or part of the  
 20 revenues derived from the authority loans and education loans  
 21 to secure the payment of the obligations to be issued.

22 (b) The fees and other amounts to be charged; the sums  
 23 to be raised in each year thereby; and the use, investment,  
 24 and disposition of such sums.

25 (c) The setting aside of loan funding deposits, debt  
 26 service reserves, capitalized interest accounts, cost of  
 27 insurance accounts, and sinking funds and the regulation,  
 28 investment, and disposition thereof.

29 (d) Limitations on the right of the authority or its  
 30 agent to restrict and regulate the use of education loans.

31 (e) Limitations on the purpose to which the proceeds

1 of sale of any issue of obligations then or thereafter to be  
2 issued may be invested or applied.

3 (f) Limitations on the issuance of additional  
4 obligations; the terms upon which additional obligations may  
5 be issued and secured; the terms upon which additional  
6 obligations may rank on a parity with, or be subordinate or  
7 superior to, other obligations; and the refunding of  
8 outstanding obligations.

9 (g) The procedure, if any, by which the terms of any  
10 contract with bondholders may be amended or abrogated, the  
11 amount of obligations the holders of which must consent  
12 thereto, and the manner in which such consent may be given.

13 (h) Limitations on the amount of moneys derived from  
14 the loan program to be expended for operating, administrative,  
15 or other expenses of the authority.

16 (i) Defining the acts or omissions to act which  
17 constitute a default in the duties of the authority to holders  
18 of obligations and providing the rights or remedies of such  
19 holders in the event of a default.

20 (j) Providing for guarantees, pledges or endowments,  
21 letters of credit, property, or other security for the benefit  
22 of the holders of such obligations.

23 (k) Any other matters relating to the obligations  
24 which the authority deems desirable to include in the bond  
25 resolution.

26 (5) Neither the members of the authority nor any  
27 person executing the obligations shall be liable personally on  
28 the obligations or be subject to any personal liability or  
29 accountability by reason of the issuance thereof.

30 (6) The authority shall have power to purchase its  
31 obligations out of any funds available therefor. The

1 authority may hold, pledge, cancel, or resell such obligations  
2 subject to and in accordance with agreements with bondholders.

3 (7) The authority shall have the power to refund any  
4 of its obligations. Such refunding obligations shall be  
5 issued in the same manner as other obligations of the  
6 authority.

7 Section 499. Section 1009.9977, Florida Statutes, is  
8 created to read:

9 1009.9977 Trust agreement to secure obligations.--In  
10 the discretion of the authority, any obligations issued under  
11 the provisions of this act may be secured by a trust agreement  
12 by and between the authority and a corporate trustee, which  
13 may be any trust company or bank having the powers of a trust  
14 company within or without the state. The trust agreement may  
15 pledge or assign the revenues to be received by the authority;  
16 may contain such provisions for protecting and enforcing the  
17 rights and remedies of the bondholders as may be reasonable  
18 and proper and not in violation of law, particularly including  
19 such provisions as have hereinabove been specifically  
20 authorized to be included in any bond resolution of the  
21 authority; and may restrict individual rights of action by  
22 bondholders. Any bank or trust company incorporated under the  
23 laws of this state which may act as depository of the proceeds  
24 of bonds or of revenues or other moneys may furnish such  
25 indemnifying bonds or pledge such securities as may be  
26 required by the authority. Any such trust agreement may set  
27 forth the rights and remedies of the bondholders and of the  
28 trustee. In addition, any trust agreement may contain such  
29 other provisions as the authority may deem reasonable and  
30 proper for the security of the bondholders. All expenses  
31 incurred in carrying out the provisions of the trust agreement

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1 may be treated as part of the cost of the operation of an  
2 education loan program.

3 Section 500. Section 1009.9978, Florida Statutes, is  
4 created to read:

5 1009.9978 Payment of obligations.--Obligations issued  
6 under the provisions of this act shall not be deemed to  
7 constitute a debt or liability of the state or the county or a  
8 pledge of the faith and credit of the state or any county, but  
9 such obligations shall be payable solely from the funds herein  
10 provided therefor from revenues. Each such obligation shall  
11 contain on its face a statement to the effect that neither the  
12 county nor the authority shall be obligated to pay the same or  
13 the interest thereon except from revenues of the loan program  
14 for which it is issued and that neither the faith and credit  
15 nor the taxing power of the state or of any political  
16 subdivision thereof is pledged to the payment of the principal  
17 of or the interest on such bonds. The issuance of obligations  
18 under the provisions of this act shall not directly,  
19 indirectly, or contingently obligate the state or any  
20 political subdivision thereof to levy or pledge any form of  
21 taxation whatever therefor or to make any appropriation for  
22 their payment.

23 Section 501. Section 1009.9979, Florida Statutes, is  
24 created to read:

25 1009.9979 Pledge of revenues.--Each authority shall  
26 fix, revise, charge, and collect fees, and it is empowered to  
27 contract with any person in respect thereof. Each agreement  
28 entered into by the authority with an institution shall  
29 provide that the fees and other amounts payable by the  
30 institution of higher education with respect to any program of  
31 the authority shall be sufficient at all times to:

1           (1) Pay the institution's share of the administrative  
2 costs and expenses of such program;

3           (2) Pay the principal of, the premium, if any, on, and  
4 the interest on outstanding obligations of the authority which  
5 have been issued in respect of such program to the extent that  
6 other revenues of the authority pledged for the payment of the  
7 obligations are insufficient to pay the obligations as they  
8 become due and payable;

9           (3) Create and maintain reserves which may, but need  
10 not, be required or provided for in the bond resolution  
11 relating to such obligations of the authority; and

12           (4) Establish and maintain whatever education loan  
13 servicing, control, or audit procedures are deemed necessary  
14 to the prudent operations of the authority.

15  
16 The authority shall pledge the revenues from each program as  
17 security for the issue of obligations relating to such  
18 program. Such pledge shall be valid and binding from the time  
19 the pledge is made; the revenues so pledged by the authority  
20 shall immediately be subject to the lien of such pledge  
21 without any physical delivery thereof or further act, and the  
22 lien of any such pledge shall be valid and binding against all  
23 parties having claims of any kind in tort, in contract, or  
24 otherwise against the authority or any participating  
25 institution, irrespective of whether such parties have notice  
26 thereof.

27           Section 502. Section 1009.998, Florida Statutes, is  
28 created to read:

29           1009.998 Funds as trust funds.--All moneys received by  
30 or on behalf of an authority pursuant to this act, whether as  
31 proceeds from the sale of obligations or as revenues, shall be

1 deemed to be trust funds to be held and applied solely as  
 2 provided in this act. Any officer with whom, or any bank or  
 3 trust company with which, such moneys are deposited shall act  
 4 as trustee of such moneys and shall hold and apply the same  
 5 for the purposes of this act, subject to such regulations as  
 6 this act and the bond resolution authorizing the issue of any  
 7 obligations may provide.

8 Section 503. Section 1009.9981, Florida Statutes, is  
 9 created to read:

10 1009.9981 Obligations; qualities of investment  
 11 securities.--All obligations issued under the provisions of  
 12 this act, regardless of form or terms, shall have all the  
 13 qualities and incidents, including negotiability, of  
 14 investment securities under the Uniform Commercial Code.  
 15 Compliance with the provisions of such code respecting the  
 16 filing of a financing statement to perfect a security interest  
 17 is not necessary for perfecting any security interest granted  
 18 by an authority.

19 Section 504. Section 1009.9982, Florida Statutes, is  
 20 created to read:

21 1009.9982 Rights of holders of obligations.--Any  
 22 holder of obligations issued pursuant to this act or a trustee  
 23 under a trust agreement entered into pursuant to this act,  
 24 except to the extent that the rights herein given may be  
 25 restricted by any bond resolution or trust agreement, may, by  
 26 any suitable form of legal proceedings:

27 (1) Protect and enforce any and all rights under the  
 28 laws of this state or granted hereunder or by the bond  
 29 resolution or trust agreement;

30 (2) Enjoin unlawful activities; and

31 (3) In the event of default with respect to the

1 payment of any principal of, premiums, if any, on, and  
 2 interest on any obligation or in the performance of any  
 3 covenant or agreement on the part of the authority in the bond  
 4 resolution, apply to the circuit court to appoint a receiver  
 5 to administer and operate the education loan program or  
 6 programs, the revenues of which are pledged to the payment of  
 7 principal of, premium, if any, on, and interest on such  
 8 obligations, with full power to pay, and to provide for  
 9 payment of, principal of, premium, if any, on, and interest on  
 10 such obligations and with such powers, subject to the  
 11 direction of the court, as are permitted by law and are  
 12 accorded receivers, excluding any power to pledge additional  
 13 revenues of the authority to the payment of such principal,  
 14 premium, and interest.

15 Section 505. Section 1009.9983, Florida Statutes, is  
 16 created to read:

17 1009.9983 Refunding obligations; purpose, proceeds;  
 18 investment of proceeds.--

19 (1) An authority may provide for the issuance of  
 20 obligations for the purpose of refunding any of its  
 21 obligations then outstanding, including the payment of any  
 22 redemption premium thereon and any interest accrued or to  
 23 accrue to the earliest or any subsequent date of redemption,  
 24 purchase, or maturity of such obligations.

25 (2) The proceeds of any such obligations issued for  
 26 the purpose of refunding outstanding obligations may, in the  
 27 discretion of the authority, be applied to the purchase or  
 28 retirement at maturity or redemption of such outstanding  
 29 obligations either on their earliest or any subsequent  
 30 redemption date or upon the purchase or at the maturity  
 31 thereof and may, pending such application, be placed in escrow

1 to be applied to such purchase or retirement at maturity or  
2 redemption on such date as may be determined by the authority.

3 (3) Any such escrowed proceeds, pending such use, may  
4 be invested and reinvested in direct obligations of the United  
5 States of America or in certificates of deposit or time  
6 deposits of financial institutions secured as to principal by  
7 such direct obligations, which direct obligations,  
8 certificates of deposit, or time deposits mature at such time  
9 as shall be appropriate to assure the prompt payment, as to  
10 principal, interest, and redemption premium, if any, of the  
11 outstanding obligations to be so refunded. The interest,  
12 income, and profits, if any, earned or realized on any such  
13 investment may also be applied to the payment of the  
14 outstanding obligations to be so refunded. After the terms of  
15 the escrow have been fully satisfied and carried out, any  
16 balance of such proceeds and interest, income, and profits, if  
17 any, earned or realized on the investments thereof shall be  
18 returned to the authority for use in any lawful manner.

19 (4) All such refunding bonds shall be subject to this  
20 act in the same manner and to the same extent as other revenue  
21 bonds issued pursuant to this act.

22 Section 506. Section 1009.9984, Florida Statutes, is  
23 created to read:

24 1009.9984 Investment of funds of authority.--Except as  
25 otherwise provided in s. 1009.9983(3), an authority may invest  
26 any funds in:

27 (1) Direct obligations of the United States of  
28 America;

29 (2) Obligations as to which the timely payment of  
30 principal and interest is fully guaranteed by the United  
31 States of America;



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1           (3) Obligations of the Federal Intermediate Credit  
 2 Banks, Federal Banks for Cooperatives, Federal Land Banks,  
 3 Federal Home Loan Banks, Federal National Mortgage  
 4 Association, Government National Mortgage Association, and  
 5 Student Loan Marketing Association;

6           (4) Certificates of deposit or time deposits  
 7 constituting direct obligations of any financial institution  
 8 as defined by the financial institutions codes, as now or  
 9 hereafter amended, except that investments may be made only in  
 10 those certificates of deposit or time deposits in financial  
 11 institutions which are insured by the appropriate federal  
 12 regulatory agency as defined in s. 655.005; and

13           (5) Withdrawable capital accounts or deposits of state  
 14 or federally chartered savings and loan associations which are  
 15 insured by an agency of the Federal Government. Any such  
 16 securities may be purchased at the offering or market price  
 17 thereof at the time of such purchase. All such securities so  
 18 purchased shall mature or be redeemable on a date prior to the  
 19 time when, in the judgment of the authority, the funds so  
 20 invested will be required for expenditure. The express  
 21 judgment of the authority as to the time when any funds will  
 22 be required for expenditure or be redeemable is final and  
 23 conclusive.

24           Section 507. Section 1009.9985, Florida Statutes, is  
 25 created to read:

26           1009.9985 Obligations as legal investments.--Any bank,  
 27 banker, trust company, savings bank or institution, building  
 28 and loan association, savings and loan association, investment  
 29 company, or other person carrying on a banking business or  
 30 investment business; insurance company or insurance  
 31 association; executor, administrator, guardian, trustee, or

1 other fiduciary; or public officer or public body of the state  
 2 or its political subdivisions may legally invest any sinking  
 3 funds, moneys, or other funds belonging to it or within its  
 4 control in any obligations issued pursuant to this act.

5 Section 508. Section 1009.9986, Florida Statutes, is  
 6 created to read:

7 1009.9986 Validation of bonds and proceedings.--A  
 8 higher education loan authority shall determine its authority  
 9 to issue any of its bonds, and the legality of all proceedings  
 10 in connection therewith, as provided in chapter 75.

11 Section 509. Section 1009.9987, Florida Statutes, is  
 12 created to read:

13 1009.9987 Actions to contest validity of bonds.--An  
 14 action or proceeding to contest the validity of any bond  
 15 issued under this act, other than a proceeding pursuant to s.  
 16 1009.9986, shall be commenced within 30 days after  
 17 notification, in a newspaper of general circulation within the  
 18 area, of the passage by the authority of the resolution  
 19 authorizing the issuance of such bond.

20 Section 510. Section 1009.9988, Florida Statutes, is  
 21 created to read:

22 1009.9988 Annual report.--Each authority shall keep an  
 23 accurate account of all of its activities and shall annually  
 24 provide a report thereof to the commission and to the  
 25 Commissioner of Education. Such report shall be a public  
 26 record and open for inspection at the offices of the authority  
 27 during normal business hours. The report shall include:

28 (1) Summaries of all applications by institutions of  
 29 higher education for education loan financing assistance  
 30 presented to the authority during such fiscal year;

31 (2) Summaries of all education loan programs which

1 have received any form of financial assistance from the  
2 authority during such year;

3 (3) The nature and amount of all education loan  
4 financing assistance;

5 (4) A report concerning the financial condition of the  
6 various education loan series portfolios; and

7 (5) Projected activities of the authority for the next  
8 fiscal year, including projections of the total amount of  
9 financial assistance anticipated and the amount of obligations  
10 that will be necessary to provide the projected level of  
11 assistance during the next fiscal year.

12 Section 511. Section 1009.9989, Florida Statutes, is  
13 created to read:

14 1009.9989 Act as alternative method.--This act shall  
15 be deemed to provide a complete, additional, and alternative  
16 method for the doing of the things authorized hereby and shall  
17 be regarded as supplemental and additional to powers or rights  
18 conferred by other laws; however, the issuance of obligations  
19 and refunding obligations under this act need not comply with  
20 the requirements of any other law applicable to the issuance  
21 of obligations. Except as otherwise expressly provided in  
22 this act, none of the powers granted to an authority under  
23 this act shall be subject to the supervision or regulation, or  
24 require the approval or consent, of any municipality or  
25 political subdivision or any department, division, commission,  
26 board, body, bureau, official, or agency thereof or of the  
27 state.

28 Section 512. Section 1009.9990, Florida Statutes, is  
29 created to read:

30 1009.9990 State agreement.--The state does hereby  
31 pledge to and agree with the holders of any obligations issued

1 under this act, and with those parties who may enter into  
 2 contracts with an authority pursuant to the provisions of this  
 3 act, that the state will not limit or alter the rights hereby  
 4 vested in the authority until such obligations, together with  
 5 the interest thereon, are fully met and discharged and such  
 6 contracts are fully performed on the part of the authority;  
 7 however, nothing herein contained shall preclude such  
 8 limitation or alteration if adequate provision is made by law  
 9 for the protection of the holders of such obligations of an  
 10 authority or those entering into such contracts with an  
 11 authority. An authority is authorized to include this pledge  
 12 and undertaking for the state in such obligations or  
 13 contracts.

14 Section 513. Section 1009.9991, Florida Statutes, is  
 15 created to read:

16 1009.9991 Conflicts of interest.--

17 (1) If any member, officer, or employee of an  
 18 authority has an interest, either direct or indirect, in any  
 19 contract to which the authority is, or is to be, a party or in  
 20 any institution requesting an authority loan from the  
 21 authority, such interest shall be disclosed to the authority  
 22 in writing and shall be set forth in the minutes of the  
 23 authority. The person having such interest shall not  
 24 participate in any action by the authority with respect to  
 25 such contract or such institution.

26 (2) Nothing in this section shall be construed to  
 27 limit the right of any member, officer, or employee of an  
 28 authority to acquire an interest in bonds of the authority or  
 29 to have an interest in any banking institution in which the  
 30 bonds of the authority are, or are to be, deposited or which  
 31 is, or is to be, acting as trustee or paying agent under any

1 bond resolution, trust indenture, or similar instrument to  
2 which the authority is a party.

3 Section 514. Section 1009.9992, Florida Statutes, is  
4 created to read:

5 1009.9992 Liberal construction.--This act, being  
6 necessary for the welfare of the state and its inhabitants,  
7 shall be liberally construed to effect its purpose.

8 Section 515. Section 1009.9993, Florida Statutes, is  
9 created to read:

10 1009.9993 Tax exemption.--Neither an authority nor its  
11 agent or trustee shall be required to pay any taxes or  
12 assessments upon any transactions, or any property acquired or  
13 used by the authority or its agents or trustees under the  
14 provisions of this act or upon the income therefrom. Any  
15 bonds, notes, or other obligations issued under the provisions  
16 of this act and their transfer and the income therefrom,  
17 including any profit made on the sale thereof, shall at all  
18 times be exempt from taxation of any kind by the state or any  
19 of its political subdivisions. The exemption granted by this  
20 section shall not be applicable to any tax imposed by chapter  
21 220 on interest, income, or profits on debt obligations owned  
22 by corporations.

23 Section 516. Section 1009.9994, Florida Statutes, is  
24 created to read:

25 1009.9994 State Board of Administration authority to  
26 borrow and lend funds to finance student loans; conditions and  
27 limitations.--

28 (1) The State of Florida, acting through the State  
29 Board of Administration, is authorized to borrow funds to  
30 finance student loans and to lend such funds to eligible  
31 lenders described under the provisions of the Higher Education

1 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may  
 2 be amended, or other federal laws providing for the guarantee  
 3 of loans to students and the partial payment of interest on  
 4 such loans by the United States Government.

5       (2) In order to obtain such funds, the State of  
 6 Florida, acting through the State Board of Administration, is  
 7 authorized to enter into loan agreements and interlocal  
 8 agreements with any county, municipality, special district, or  
 9 other local governmental body. Such agreements shall be for  
 10 such periods and under such terms and conditions as may be  
 11 mutually agreed upon by the parties thereto in order to carry  
 12 out the purposes of s. 15, Art. VII of the State Constitution.  
 13 The loans shall be repaid only from the proceeds received  
 14 under loan agreements with eligible lenders or from the  
 15 proceeds received from the repayment of the student loans.  
 16 Such agreements shall provide that the loans to the state will  
 17 not constitute a general or moral obligation or a pledge of  
 18 the faith and credit or the taxing power of the state.

19       (3) The State of Florida, acting through the State  
 20 Board of Administration, is further authorized to enter into  
 21 loan agreements or other contracts under which the state will  
 22 loan the funds obtained from the local governments to eligible  
 23 lenders as defined in s. 435(q)(1)(D) of the Higher Education  
 24 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may  
 25 be amended, or other federal laws providing for the guarantee  
 26 of loans to students and the partial payment of interest on  
 27 such loans by the United States Government. Such agreements  
 28 or contracts shall be for such periods and under such terms  
 29 and conditions as may be mutually agreed upon by the parties  
 30 thereto in order to carry out the purposes of s. 15, Art. VII  
 31 of the State Constitution. Higher Education Loan Program of

1 Florida, Inc., a Florida nonprofit corporation, is hereby  
 2 designated an eligible lender hereunder, and any other lender,  
 3 to the extent permitted under s. 435(g)(1)(D) of the Higher  
 4 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended  
 5 or as may be amended, or other federal laws providing for the  
 6 guarantee of loans to students and the partial payment of  
 7 interest on such loans by the United States Government, may be  
 8 designated by the Governor, with the concurrence of the State  
 9 Board of Administration, as an eligible lender hereunder.

10 (4) The State of Florida, acting through the State  
 11 Board of Administration, is further authorized to enter into  
 12 such further contracts and to take such further actions as may  
 13 be necessary or convenient in order to carry out the purposes  
 14 of this section.

15 (5) Notice shall be published in a newspaper of  
 16 general circulation within the territorial jurisdiction of the  
 17 governmental body following adoption by the local governmental  
 18 body of a resolution authorizing a loan agreement or  
 19 interlocal agreement under this section. An action or  
 20 proceeding to contest the validity of any such loan agreement  
 21 or interlocal agreement must be commenced within 30 days after  
 22 publication of such notice.

23 (6) The provisions of this section shall be liberally  
 24 construed in order to effectively carry out its purposes.  
 25 This section shall be deemed to provide an additional and  
 26 alternative method for the doing of the things authorized  
 27 hereby and shall be regarded as supplemental to powers  
 28 conferred by other laws, and shall not be regarded as in  
 29 derogation of any powers now existing.

30 Section 517. Contingent upon ss. 1011.41 and  
 31 1011.4106, Florida Statutes, which transfer funding associated

1 with student tuition and fees and other authorized fees for  
 2 services to local accounts to be managed by university boards  
 3 of trustees, becoming law, the total receipts of the state  
 4 which are subject to the revenue limitations of Article VII,  
 5 Section 1(e) of the Florida Constitution shall be reduced by  
 6 the Revenue Estimation Conference to reflect this transfer.

7 Section 518. Chapter 1010, Florida Statutes, shall be  
 8 entitled "Financial Matters" and shall consist of ss.  
 9 1010.01-1010.86.

10 Section 519. Part I of chapter 1010, Florida Statutes,  
 11 shall be entitled "General Accounting Requirements" and shall  
 12 consist of ss. 1010.01-1010.11.

13 Section 520. Section 1010.01, Florida Statutes, is  
 14 created to read:

15 1010.01 Uniform records and accounts.--

16 (1) The financial records and accounts of each school  
 17 district, community college, university, and other institution  
 18 or agency under the supervision of the State Board of  
 19 Education shall be prepared and maintained as prescribed by  
 20 law and rules of the State Board of Education.

21 (2) Rules of the State Board of Education shall  
 22 incorporate the requirements of law and the appropriate  
 23 requirements of the Governmental Accounting Standards Board  
 24 (GASB) for State and Local Government.

25 (3) Required financial accounts and reports shall  
 26 include provisions that are unique to each of the following:  
 27 K-12 school districts, community colleges, and state  
 28 universities, and shall provide for the data to be reported to  
 29 the National Center of Educational Statistics and other  
 30 governmental and professional educational data information  
 31 services as appropriate.



1 Section 521. Section 1010.011, Florida Statutes, is  
2 created to read:

3 1010.011 Definition.--For purposes of chapters 1010  
4 and 1011, the following terms: university, universities, and  
5 university board of trustees include New College under the  
6 supervision of the State Board of Education.

7 Section 522. Section 1010.02, Florida Statutes, is  
8 created to read:

9 1010.02 Financial accounting and expenditures.--All  
10 funds accruing to a school district, a community college, or a  
11 university must be received, accounted for, and expended in  
12 accordance with law and rules of the State Board of Education.

13 Section 523. Section 1010.03, Florida Statutes, is  
14 created to read:

15 1010.03 Delinquent accounts.--District school boards,  
16 community college boards of trustees, and university boards of  
17 trustees:

18 (1) Shall exert every effort to collect all delinquent  
19 accounts.

20 (2) May charge off or settle such accounts as may  
21 prove uncollectible.

22 (3) May employ the services of a collection agency  
23 when deemed advisable in collecting delinquent accounts.

24 (4) May adopt rules, as necessary, to implement the  
25 provisions of this section, including setoff procedures,  
26 payroll deductions, and restrictions on release of  
27 transcripts, awarding of diplomas, and access to other  
28 resources and services of the school district, community  
29 college, or university.

30 Section 524. Section 1010.04, Florida Statutes, is  
31 created to read:

1           1010.04 Purchasing.--  
 2           (1) Purchases and leases by school districts,  
 3 community colleges, and universities shall comply with the  
 4 requirements of law and rules of the State Board of Education.

5           (2) Each district school board, community college  
 6 board of trustees, and each university board of trustees shall  
 7 adopt rules to be followed in making purchases.

8           (3) In districts in which the county purchasing agent  
 9 is authorized by law to make purchases for the benefit of  
 10 other governmental agencies within the county, the district  
 11 school board and community college board of trustees shall  
 12 have the option to purchase from the current county contracts  
 13 at the unit price stated therein if such purchase is to the  
 14 economic advantage of the district school board or the  
 15 community college board of trustees; subject to confirmation  
 16 of the items of purchase to the standards and specifications  
 17 prescribed by the school district or community college.

18           (4) The State Board of Education may, by rule, provide  
 19 for alternative procedures for bidding or purchasing in cases  
 20 in which the character of the item requested renders  
 21 competitive bidding impractical.

22           Section 525. Section 1010.05, Florida Statutes, is  
 23 created to read:

24           1010.05 Federal grants; maximization of indirect cost  
 25 allowance.--The Department of Education shall maximize the  
 26 available federal indirect cost allowed on all federal grants.  
 27 Beginning with the 2002-2003 fiscal year, none of the funds  
 28 received from indirect cost allowance shall be expended by the  
 29 department without specific appropriation by the Legislature.  
 30 Funds received pursuant to s. 1004.22 are specifically exempt  
 31 from this provision.

1           Section 526. Section 1010.07, Florida Statutes, is  
2 created to read:

3           1010.07 Bonds or insurance required.--

4           (1) Each district school board, community college  
5 board of trustees, and university board of trustees shall  
6 ensure that each official and employee responsible for  
7 handling, expending, or authorizing the expenditure of funds  
8 shall be appropriately bonded or insured to protect the board  
9 and the funds involved.

10           (2) Contractors paid from school district, community  
11 college, or university funds shall give bond for the faithful  
12 performance of their contracts in such amount and for such  
13 purposes as prescribed by s. 255.05 or by rules of the State  
14 Board of Education relating to the type of contract involved.  
15 It shall be the duty of the district school board, community  
16 college board of trustees, and university board of trustees to  
17 require construction contractors a bond adequate to protect  
18 the board and the board's funds involved.

19           Section 527. Section 1010.08, Florida Statutes, is  
20 created to read:

21           1010.08 Promotion and public relations; funding.--Each  
22 district school board and community college board of trustees  
23 may budget and use a portion of the funds accruing to it from  
24 auxiliary enterprises and undesignated gifts for promotion and  
25 public relations as prescribed by rules of the State Board of  
26 Education. Such funds may be used to provide hospitality to  
27 business guests in the district or elsewhere. However, such  
28 hospitality expenses may not exceed the amount authorized for  
29 such contingency funds as prescribed by rules of the State  
30 Board of Education.

31           Section 528. Section 1010.09, Florida Statutes, is

1 created to read:

2 1010.09 Direct-support organizations.--School  
3 district, community college, and university direct-support  
4 organizations shall be organized and conducted under the  
5 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the  
6 State Board of Education, as applicable.

7 Section 529. Section 1010.11, Florida Statutes, is  
8 created to read:

9 1010.11 Electronic transfer of funds.--Pursuant to the  
10 provisions of s. 215.85, each district school board, community  
11 college board of trustees, and university board of trustees  
12 shall adopt written policies prescribing the accounting and  
13 control procedures under which any funds under their control  
14 are allowed to be moved by electronic transaction for any  
15 purpose including direct deposit, wire transfer, withdrawal,  
16 or investment. Electronic transactions shall comply with the  
17 provisions of chapter 668.

18 Section 530. Part II of chapter 1010, Florida  
19 Statutes, shall be entitled "Financial Reporting" and shall  
20 consist of ss. 1010.20-1010.24.

21 Section 531. Section 1010.20, Florida Statutes, is  
22 created to read:

23 1010.20 Cost accounting and reporting for school  
24 districts.--

25 (1) COST ACCOUNTING.--Each school district shall  
26 account for expenditures of all state, local, and federal  
27 funds on a school-by-school and a district-aggregate basis in  
28 accordance with the manual developed by the Department of  
29 Education or as provided by law.

30 (2) COST REPORTING.--

31 (a) Each district shall report on a district-aggregate

1 basis expenditures for inservice training pursuant to s.  
2 1011.62(3) and for categorical programs as provided in s.  
3 1011.62(5).

4 (b) Each district shall report on a school-by-school  
5 and on an aggregate district basis expenditures for each  
6 program funded in s. 1011.62(1)(c).

7 (c) The Commissioner of Education shall present to the  
8 Legislature, prior to the opening of the regular session each  
9 year, a district-by-district report of the expenditures  
10 reported pursuant to paragraphs (a) and (b). The report shall  
11 include total expenditures, a detailed analysis showing  
12 expenditures for each program, and such other data as may be  
13 useful for management of the education system. The  
14 Commissioner of Education shall also compute cost factors  
15 relative to the base student allocation for each funded  
16 program in s. 1011.62(1)(c).

17 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

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

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

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

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

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

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

30 7. Juvenile justice programs, on an aggregate program  
31 basis, 80 percent.

1           8. Any new program established and funded under s.  
 2 1011.62(1)(c), that is not included under subparagraphs 1.-6.,  
 3 on an aggregate basis as appropriate, 80 percent.

4           (b) Funds for inservice training established in s.  
 5 1011.62(3) and for categorical programs established in s.  
 6 1011.62(5) shall be expended for the costs of the identified  
 7 programs as provided by law and in accordance with the rules  
 8 of the State Board of Education.

9           Section 532. Section 1010.21, Florida Statutes, is  
 10 created to read:

11           1010.21 Indirect costs.--District school boards shall  
 12 assess district indirect costs only for services received by  
 13 the program or institution against which such cost is  
 14 assessed. When assigning each specific indirect cost to  
 15 multiple programs or institutions, district school boards  
 16 shall identify one basis for the assessment of such cost and  
 17 shall maintain the same basis for assigning such cost to each  
 18 program or institution.

19           Section 533. Section 1010.215, Florida Statutes, is  
 20 created to read:

21           1010.215 Educational funding accountability.--

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

23           (a) "Administrative personnel" means those employees  
 24 responsible for management functions such as the development  
 25 of broad policies and implementation of those policies through  
 26 the direction of personnel.

27           (b) "Educational support personnel" means  
 28 district-based and school-based employees, including  
 29 professional staff, technicians, secretaries, clerks, skilled  
 30 workers, transportation employees, food service employees, and  
 31 custodial and maintenance workers.

1           (c) "Instructional personnel" means classroom  
2 teachers, including substitute teachers.

3           (d) "Instructional specialists" means staff members  
4 responsible for providing student personnel services,  
5 librarians, and media specialists.

6           (e) "Instructional support personnel" means aides or  
7 assistants to instructional personnel or instructional  
8 specialists.

9           (f) "Managers" means instructional and  
10 noninstructional employees with some managerial and  
11 supervisory functions, although primarily responsible for  
12 general operations. This category includes only  
13 district-based employees.

14           (2) Each district school board must classify each  
15 employee of the district school board into one of the  
16 following categories:

- 17           (a) Instructional personnel;
- 18           (b) Instructional specialists;
- 19           (c) Instructional support personnel;
- 20           (d) Administrative personnel;
- 21           (e) Managers; or
- 22           (f) Educational support personnel.

23  
24 The district school board shall notify each employee of such  
25 classification.

26           (3)(a) The school public accountability report to  
27 parents must include the number of employees in each of the  
28 categories listed in subsection (2), by work location.  
29 However, this does not include the number of temporary  
30 substitute employees.

31           (b) Any teacher-to-student ratio or class size measure

1 required by law or State Board of Education rule must be  
 2 computed by dividing the number of students in membership at  
 3 the school by the number of full-time equivalent instructional  
 4 personnel pursuant to paragraph (2)(a). Class size reports for  
 5 exceptional student education shall be computed by dividing  
 6 the number of exceptional students in membership by the number  
 7 of full-time equivalent exceptional education classroom  
 8 teachers who are classified as instructional personnel  
 9 pursuant to paragraph (2)(a).

10 (4)(a) All expenditures within the general and special  
 11 revenue funds for each district school board, including  
 12 salaries, benefits, purchased services, energy services,  
 13 materials and supplies, capital outlay, and miscellaneous  
 14 expenditures, for the following purposes are classified as  
 15 administrative expenditures:

- 16 1. District school board.
- 17 2. General administration.
- 18 3. School administration, excluding support  
 19 expenditures.
- 20 4. Facilities acquisition and construction at the  
 21 district level.
- 22 5. Fiscal services.
- 23 6. Central services at the district level.

24 (b) All expenditures within the general and special  
 25 revenue funds for each district school board, including  
 26 salaries, benefits, purchased services, energy services,  
 27 materials and supplies, capital outlay, and miscellaneous  
 28 expenditures, for the following purposes are classified as  
 29 instructional expenditures:

- 30 1. Instruction.
- 31 2. Instructional support services, including student



1 personnel services, instructional media services, instruction  
2 and curriculum development, and instructional staff training  
3 services.

4 3. School administration, including support  
5 expenditures.

6 4. Facilities acquisition and construction at the  
7 school level.

8 5. Food services.

9 6. Central services at the school level.

10 7. Student transportation services.

11 8. Operation of plant.

12 9. Maintenance of plant.

13  
14 Definitions for the functions specified in this subsection are  
15 specified in State Board of Education rules.

16 (5) The annual school public accountability report  
17 required by ss. 1001.42(16) and 1008.345 must include a school  
18 financial report. The purpose of the school financial report  
19 is to better inform parents and the public concerning how  
20 revenues were spent to operate the school during the prior  
21 fiscal year. Each school's financial report must follow a  
22 uniform, districtwide format that is easy to read and  
23 understand.

24 (a) Total revenue must be reported at the school,  
25 district, and state levels. The revenue sources that must be  
26 addressed are state and local funds, other than lottery funds;  
27 lottery funds; federal funds; and private donations.

28 (b) Expenditures must be reported as the total  
29 expenditures per unweighted full-time equivalent student at  
30 the school level and the average expenditures per full-time  
31 equivalent student at the district and state levels in each of

1 the following categories and subcategories:

2 1. Teachers, excluding substitute teachers, and  
3 education paraprofessionals who provide direct classroom  
4 instruction to students enrolled in programs classified by s.  
5 1011.62 as:

- 6 a. Basic programs;
- 7 b. Students-at-risk programs;
- 8 c. Special programs for exceptional students;
- 9 d. Career education programs; and
- 10 e. Adult programs.

11 2. Substitute teachers.

12 3. Other instructional personnel, including  
13 school-based instructional specialists and their assistants.

14 4. Contracted instructional services, including  
15 training for instructional staff and other contracted  
16 instructional services.

17 5. School administration, including school-based  
18 administrative personnel and school-based education support  
19 personnel.

20 6. The following materials, supplies, and operating  
21 capital outlay:

- 22 a. Textbooks;
- 23 b. Computer hardware and software;
- 24 c. Other instructional materials;
- 25 d. Other materials and supplies; and
- 26 e. Library media materials.
- 27 7. Food services.
- 28 8. Other support services.
- 29 9. Operation and maintenance of the school plant.

30 (c) The school financial report must also identify the  
31 types of district-level expenditures that support the school's

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1 operations. The total amount of these district-level  
2 expenditures must be reported and expressed as total  
3 expenditures per full-time equivalent student.

4 (6) Based on the classifications in this section, each  
5 district school board shall annually submit a report by  
6 January 1, which identifies and summarizes administrative  
7 expenditures and instructional expenditures by fund for the  
8 preceding fiscal year. The report shall also state the number  
9 of unweighted full-time equivalent students enrolled in the  
10 school district. The total amount of administrative  
11 expenditures shall be divided by the number of unweighted  
12 full-time equivalent students to determine the administrative  
13 expenditures per student. This calculation is to be made  
14 separately for the general and the special revenue funds. In  
15 addition, the report shall reflect the number of employees in  
16 each category outlined in subsection (2) and the percentage of  
17 employees in each category, excluding the number of temporary  
18 substitute employees. This report shall be submitted to the  
19 commissioner and shall be made available to the public. The  
20 school public accountability report shall contain notification  
21 of the availability of this report.

22 Section 534. Section 1010.22, Florida Statutes, is  
23 created to read:

24 1010.22 Cost accounting and reporting for workforce  
25 education.--

26 (1) Each school district and each community college  
27 shall account for expenditures of all state, local, federal,  
28 and other funds in the manner prescribed by the State Board of  
29 Education.

30 (2) Each school district and each community college  
31 shall report expenditures for workforce education in

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1 accordance with requirements prescribed by the State Board of  
2 Education.

3 (3) The Department of Education, in cooperation with  
4 school districts and community colleges, shall develop and  
5 maintain a database of valid comparable information on  
6 workforce education which will meet both state and local  
7 needs.

8 Section 535. Section 1010.23, Florida Statutes, is  
9 created to read:

10 1010.23 Cost accounting and reporting for community  
11 colleges.--Community colleges shall provide an annual report  
12 on the cost of operations as provided in s. 1011.84.

13 Section 536. Section 1010.24, Florida Statutes, is  
14 created to read:

15 1010.24 Cost accounting and reporting for  
16 universities.--Universities shall provide an annual  
17 expenditure analysis report as provided in s. 1011.90.

18 Section 537. Part III of chapter 1010, Florida  
19 Statutes, shall be entitled "Audit Requirements and  
20 Procedures" and shall consist of ss. 1010.30-1010.34.

21 Section 538. Section 1010.30, Florida Statutes, is  
22 created to read:

23 1010.30 Audits required.--School districts, community  
24 colleges, universities, and other institutions and agencies  
25 under the supervision of the State Board of Education are  
26 subject to the audit provisions under chapter 11.

27 Section 539. Section 1010.305, Florida Statutes, is  
28 created to read:

29 1010.305 Audit of student enrollment.--

30 (1) The Auditor General shall periodically examine the  
31 records of school districts, and other agencies as

1 appropriate, to determine compliance with law and State Board  
2 of Education rules relating to the classification, assignment,  
3 and verification of full-time equivalent student enrollment  
4 for purposes of the Florida Education Finance Program.

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

16 Section 540. Section 1010.33, Florida Statutes, is  
17 created to read:

18 1010.33 Financial and performance audits.--Each  
19 district school board and community college board of trustees,  
20 and university board of trustees is authorized to have an  
21 audit of their accounts and records by an independent  
22 certified public accountant retained by them and paid from  
23 their public funds. These audits are in addition to those  
24 required by ss. 11.45 and 218.39.

25 Section 541. Section 1010.34, Florida Statutes, is  
26 created to read:

27 1010.34 Audits of direct-support organizations and  
28 citizen support organizations.--Audits of school district,  
29 community college, and state university direct-support  
30 organizations and citizen support organizations are subject to  
31 the audit provisions of ss. 215.981, 1013.77(4), 1004.23(5),

1 and 1004.70(6), as applicable.

2 Section 542. Part IV of chapter 1010, Florida  
3 Statutes, shall be entitled "Provisions Relating to Bonding"  
4 and shall consist of ss. 1010.40-1010.619.

5 Section 543. Section 1010.40, Florida Statutes, is  
6 created to read:

7 1010.40 Proposals for issuing bonds.--Whenever the  
8 residents of a school district in this state shall desire the  
9 issuance of bonds by such school district for the purpose of  
10 acquiring, building, enlarging, furnishing, or otherwise  
11 improving buildings or school grounds, or for any other  
12 exclusive use of the public schools within such school  
13 district, they shall present to the district school board a  
14 petition signed by not less than 25 percent of the duly  
15 qualified electors residing within the school district,  
16 setting forth in general terms the amount of the bonds desired  
17 to be issued, the purpose thereof, and that the proceeds  
18 derived from the sale of such bonds shall be used for the  
19 purposes set forth in the petition. The requirement for such  
20 petition may be dispensed with and the proposition of issuing  
21 bonds for the purposes as herein outlined may be initiated by  
22 the district school board of the said district; however,  
23 nothing contained in this section shall repeal any of the  
24 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,  
25 and 100.351.

26 Section 544. Section 1010.41, Florida Statutes, is  
27 created to read:

28 1010.41 Procedure of district school boards with  
29 reference to proposals for issuing bonds.--It shall be the  
30 duty of the district school board to plan the school financial  
31 program of the district so that, insofar as practicable,

1 needed capital outlay expenditures can be made without the  
2 necessity of issuing bonds. Whenever the district school board  
3 proposes an issue of bonds or has received any petition  
4 proposing the issuance of bonds, as provided in s. 1010.40,  
5 the said board shall forthwith proceed as follows:

6       (1) The district school board, after considering  
7 recommendations submitted by the district school  
8 superintendent, shall determine whether in its opinion the  
9 projects for which bonds are proposed to be issued are  
10 essential for the school program of the district.

11       (2) If the proposed projects are deemed essential by  
12 the district school board or if the proposed projects are  
13 rejected in whole or in part, the district school board shall,  
14 if practicable, prepare a plan for carrying out the projects,  
15 or at least part of the projects, with current funds which  
16 have been or can be set aside for that purpose.

17       (3) If the district school board determines that any  
18 portion of the projects cannot be carried out so that all  
19 costs can be met from the proceeds of a special district  
20 millage voted for that purpose or from district current funds  
21 that are not needed for salaries of teachers or other  
22 necessary expenses of operating the schools or from such funds  
23 that can reasonably be expected to be available by the time  
24 the projects are completed, or cannot be completed on the  
25 basis of a loan against district current funds, approved in  
26 accordance with s. 1011.14, the district school board shall  
27 then determine the amount of bonds necessary to be issued to  
28 complete the projects as proposed for the district and shall  
29 adopt and transmit to the Department of Education a resolution  
30 setting forth the proposals with reference to the projects and  
31 the proposed plan for financing the projects, said resolution

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1 to be in such form and contain such information as may be  
2 prescribed by the State Board of Education. If the Department  
3 of Education shall determine that the issuance of bonds as  
4 proposed is unnecessary or is unnecessary in the amount and  
5 according to the plan proposed, and shall notify the district  
6 school board accordingly, the district school board shall then  
7 amend its resolution to conform to the recommendation of the  
8 Department of Education, and no further action shall be taken  
9 for a period of at least 1 year on the proposal for a bond  
10 issue unless, within 30 days thereafter, a petition signed by  
11 at least 35 percent of the qualified electors within the  
12 district is received by the school board requesting that an  
13 election be called to vote bonds for the purposes set forth  
14 and in an amount which shall not exceed the amount of bonds  
15 proposed by the district school board. If such a petition is  
16 received by the district school board, as provided herein, or  
17 if the resolution proposing a bond issue has been approved by  
18 the Department of Education, the school board shall then  
19 proceed at its next ensuing meeting to adopt a resolution  
20 authorizing that an election be held for the purpose of  
21 determining whether bonds shall be issued as proposed.

22 Section 545. Section 1010.42, Florida Statutes, is  
23 created to read:

24 1010.42 Publication of resolution.--It shall be the  
25 duty of the district school board, when the resolution  
26 proposing a bond issue has been approved by the Department of  
27 Education or when such a proposal has been rejected by the  
28 Department of Education and a new petition signed by 35  
29 percent of the qualified electors of the district has been  
30 presented, and when the resolution authorizing an election has  
31 been adopted as set forth above, to cause such resolution to



1 be published at least once each week for 2 consecutive weeks  
 2 in some newspaper published in the district. This resolution  
 3 may also include a notice of election as prescribed in s.  
 4 1010.43.

5 Section 546. Section 1010.43, Florida Statutes, is  
 6 created to read:

7 1010.43 Notice of election; qualifications of  
 8 electors.--The district school board shall also, at the  
 9 meeting at which is passed the resolution provided for in s.  
 10 1010.41, order that an election shall be held in the school  
 11 district to determine whether or not there shall be issued by  
 12 the district the bonds provided for in such resolution, in  
 13 which election only the duly qualified electors thereof shall  
 14 vote; and prior to the time of holding such election, the  
 15 district school board shall cause to be published at least  
 16 once each week for 2 consecutive weeks in a newspaper  
 17 published in the district a notice of the holding of such  
 18 election, which shall specify the time and place or places of  
 19 the holding thereof. The resolution prescribed in s. 1010.41  
 20 may be incorporated in and published as a part of the notice  
 21 prescribed in this section.

22 Section 547. Section 1010.44, Florida Statutes, is  
 23 created to read:

24 1010.44 Conduct of election; form of ballot;  
 25 appointment of inspectors; canvassing returns.--The election,  
 26 provided for in s. 1010.43, shall be held at the place or  
 27 several places in the district where the last general election  
 28 was held throughout the district, unless the district school  
 29 board orders otherwise; and the district school board shall  
 30 appoint inspectors for the election and cause to be prepared  
 31 and furnished to the inspectors the ballots to be used at the

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1 election; the form of ballots for such election shall be: "For  
 2 bonds" or "Against bonds." The inspectors shall make returns  
 3 to the the district school board immediately after the  
 4 election, and the school board shall hold a special meeting as  
 5 soon thereafter as practicable for the purpose of canvassing  
 6 the election returns and shall determine and certify its  
 7 result.

8 Section 548. Section 1010.45, Florida Statutes, is  
 9 created to read:

10 1010.45 Result of election held.--If it appears by the  
 11 result of the election that a majority of the votes cast shall  
 12 be "For bonds," the district school board shall issue the  
 13 bonds authorized by the election for the purposes specified in  
 14 the resolution as published, not to exceed the amount named  
 15 therein. If the majority of the votes cast shall have been  
 16 "Against bonds," no bonds shall be issued.

17 Section 549. Section 1010.46, Florida Statutes, is  
 18 created to read:

19 1010.46 If election adverse, no second election within  
 20 6 months.--If the result of the election is adverse to the  
 21 issuance of the bonds, no election shall be held for such  
 22 purpose within 6 months thereafter. In the event such election  
 23 shall result or shall have resulted in an equal number of  
 24 votes being cast for the issuance of the bonds as shall be  
 25 cast adverse to issuance of bonds, the district school board  
 26 may call and order another or second election within the  
 27 district to have determined the question of whether the bonds  
 28 specified in the original petition and resolution shall be  
 29 issued by the district, after giving notice as provided for by  
 30 s. 1010.43, and it shall not be necessary to have presented to  
 31 the district school board further petitions to order the

1 second election.

2 Section 550. Section 1010.47, Florida Statutes, is  
3 created to read:

4 1010.47 Receiving bids and sale of bonds.--

5 (1) If the issuance of bonds is authorized at the  
6 election, or if any bonds outstanding against the district are  
7 being refunded, the district school board shall cause notice  
8 to be given by publication in some newspaper published in the  
9 district that the board will receive bids for the purchase of  
10 the bonds at the office of the district school superintendent.  
11 The notice shall be published twice and the first publication  
12 shall be given not less than 30 days prior to the date set for  
13 receiving the bids. The notice shall specify the amount of the  
14 bonds offered for sale, shall state whether the bids shall be  
15 sealed bids or whether the bonds are to be sold at auction,  
16 and shall give the schedule of maturities of the proposed  
17 bonds and such other pertinent information as may be  
18 prescribed by rules of the State Board of Education. Bidders  
19 may be invited to name the rate of interest that the bonds are  
20 to bear or the district school board may name rates of  
21 interest and invite bids thereon. In addition to publication  
22 of notice of the proposed sale as set forth in this  
23 subsection, the district school board shall notify in writing  
24 at least three recognized bond dealers in the state, and, at  
25 the same time, notify the Department of Education concerning  
26 the proposed sale and enclose a copy of the advertisement.

27 (2) All bonds and refunding bonds issued as provided  
28 by law shall be sold to the highest and best bidder at such  
29 public sale unless sold at a better price or yield basis  
30 within 30 days after failure to receive an acceptable bid at a  
31 duly advertised public sale, provided that at no time shall

1 bonds or refunding bonds be sold or exchanged at less than par  
 2 value except as specifically authorized by the Department of  
 3 Education; and provided, further, that the district school  
 4 board shall have the right to reject all bids and cause a new  
 5 notice to be given in like manner inviting other bids for such  
 6 bonds, or to sell all or any part of such bonds to the State  
 7 Board of Education at a price and yield basis that shall not  
 8 be less advantageous to the district school board than that  
 9 represented by the highest and best bid received. In the  
 10 marketing of the bonds the district school board shall be  
 11 entitled to have such assistance as can be rendered by the  
 12 Division of Bond Finance, the Commissioner of Education, or  
 13 any other public state officer or agency. In determining the  
 14 highest and best bidder for bonds offered for sale, the net  
 15 interest cost to the school board as shown in standard bond  
 16 tables shall govern, provided that the determination of the  
 17 district school board as to the highest and best bidder shall  
 18 be final.

19 Section 551. Section 1010.48, Florida Statutes, is  
 20 created to read:

21 1010.48 Bidders to give security.--The district school  
 22 board may require of all bidders for the bonds that they give  
 23 security by bond or by a deposit to the district school board  
 24 that the bidder shall comply with the terms of the bid, and  
 25 any bidder whose bid is accepted shall be liable to the  
 26 district school board for all damages on account of the  
 27 nonperformance of the terms of such bid or to a forfeiture of  
 28 the deposit required by the district school board.

29 Section 552. Section 1010.49, Florida Statutes, is  
 30 created to read:

31 1010.49 Form and denomination of bonds.--The district

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1 school board may prescribe the denomination of the bonds to be  
 2 issued, and such bonds may be issued with or without interest  
 3 coupons in the discretion of the board. The form of the bonds  
 4 to be issued may be prescribed by the State Board of Education  
 5 on the recommendation of the Department of Legal Affairs. The  
 6 schedule of maturities of the proposed bonds shall be so  
 7 arranged that the total payments required each year shall be  
 8 as nearly equal as practicable. The schedule shall provide  
 9 that all bonds are to be retired within a period of 20 years  
 10 from the date of issuance unless a longer period is required  
 11 and has been specifically approved by the Department of  
 12 Education. All bonds issued under this section that bear  
 13 interest in excess of 2.99 percent shall be callable on terms  
 14 prescribed by the district school board beginning not later  
 15 than 10 years from the date of issuance.

16 Section 553. Section 1010.50, Florida Statutes, is  
 17 created to read:

18 1010.50 Investment of fiduciary funds in bonds;  
 19 security for deposit of public funds.--School district bonds  
 20 authorized and issued under the provisions of this chapter  
 21 shall be lawful investments for fiduciary and trust funds,  
 22 including all funds in the control of trustees, assignees,  
 23 administrators, and executors, and may be accepted as security  
 24 for all deposits of public funds.

25 Section 554. Section 1010.51, Florida Statutes, is  
 26 created to read:

27 1010.51 Records to be kept and reports to be  
 28 made.--The district school board shall maintain a complete  
 29 record of all bonds issued under the provisions of this  
 30 chapter, which record shall show upon what authority the bonds  
 31 are issued, the amount for which issued, the persons to whom

1 issued, the date of issuance, the purpose or purposes for  
 2 which issued, the rate of interest to be paid, and the time  
 3 and place of payment of each installment of principal and  
 4 interest. This record shall be so arranged as to show the  
 5 amount of principal and interest to be paid each year and  
 6 shall also show the annual or semiannual payments which are  
 7 made and the bonds which are canceled. In addition the  
 8 district school superintendent shall file with the Department  
 9 of Education in accordance with rules of the State Board of  
 10 Education reports giving such information as may be required  
 11 regarding any bonds which may be issued as provided herein.

12 Section 555. Section 1010.52, Florida Statutes, is  
 13 created to read:

14 1010.52 Bonds may be validated; validity of  
 15 bonds.--When an issue of bonds for any school district shall  
 16 be authorized in the manner provided under the terms of this  
 17 chapter, such bonds shall, in the discretion of the district  
 18 school board, be subject to validation in the manner provided  
 19 for in chapter 75. In lieu of validation as set forth in that  
 20 chapter, the district school board may, in its discretion,  
 21 submit to the Department of Legal Affairs all information  
 22 relating to the issuance of bonds as provided in said chapter  
 23 75, and an approving opinion of the Department of Legal  
 24 Affairs shall be sufficient evidence that the bonds are valid.  
 25 Bonds reciting that they are issued pursuant to the terms of  
 26 this chapter shall, in any action or proceeding involving  
 27 their validity, be conclusively deemed to be fully authorized  
 28 thereby, to have been issued, sold, executed, and delivered in  
 29 conformity therewith, and with all other provisions of law  
 30 applicable thereto, and shall be incontestable, anything  
 31 herein or in other statutes to the contrary notwithstanding,

1 unless such action or proceeding is begun before or within 30  
2 days after the date upon which the bonds are sold, paid for  
3 and delivered.

4 Section 556. Section 1010.53, Florida Statutes, is  
5 created to read:

6 1010.53 Proceeds; how expended.--The proceeds derived  
7 from the sale of the bonds shall be held by the district  
8 school board and shall be expended by the board for the  
9 purpose for which the bonds were authorized for the school  
10 district, and shall be held and expended in the manner  
11 following:

12 (1) The district school board shall deposit, or cause  
13 to be deposited, the proceeds arising from the sale of each  
14 issue of bonds in a separate bond construction fund account in  
15 the school depository.

16 (2) All or any part of the fund derived from the  
17 proceeds of any such bond issue that in the judgment of the  
18 district school board is not immediately needed may be placed  
19 in the following securities maturing not later than the time  
20 when the funds are reasonably expected to be needed:

21 (a) In investments listed in s. 218.415(16).

22 (b) In any bonds issued by the district; provided,  
23 such bonds are not in default and can be obtained at a price  
24 which will result in a net saving to the taxpayers of the  
25 district.

26 (c) In any obligations of the district school board  
27 approved in accordance with the provisions of ss. 1011.13,  
28 1011.14, and 1011.15.

29 (d) In any bonds issued by the State Board of  
30 Education or another school district.

31 Section 557. Section 1010.54, Florida Statutes, is

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1 created to read:

2 1010.54 Disposition of surplus of bond issue.--Should  
3 there remain any of the proceeds of the sale of school  
4 district bonds after the purpose and object for which the  
5 bonds were issued shall have been carried out and performed by  
6 the district school board, the surplus then shall be held by  
7 the district school board and expended for the exclusive use  
8 of the public schools within the school district as the  
9 district school board may deem reasonable and proper.

10 Section 558. Section 1010.55, Florida Statutes, is  
11 created to read:

12 1010.55 Additional bond issues.--After the issuance by  
13 any school district of bonds in the manner authorized in this  
14 chapter, the qualified electors of the school district may  
15 thereafter, from time to time, in the manner herein provided  
16 for, authorize one or more additional bond issues as they may  
17 determine upon.

18 Section 559. Section 1010.56, Florida Statutes, is  
19 created to read:

20 1010.56 Board of Administration to act as fiscal agent  
21 in issuance and sale of motor vehicle anticipation  
22 certificates.--

23 (1) In aid of the provisions of s. 18, Art. XII of the  
24 State Constitution of 1885 as adopted by s. 9(d), Art. XII,  
25 1968 revised constitution and the additional provisions of s.  
26 9(d), the State Board of Administration may upon request of  
27 the State Board of Education, act as fiscal agent for the  
28 State Board of Education in the issuance and sale of any or  
29 all bonds or motor vehicle tax anticipation certificates,  
30 including any refunding of bonds, certificates or interest  
31 coupons thereon which may be issued pursuant to the above



1 cited provisions of the State Constitution and upon request of  
 2 the State Board of Education the State Board of Administration  
 3 may take over the management, control, bond trusteeship,  
 4 administration, custody and payment of any or all debt service  
 5 or other funds or assets now or hereafter available for any  
 6 bonds or certificates issued for the purpose of obtaining  
 7 funds for the use of any district school board or to pay, fund  
 8 or refund any bonds or certificates theretofore issued for  
 9 such purpose. The State Board of Education may from time to  
 10 time provide by its duly adopted resolution or resolutions the  
 11 duties said fiscal agent shall perform as authorized by this  
 12 section and such duties may be changed, modified or repealed  
 13 by subsequent resolution or resolutions as the State Board of  
 14 Education may deem appropriate, provided, however, that such  
 15 changes shall only affect the duties of the State Board of  
 16 Administration as fiscal agent and shall not affect or modify  
 17 the paramount constitutional authority of the State Board of  
 18 Education nor affect, modify, or impair the contract rights of  
 19 persons holding or owning the obligations so authorized to be  
 20 issued.

21 (2) No such bonds or motor vehicle tax anticipation  
 22 certificates shall ever be issued by the State Board of  
 23 Administration until after the adoption of a resolution  
 24 requesting the issuance thereof by the State Board of  
 25 Education for and on behalf of the district for which the  
 26 obligations are to be issued.

27 (3) All such bonds or certificates issued pursuant to  
 28 this part shall be issued in the name of the State Board of  
 29 Education but shall be issued for and on behalf of the  
 30 district school board requesting the issuance thereof and  
 31 shall be issued pursuant to any rules adopted by the State

1 Board of Education which are not in conflict with the  
 2 provisions of s. 18, Art. XII of the State Constitution of  
 3 1885 as adopted by s. 9(d), Art. XII, 1968 revised  
 4 constitution, and the additional provisions of s. 9(d).

5       (4) The proceeds of any sale of original bonds or  
 6 original certificates shall be deposited in the State Treasury  
 7 to the credit of the particular construction account for which  
 8 the original bonds or original certificates were issued and  
 9 shall be under the direct control and supervision of the State  
 10 Board of Education, and withdrawals from such construction  
 11 accounts shall be made only upon warrants signed by the  
 12 Comptroller and drawn upon the Treasurer. Such warrants shall  
 13 be issued by the Comptroller only when the vouchers requesting  
 14 such warrants are accompanied by the certificates of the State  
 15 Board of Education to the effect that such withdrawals are  
 16 proper expenditures for the cost of the particular  
 17 construction account against which the requested warrants are  
 18 to be drawn.

19       (5) The State Board of Administration shall annually  
 20 determine the amounts necessary to meet the debt service  
 21 requirements of all bonds or certificates administered by it  
 22 pursuant to this section and shall certify to the State Board  
 23 of Education said amounts needed. The State Board of  
 24 Education, upon being satisfied that the amounts are correct,  
 25 shall pay the amounts direct to the State Board of  
 26 Administration for application by the State Board of  
 27 Administration as provided under the terms of the resolutions  
 28 authorizing the issuance of the bonds or certificates and as  
 29 provided in s. 18, Art. XII of the State Constitution of 1885  
 30 as adopted by s. 9(d), Art. XII, 1968 revised constitution,  
 31 and the additional provisions of s. 9(d).

1           (6) The expenses of the State Board of Administration  
2 incident to the issuance and sale of any bonds or certificates  
3 issued under the provisions of the constitution and under the  
4 provisions of this section shall be paid from the proceeds of  
5 the sale of the bonds or certificates or from the funds  
6 distributable to each county under the provisions of s. 18(a),  
7 Art. XII of the Constitution of 1885 as adopted by s. 9(d),  
8 Art. XII, 1968 revised constitution. All other expenses of the  
9 State Board of Administration for services rendered  
10 specifically for, or which are properly chargeable to the  
11 account of any bonds or certificates issued for and on behalf  
12 of any district school board under the above cited provisions  
13 of the State Constitution shall be paid from the funds  
14 distributable to each county under the provisions of s. 18(a),  
15 Art. XII of the State Constitution of 1885 as adopted by s.  
16 9(d), Art. XII, 1968 revised constitution; but general  
17 expenses of the State Board of Administration for services  
18 rendered all the districts alike shall be prorated among them  
19 and paid from the funds distributable to each district on the  
20 same basis as such funds are distributable under the  
21 provisions of s. 18(a), Art. XII of the State Constitution of  
22 1885 as adopted by s. 9(d), Art. XII, 1968 revised  
23 constitution.

24           (7) The provisions of this section contemplate that it  
25 will aid the State Board of Education and better serve the  
26 purposes contemplated by s. 18, Art. XII of the State  
27 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968  
28 revised constitution, and the additional provisions of s. 9(d)  
29 and not be inconsistent therewith.

30           Section 560. Section 1010.57, Florida Statutes, is  
31 created to read:

1           1010.57 Bonds payable from motor vehicle license tax  
2 funds; instruction units computed.--

3           (1) For the purpose of administering the provisions of  
4 s. 9(d), Art. XII of the State Constitution as amended in  
5 1972, the number of current instruction units in districts  
6 shall be computed annually by the Department of Education by  
7 multiplying the number of full-time equivalent students in  
8 programs under s. 1011.62(1)(c) in each district by the cost  
9 factors established in the General Appropriations Act and  
10 dividing by 23, except that all basic program cost factors  
11 shall be one, and the special program cost factors for  
12 hospital and homebound I and for community service shall be  
13 zero. Full-time equivalent membership for students residing in  
14 Department of Children and Family Services residential care  
15 facilities or identified as Department of Juvenile Justice  
16 students shall not be included in this computation. Any  
17 portion of the fund not expended during any fiscal year may be  
18 carried forward in ensuing budgets and shall be temporarily  
19 invested as prescribed by law or rules of the State Board of  
20 Education.

21           (2) Whenever the State Board of Education issues bonds  
22 or certificates for and on behalf of any district school  
23 board, or whenever any district school board issues bonds or  
24 certificates repayable from motor vehicle license tax funds,  
25 the aggregate number of instruction units in the district in  
26 any future school fiscal year, as authorized under the  
27 amendment contained in s. 18, Art. XII of the State  
28 Constitution of 1885 as amended and adopted by reference in s.  
29 9(d), Art. XII of the Constitution of 1968, to the full extent  
30 necessary to pay all principal of and interest on, and  
31 reserves for, bonds or certificates issued for and on behalf

1 of the district or by the district school board in any school  
 2 fiscal year, as they become due and payable, shall be not less  
 3 than the aggregate number of instruction units in the district  
 4 for the school fiscal year preceding the school fiscal year in  
 5 which the bonds or certificates are issued, computed in  
 6 accordance with the statutes in force in the school fiscal  
 7 year preceding the school fiscal year in which the bonds or  
 8 certificates are issued.

9       (3) The provisions of this section are not intended  
 10 to, and shall not, be applicable to, or confer any rights on,  
 11 any district to payments from said motor vehicle license taxes  
 12 except to the full extent necessary to pay all principal of  
 13 and interest on, and reserves for, bonds or certificates so  
 14 issued by the district school board and by the State Board of  
 15 Education for and on behalf of the school districts, in each  
 16 future school fiscal year as they mature and become due; and  
 17 except for such purpose, all payments of the amounts of the  
 18 motor vehicle license taxes distributable under the provisions  
 19 of s. 18, Art. XII of the State Constitution of 1885 as  
 20 amended and adopted by reference in s. 9(d), Art. XII of the  
 21 Constitution of 1968 shall continue to be made and distributed  
 22 to the districts in the manner provided by the amendment and  
 23 the general laws of Florida in force and effect at the time of  
 24 the distributions.

25       Section 561. Section 1010.58, Florida Statutes, is  
 26 created to read:

27       1010.58 Procedure for determining number of  
 28 instruction units for community colleges.--The number of  
 29 instruction units for community colleges shall be determined  
 30 from the full-time equivalent students in the community  
 31 college, provided that full-time equivalent students may not

1 be counted more than once in determining instruction units.  
2 Instruction units for community colleges shall be computed as  
3 follows:

4 (1) One unit for each 12 full-time equivalent students  
5 at a community college for the first 420 students and one unit  
6 for each 15 full-time equivalent students for all over 420  
7 students, in other than career and technical education  
8 programs as defined by rules of the State Board of Education,  
9 and one unit for each 10 full-time equivalent students in  
10 career and technical education programs and compensatory  
11 education programs as defined by rules of the State Board of  
12 Education. Full-time equivalent students enrolled in a  
13 community college shall be defined by rules of the State Board  
14 of Education.

15 (2) For each 8 instruction units in a community  
16 college, 1 instruction unit or proportionate fraction of a  
17 unit shall be allowed for administrative and special  
18 instructional services, and for each 20 instruction units, 1  
19 instruction unit or proportionate fraction of a unit shall be  
20 allowed for student personnel services.

21 Section 562. Section 1010.59, Florida Statutes, is  
22 created to read:

23 1010.59 Interest rates.--All bonds issued by the State  
24 Board of Education pursuant to the provisions of s. 9(a), Art.  
25 XII of the State Constitution, as amended, may bear interest  
26 at such rate or rates as may be determined by the State Board  
27 of Education. However, the maximum rate of interest shall not  
28 exceed the rates authorized under the provisions of s. 215.84.

29 Section 563. Section 1010.60, Florida Statutes, is  
30 created to read:

31 1010.60 State Board of Education; issuance of bonds

1 pursuant to s. 11(f), Art. VII, State Constitution.--  
 2 (1) Pursuant to s. 11(f), Art. VII of the State  
 3 Constitution, the State Board of Education, supported by the  
 4 building fee, the capital improvement fee, or any other  
 5 revenue approved by the Legislature for facilities  
 6 construction, is authorized to request the issuance of bonds  
 7 or other forms of indebtedness pursuant to the State Bond Act  
 8 to finance or refinance capital projects authorized by the  
 9 Legislature. In order to take advantage of economic  
 10 conditions, the Division of Bond Finance shall process  
 11 requests by the State Board of Education to refinance capital  
 12 projects under this section on a priority basis.

13 (2) The State Board of Education may approve the  
 14 issuance of revenue bonds or other forms of indebtedness by a  
 15 direct-support organization when such revenue bonds or other  
 16 forms of indebtedness are used to finance or refinance capital  
 17 projects which are to provide facilities necessary and  
 18 desirable to serve the needs and purposes of the university,  
 19 as determined by the systemwide strategic plan adopted by the  
 20 State Board of Education, and when the project has been  
 21 approved by the Legislature.

22 Section 564. Section 1010.61, Florida Statutes, is  
 23 created to read:

24 1010.61 Powers.--The State Board of Education shall  
 25 have all the powers necessary or advisable to carry out and  
 26 effectuate the purposes and provisions of s. 1010.60 and this  
 27 part and is hereby authorized:

28 (1) Pursuant to the State Bond Act, to borrow money  
 29 and issue interest-bearing revenue certificates or other forms  
 30 of indebtedness to acquire any projects approved by the  
 31 Legislature and to provide for the payment of the same and for

1 the rights of the holders thereof as herein provided.

2 (2) To pledge any trust funds which are available, and  
3 not otherwise obligated, for purposes of securing the revenue  
4 certificates and to combine such funds as the board may deem  
5 appropriate.

6 (3) To adopt such rules as may be necessary for  
7 carrying out the requirements of this part and to perform all  
8 acts and do all things necessary or convenient to carry out  
9 the powers granted herein.

10 Section 565. Section 1010.611, Florida Statutes, is  
11 created to read:

12 1010.611 Resolution for issuance of revenue  
13 certificates.--The issuance of revenue certificates under the  
14 provisions of this part and the State Bond Act shall be  
15 requested by resolution of the State Board of Education. Said  
16 revenue certificates shall bear interest at such rate or rates  
17 not exceeding the interest rate limitations set forth in s.  
18 215.84(3), provided that certificates may be sold at a  
19 reasonable discount to par not to exceed 3 percent, except  
20 that this limitation on discount does not apply to the portion  
21 of the discount that constitutes original issue discount. The  
22 revenue certificates may be issued in one or more series, may  
23 bear such date or dates, may be in such denomination or  
24 denominations, may mature at such time or times, not exceeding  
25 30 years from their respective dates, may be in such form,  
26 either coupon or registered, may carry such registration  
27 privileges, may be executed in such manner, may be payable in  
28 such medium of payment and at such place or places, may be  
29 subject to such terms of redemption, with or without premium,  
30 may contain such terms, covenants, and conditions, and may be  
31 declared or become due before the maturity date thereof as



1 such resolution or other resolutions may provide. The revenue  
 2 certificate may be sold at public sale by competitive bid or  
 3 negotiated sale. Pending the preparation of the definitive  
 4 certificates, interim receipts or certificates in such form  
 5 and with such provisions as the board may determine may be  
 6 issued to the purchaser or purchasers of certificates sold  
 7 pursuant to this part. The certificates and interim receipts  
 8 shall be fully negotiable within the meaning and for all the  
 9 purposes of the negotiable instruments law.

10 Section 566. Section 1010.612, Florida Statutes, is  
 11 created to read:

12 1010.612 Powers to secure revenue certificates.--The  
 13 State Board of Education, in connection with the issuance of  
 14 revenue certificates to acquire any projects for an  
 15 institution or in order to secure the payment of such revenue  
 16 certificates and interest thereon, shall have power by  
 17 resolution:

18 (1) To fix and maintain fees, rentals, and other  
 19 charges from students and others using or being served by, or  
 20 having the right to use, or having the right to be served by,  
 21 such projects.

22 (2) To provide that such revenue certificates shall be  
 23 secured by a first, exclusive, and closed lien on the income  
 24 and revenue (but not the real property of such institution)  
 25 derived from, and shall be payable from, fees, rentals, and  
 26 other charges from students and others using or being served  
 27 by, or having the right to use, or having the right to be  
 28 served by, such project.

29 (3) To pledge and assign to, or in trust for the  
 30 benefit of, the holder or holders of such revenue certificates  
 31 an amount of the income and revenue derived from fees,

1 rentals, and other charges from students and others using or  
2 being served by, or having the right to use, or having the  
3 right to be served by, such project.

4       (4) To covenant with or for the benefit of the holder  
5 or holders of such revenue certificates that so long as any of  
6 such revenue certificates shall remain outstanding and unpaid,  
7 such institution will fix, maintain, and collect in such  
8 installments as may be agreed upon an amount of the fees,  
9 rentals, and other charges from students and others using or  
10 being served by, or having the right to use, or having the  
11 right to be served by, such project, which shall be sufficient  
12 to pay when due such revenue certificates and interest  
13 thereon, and to create and maintain reasonable reserves  
14 therefor, and to pay the cost of operation and maintenance of  
15 such project, which costs of operation and maintenance shall  
16 be determined by the board in its absolute discretion.

17       (5) To make and enforce and agree to make and enforce  
18 parietal rules that shall ensure the use of such project by  
19 all students in attendance at such institutions to the maximum  
20 extent to which such project is capable of serving such  
21 students.

22       (6) To covenant that so long as any of such revenue  
23 certificates shall remain outstanding and unpaid, it will not,  
24 except upon such terms and conditions as may be determined:

25       (a) Voluntarily create or cause to be created any  
26 debt, lien, pledge, assignment, encumbrance or other charge  
27 having priority to the lien of such revenue certificates upon  
28 any of the income and revenues derived from fees, rentals, and  
29 other charges from students and others using or being served  
30 by, or having the right to use, or having the right to be  
31 served by, such project, or

1           (b) Convey or otherwise alienate such project or the  
 2 real estate upon which such project shall be located, except  
 3 at a price sufficient to pay all such revenue certificates  
 4 then outstanding and interest accrued thereon, and then only  
 5 in accordance with any agreements with the holder or holders  
 6 of such revenue certificates.

7           (7) To covenant as to the procedure by which the terms  
 8 of any contract with a holder or holders of such revenue  
 9 certificates may be amended or abrogated, the amount of  
 10 percentage of revenue certificates the holder or holders of  
 11 which must consent thereto, and the manner in which such  
 12 consent may be given.

13           (8) To vest in a trustee or trustees the right to  
 14 receive all or any part of the income and revenue pledged and  
 15 assigned to, or for the benefit of, the holder or holders of  
 16 such revenue certificates and to hold, apply and dispose of  
 17 the same and the right to enforce any covenant made to secure  
 18 or pay or in relation to such revenue certificates; to execute  
 19 and deliver a trust agreement or trust agreements which may  
 20 set forth the powers and duties and the remedies available to  
 21 such trustee or trustees and limiting the liabilities thereof  
 22 and describing what occurrences shall constitute events of  
 23 default and prescribing the terms and conditions upon which  
 24 such trustee or trustees or the holder or holders of revenue  
 25 certificates of any specified amount or percentage of such  
 26 revenue certificate may exercise such rights and enforce any  
 27 and all such covenants and resort to such remedies as may be  
 28 appropriate.

29           (9) To vest in a trustee or trustees or the holder or  
 30 holders of any specified amount or percentage of revenue  
 31 certificates the right to apply to any court of competent

1 jurisdiction for and have granted the appointment of a  
 2 receiver or receivers of the income and revenue pledged and  
 3 assigned to or for the benefit of the holder or holders of  
 4 such revenue certificates, which receiver or receivers may  
 5 have and be granted such powers and duties as such court may  
 6 order or decree for the protection of the revenue certificate  
 7 holders.

8       (10) To make covenants with the holders of any bonds  
 9 and to perform any other duties and responsibilities which are  
 10 deemed necessary or advisable to enhance the security of such  
 11 bonds, and the marketability thereof, and which are customary  
 12 in accordance with the market requirements for the sale of  
 13 such bonds.

14       Section 567. Section 1010.613, Florida Statutes, is  
 15 created to read:

16       1010.613 Remedies of any holder of revenue  
 17 certificates.--Any holder or holders of revenue certificates,  
 18 including a trustee, or trustees for holders of such revenue  
 19 certificates, shall have the right, in addition to all other  
 20 rights, by mandamus or other suit, action, or proceeding in  
 21 any court of competent jurisdiction to enforce his or her or  
 22 their rights against the State Board of Education to fix and  
 23 collect such rentals and other charges adequate to carry out  
 24 any agreement as to or pledge of such fees, rentals, or other  
 25 charges, and require the State Board of Education to carry out  
 26 any other covenants and agreements and to perform its duties  
 27 under this part.

28       Section 568. Section 1010.614, Florida Statutes, is  
 29 created to read:

30       1010.614 Validity of revenue certificates.--The  
 31 revenue certificates bearing the signatures of officers in

1 office on the date of the signing thereof shall be valid and  
 2 binding obligations, notwithstanding that before the delivery  
 3 thereof and payment therefor any or all of the persons whose  
 4 signatures appear thereon shall have ceased to be officers of  
 5 the State Board of Education. The validity of the revenue  
 6 certificates shall not be dependent on nor affected by the  
 7 validity or regularity of any proceedings to acquire the  
 8 project financed by the revenue certificates or taken in  
 9 connection therewith.

10 Section 569. Section 1010.615, Florida Statutes, is  
 11 created to read:

12 1010.615 Prohibitions against obligating  
 13 state.--Nothing in this part shall be construed to authorize  
 14 the State Board of Education to contract a debt on behalf of,  
 15 or in any way to obligate, the state, or to pledge, assign, or  
 16 encumber in any way, or to permit the pledging, assigning, or  
 17 encumbering in any way of, appropriations made by the  
 18 Legislature.

19 Section 570. Section 1010.616, Florida Statutes, is  
 20 created to read:

21 1010.616 Revenue certificate obligations of State  
 22 Board of Education.--All revenue certificates issued pursuant  
 23 to this part shall be obligations of the State Board of  
 24 Education, payable only in accordance with the terms thereof  
 25 and shall not be obligations general, special, or otherwise of  
 26 the state. Such revenue certificates shall not be a bond or  
 27 debt of the state, and shall not be enforceable against the  
 28 state, nor shall payment thereof be enforceable out of any  
 29 funds of the board other than the income and revenue pledged  
 30 and assigned to, or in trust for the benefit of, the holder or  
 31 holders of such revenue certificates.

1 Section 571. Section 1010.617, Florida Statutes, is  
2 created to read:

3 1010.617 Tax exemption and eligibility as legal  
4 investments.--

5 (1) The exercise of the powers granted by this part in  
6 all respects constitutes the performance of essential public  
7 functions for the benefit of the people of the state. All  
8 properties, revenues, or other assets of the State Board of  
9 Education for which revenue certificates are issued under this  
10 part, and all revenue certificates issued hereunder and the  
11 interest thereon, shall be exempt from all taxation by any  
12 agency or instrumentality of a county, municipality, or the  
13 state. The exemption granted by this section is not applicable  
14 to any tax imposed by chapter 220 on interest, income, or  
15 profits on debt obligations owned by corporations.

16 (2) All obligations issued pursuant to this part shall  
17 be and constitute legal investments without limitation for all  
18 public bodies and for all banks, savings banks, guardians,  
19 insurance funds, trustees, or other fiduciaries and shall be  
20 and constitute eligible securities to be deposited as  
21 collateral for security of any state, county, municipal, or  
22 other public funds.

23 Section 572. Section 1010.618, Florida Statutes, is  
24 created to read:

25 1010.618 Supplemental nature of part; construction and  
26 purpose.--The powers conferred by this part shall be in  
27 addition to and supplemental to, and the limitations imposed  
28 by this part shall not affect, the powers conferred by any  
29 other law, general or special, and revenue certificates may be  
30 issued hereunder without any referendum, notwithstanding the  
31 provisions of any other such law and without regard to the

1 procedure required by any other such law. Insofar as the  
2 provisions of this part are inconsistent with the provisions  
3 of any other law, general or special, the provisions of this  
4 part shall be controlling.

5 Section 573. Section 1010.619, Florida Statutes, is  
6 created to read:

7 1010.619 Board of Administration to act as fiscal  
8 agent.--Prior to the issuance of any revenue certificates, the  
9 State Board of Education may request the State Board of  
10 Administration to advise the State Board of Education as to  
11 the fiscal sufficiency of the proposed issue. Upon sale and  
12 delivery of any revenue certificates and disbursement of the  
13 proceeds thereof pursuant to this part, the State Board of  
14 Administration may upon request of the State Board of  
15 Education take over the management, control, administration,  
16 custody, and payment of any or all debt services or funds or  
17 assets now or hereafter available for any revenue certificates  
18 issued pursuant to this part. The State Board of  
19 Administration shall upon request of the State Board of  
20 Education invest all funds, including reserve funds, available  
21 for any revenue certificates issued pursuant to this part in  
22 the manner provided in s. 215.47. The State Board of Education  
23 may from time to time provide by its duly adopted resolution  
24 the duties the State Board of Administration shall perform,  
25 and such duties may be changed, modified, or repealed by  
26 subsequent resolution as the State Board of Education may deem  
27 appropriate.

28 Section 574. Part V of chapter 1010, Florida Statutes,  
29 shall be entitled "Trust Funds" and shall consist of ss.  
30 1010.70-1010.86.

31 Section 575. Section 1010.70, Florida Statutes, is

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1 created to read:

2 1010.70 Educational Enhancement Trust Fund.--Each  
3 fiscal year, at least 38 percent of the gross revenue from the  
4 sale of lottery tickets and other earned revenue, excluding  
5 application processing fees, shall be deposited in the  
6 Educational Enhancement Trust Fund as provided in s. 24.121.

7 Section 576. Section 1010.71, Florida Statutes, is  
8 created to read:

9 1010.71 State School Trust Fund.--

10 (1) The State School Trust Fund shall be derived from  
11 the following sources:

12 (a) The proceeds of all lands that have been or may  
13 hereafter be granted to the state by the United States for  
14 public school purposes;

15 (b) Donations to the state when the purpose is not  
16 specified;

17 (c) Appropriations by the state;

18 (d) The proceeds of escheated property or forfeitures;

19 and

20 (e) Twenty-five percent of the sales of public lands  
21 which are now or may hereafter be owned by the state.

22 (2) The land comprising part of the State School Trust  
23 Fund shall not be subject to taxes of any kind whatsoever, but  
24 shall enjoy constitutional immunity therefrom, nor shall taxes  
25 of any kind be imposed thereon; nor, since not subject to tax,  
26 shall the state or any state agency be liable for taxes or the  
27 equivalent thereof sought to be imposed upon said land. All  
28 outstanding tax sale certificates against land of the State  
29 School Trust Fund are hereby canceled.

30 Section 577. Section 1010.72, Florida Statutes, is  
31 created to read:



1           1010.72 Excellent Teaching Program Trust Fund.--

2           (1) The Excellent Teaching Program Trust Fund is  
3 created to be administered by the Department of Education.  
4 Funds must be credited to the trust fund as provided in  
5 chapter 98-309, Laws of Florida, to be used for the purposes  
6 set forth therein.

7           (2) Pursuant to the provisions of s. 19(f)(2), Art.  
8 III of the State Constitution, the Excellent Teaching Program  
9 Trust Fund shall, unless terminated sooner, be terminated on  
10 July 1, 2002. Prior to its scheduled termination, the trust  
11 fund shall be reviewed as provided in s. 215.3206(1) and (2).

12           Section 578. Section 1010.73, Florida Statutes, is  
13 created to read:

14           1010.73 State Student Financial Assistance Trust  
15 Fund.--

16           (1) The State Student Financial Assistance Trust Fund  
17 is hereby created, to be administered by the Department of  
18 Education. Funds shall be credited to the trust fund as  
19 provided in the General Appropriations Act or similar  
20 legislation, to be used for the purposes set forth therein.

21           (2) The department may transfer into this trust fund  
22 general revenue, private donations for the purpose of matching  
23 state funds, and federal receipts for scholarships and grant  
24 programs. An individual account code shall be established for  
25 each funded scholarship and grant program for auditing  
26 purposes.

27           (3) Notwithstanding the provisions of s. 216.301, and  
28 pursuant to s. 216.351, any balance in the trust fund at the  
29 end of any fiscal year shall remain in the trust fund and  
30 shall be available for carrying out the purposes of the trust  
31 fund.

1 Section 579. Section 1010.731, Florida Statutes, is  
2 created to read:

3 1010.731 Student Loan Guaranty Reserve Trust  
4 Fund.--Chapter 99-35, Laws of Florida, re-created the Student  
5 Loan Guaranty Reserve Trust Fund to be used by the Department  
6 of Education for the administration of the guaranteed student  
7 loan program as provided in s. 1009.92.

8 Section 580. Section 1010.74, Florida Statutes, is  
9 created to read:

10 1010.74 Educational Certification and Services Trust  
11 Fund.--The proceeds from the collection of certification fees,  
12 finances, penalties, and costs levied pursuant to s. 1012.59  
13 shall be remitted by the Department of Education to the  
14 Treasurer for deposit into and disbursed from the "Educational  
15 Certification and Services Trust Fund" as re-created by  
16 chapter 99-31, Laws of Florida.

17 Section 581. Section 1010.75, Florida Statutes, is  
18 created to read:

19 1010.75 Teacher Certification Examination Trust  
20 Fund.--The proceeds for the certification examination fee  
21 levied pursuant to s. 1012.59 shall be remitted by the  
22 Department of Education to the Treasurer for deposit into and  
23 disbursed for the "Teacher Certification Examination Trust  
24 Fund" as re-created by chapter 99-28, Laws of Florida.

25 Section 582. Section 1010.76, Florida Statutes, is  
26 created to read:

27 1010.76 Educational Aids Trust Fund.--Chapter 99-27,  
28 Laws of Florida, re-created the Educational Aids Trust Fund to  
29 administer receipts and disbursements for federal grants  
30 received by the Department of Education.

31 Section 583. Section 1010.77, Florida Statutes, is

1 created to read:

2 1010.77 Food and Nutrition Services Trust  
3 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and  
4 Nutrition Services Trust Fund to record revenue and  
5 disbursements of Federal Food and Nutrition funds received by  
6 the Department of Education as authorized in s. 1006.06.

7 Section 584. Section 1010.78, Florida Statutes, is  
8 created to read:

9 1010.78 Projects, Contracts, and Grants Trust  
10 Fund.--There is created in the Department of Education the  
11 Projects, Contracts, and Grants Trust Fund. The personnel  
12 employed to plan and administer grants or contracts for  
13 specific projects shall be considered in time-limited  
14 employment not to exceed the duration of the grant or until  
15 completion of the project, whichever first occurs. Such  
16 employees shall not acquire retention rights under the Career  
17 Service System. Any employee holding permanent career service  
18 status in a Department of Education position who is appointed  
19 to a position under the Projects, Contracts, and Grants Trust  
20 Fund shall retain such permanent status in the career service  
21 position.

22 Section 585. Section 1010.79, Florida Statutes, is  
23 created to read:

24 1010.79 Sophomore Level Test Trust Fund.--Chapter  
25 99-26, Laws of Florida, re-created the Sophomore Level Test  
26 Trust Fund to record revenue and disbursements of examination  
27 fees received by the Department of Education as authorized in  
28 s. 1008.29.

29 Section 586. Section 1010.80, Florida Statutes, is  
30 created to read:

31 1010.80 Educational Media and Technology Trust

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1 Fund.--Chapter 99-25, Laws of Florida, re-created the  
 2 Educational Media and Technology Trust Fund to record revenue  
 3 and disbursements by the Department of Education for the cost  
 4 of producing and disseminating educational materials and  
 5 products as authorized in s. 1006.39.

6 Section 587. Section 1010.81, Florida Statutes, is  
 7 created to read:

8 1010.81 Knott Data Center Working Capital Trust  
 9 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott  
 10 Data Center Working Capital Trust Fund to record the revenue  
 11 from fees paid for services provided by the Department of  
 12 Education's data center and disbursements to pay the costs of  
 13 operating the data center as authorized in s. 216.272.

14 Section 588. Section 1010.82, Florida Statutes, is  
 15 created to read:

16 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws  
 17 of Florida, re-created the Textbook Bid Trust Fund to record  
 18 the revenue and disbursements of textbook bid performance  
 19 deposits submitted to the Department of Education as required  
 20 in s. 1006.32.

21 Section 589. Section 1010.83, Florida Statutes, is  
 22 created to read:

23 1010.83 Institutional Assessment Trust Fund.--

24 (1) Chapter 99-32, Laws of Florida, re-created the  
 25 Institutional Assessment Trust Fund to be administered by the  
 26 Department of Education pursuant to this section and rules of  
 27 the State Board of Education. The trust fund shall consist of  
 28 all fees and fines imposed upon nonpublic colleges and schools  
 29 pursuant to this chapter, including all fees collected from  
 30 nonpublic colleges for participation in the common course  
 31 designation and numbering system. The department shall

1 maintain separate revenue accounts for independent colleges  
2 and universities; nonpublic career education; and the  
3 Department of Education.

4 (2) Funds from the trust fund shall be used for  
5 purposes including, but not limited to, the following:

6 (a) Authorized expenses of the respective boards in  
7 carrying out their required duties.

8 (b) Financial assistance programs for students who  
9 attend nonpublic institutions licensed by the board.

10 (c) Educational programs for the benefit of current  
11 and prospective owners, administrators, agents, authorized  
12 groups of individuals, and faculty of institutions receiving a  
13 license, a certificate of exemption, or an authorization by  
14 the board.

15 (d) Authorized expenses of the Department of Education  
16 incurred as a result of the inclusion of nonpublic colleges in  
17 the statewide course numbering system.

18 (3) The board may utilize other individuals or  
19 entities to administer the programs authorized in subsection  
20 (2).

21 Section 590. Section 1010.84, Florida Statutes, is  
22 created to read:

23 1010.84 Displaced Homemaker Trust Fund.--Chapter  
24 99-33, Laws of Florida, re-created the Displaced Homemaker  
25 Trust Fund to record revenue and disbursements from fees as  
26 authorized in s. 446.50.

27 Section 591. Section 1010.85, Florida Statutes, is  
28 created to read:

29 1010.85 Phosphate Research Trust Fund.--Chapter 99-45,  
30 Laws of Florida, re-created the Phosphate Research Trust Fund  
31 to record the revenue and disbursements from tax on severance

1 of phosphate rock as provided in s. 211.3103.

2 Section 592. Section 1010.86, Florida Statutes, is  
3 created to read:

4 1010.86 Administration of capital improvement and  
5 building fees trust funds.--The State Board of Education shall  
6 administer the Capital Improvement Fee Trust Fund and the  
7 Building Fee Trust Fund which include receipts from capital  
8 improvement and building student fee assessments, interest  
9 earnings, and subsidy grants. All funds, except those to be  
10 used for debt service payments, reserve requirements, and  
11 educational research centers for child development, pursuant  
12 to s. 1011.48, shall be used to fund projects appropriated by  
13 the Legislature. Projects funded pursuant to this section may  
14 be expanded by the use of supplemental funds such as grants,  
15 auxiliary enterprises, private donations, and other nonstate  
16 sources.

17 Section 593. Chapter 1011, Florida Statutes, shall be  
18 entitled "Planning and Budgeting" and shall consist of ss.  
19 1011.01-1011.93.

20 Section 594. Part I of chapter 1011, Florida Statutes,  
21 shall be entitled "Preparation, Adoption, and Implementation  
22 of Budgets" and shall consist of ss. 1011.01-1011.57.

23 Section 595. Section 1011.01, Florida Statutes, is  
24 created to read:

25 1011.01 Budget system established.--

26 (1) The State Board of Education shall prepare and  
27 submit a coordinated K-20 education annual legislative budget  
28 request to the Governor and the Legislature on or before the  
29 date provided by the Governor and the Legislature. The board's  
30 legislative budget request must clearly define the needs of  
31 school districts, community colleges, universities, other

1 institutions, organizations, programs, and activities under  
2 the supervision of the board and that are assigned by law or  
3 the General Appropriations Act to the Department of Education.

4 (2) There shall be established in each school  
5 district, community college, and university a budget system as  
6 prescribed by law and rules of the State Board of Education.

7 (3) Each district school board, each community college  
8 board of trustees, and each state university board of trustees  
9 shall prepare, adopt, and submit to the Commissioner of  
10 Education for review an annual operating budget. Operating  
11 budgets shall be prepared and submitted in accordance with the  
12 provisions of law, rules of the State Board of Education, the  
13 General Appropriations Act, and for district school boards in  
14 accordance with the provisions of ss. 200.065 and 1011.64.

15 Section 596. Section 1011.011, Florida Statutes, is  
16 created to read:

17 1011.011 Legislative capital outlay budget  
18 request.--The State Board of Education shall submit an  
19 integrated, comprehensive budget request for educational  
20 facilities construction and fixed capital outlay needs for  
21 school districts, community colleges, and universities  
22 pursuant to this section and 1013.46 and applicable provisions  
23 of chapter 216.

24 Section 597. Section 1011.012, Florida Statutes, is  
25 created to read:

26 1011.012 Annual capital outlay budget.--

27 (1) Each district school board, community college  
28 board of trustees, and university board of trustees shall,  
29 each year, adopt a capital outlay budget for the ensuing year  
30 in order that the capital outlay needs of the board for the  
31 entire year may be well understood by the public. This capital

1 outlay budget shall be a part of the annual budget and shall  
 2 be based upon and in harmony with the educational plant and  
 3 ancillary facilities plan. This budget shall designate the  
 4 proposed capital outlay expenditures by project for the year  
 5 from all fund sources. The board may not expend any funds on  
 6 any project not included in the budget, as amended.

7       (2) Each district school board must prepare its  
 8 tentative district facilities work program as required by s.  
 9 1013.35 before adopting the capital outlay budget.

10       Section 598. Part I.a. of chapter 1011, Florida  
 11 Statutes, shall be entitled "District School Boards:  
 12 Preparation, Adoption, and Implementation of Budgets" and  
 13 shall consist of ss. 1011.02-1011.24.

14       Section 599. Section 1011.02, Florida Statutes, is  
 15 created to read:

16       1011.02 District school boards to adopt tentative  
 17 budget.--

18       (1) On or before the date prescribed in rules of the  
 19 State Board of Education, each district school board shall  
 20 receive and examine the tentative budget submitted by the  
 21 district school superintendent, and shall require such changes  
 22 to be made, in keeping with the purposes of the school code,  
 23 as may be to the best interest of the school program in the  
 24 district.

25       (2) The district school board shall determine, within  
 26 prescribed limits, the reserves to be allotted for  
 27 contingencies, and the cash balance to be carried forward at  
 28 the end of the year. If the district school board shall  
 29 require any changes to be made in receipts, in the reserves  
 30 for contingencies, or in the cash balance to be carried  
 31 forward at the end of the year, it shall also require



1 necessary changes to be made in the appropriations for  
2 expenditures so that the budget, as changed, will not contain  
3 appropriations for expenditures and reserves in excess of, or  
4 less than, estimated receipts and balances.

5 (3) The proposed budget shall include an amount for  
6 local required effort for current operation, in accordance  
7 with the requirements of s. 1011.62(4).

8 (4) When a tentative budget has been prepared in  
9 accordance with rules of the State Board of Education, the  
10 proposed expenditures, plus transfers, and balances shall not  
11 exceed the estimated income, transfers, and balances. The  
12 budget and each of the parts thereof shall balance.

13 (5) The district school board shall adopt a tentative  
14 budget.

15 Section 600. Section 1011.03, Florida Statutes, is  
16 created to read:

17 1011.03 Public hearings; budget to be submitted to  
18 Department of Education.--

19 (1) Each district school board must cause a summary of  
20 its tentative budget, including the proposed millage levies as  
21 provided for by law, and graphs illustrating a historical  
22 summary of financial and demographic data, to be advertised at  
23 least one time as a full-page advertisement in the newspaper  
24 with the largest circulation published in the district or to  
25 be posted at the courthouse door if there be no such  
26 newspaper.

27 (2)(a) The advertisement must include a graph  
28 illustrating the historical summary of financial and  
29 demographic data for each of the following data values which  
30 shall be plotted along the vertical axis of each graph:

31 1. Total revenue provided to the school district from

1 all sources for the corresponding fiscal year, including all  
2 federal, state, and local revenue.

3 2. Total revenue provided to the school district for  
4 the corresponding fiscal year for current operations.

5 3. Total revenue provided to the school district for  
6 the corresponding fiscal year for fixed capital outlay  
7 projects.

8 4. Total revenue provided to the school district for  
9 the corresponding fiscal year for debt service.

10 5. Total number of unweighted full-time equivalent  
11 students, inclusive of all programs listed in s. 1011.62.

12 6. Total revenue provided to the school district for  
13 current operations divided by the number of unweighted  
14 full-time equivalent students for the corresponding fiscal  
15 year.

16 7. Total number of employees of the school district  
17 for the corresponding fiscal year.

18 8. Total number of employees of the school district  
19 classified as instructional personnel under s. 1012.01 for the  
20 corresponding fiscal year.

21 (b) Each graph must include a separate histogram  
22 corresponding to the financial and demographic data for each  
23 of the following fiscal years, which shall be plotted along  
24 the horizontal axis of each graph:

25 1. Current fiscal year.

26 2. Fiscal year that is 5 years before the current  
27 fiscal year.

28 3. Fiscal year that is 10 years before the current  
29 fiscal year.

30 (c) The numeric value of the financial and demographic  
31 data corresponding to each histogram must be included in each

1 graph.

2 (3) The advertisement of a district that has been  
3 required by the Legislature to increase classroom expenditures  
4 pursuant to s. 1011.64 must include the following statement:

5  
6 "This proposed budget reflects an increase in classroom  
7 expenditures as a percent of total current operating  
8 expenditures of XX percent over the (previous fiscal year)  
9 fiscal year. This increase in classroom expenditures is  
10 required by the Legislature because the district has performed  
11 below the required performance standard on XX of XX student  
12 performance standards for the (previous school year) school  
13 year. In order to achieve the legislatively required level of  
14 classroom expenditures as a percentage of total operating  
15 expenditures, the proposed budget includes an increase in  
16 overall classroom expenditures of \$XX,XXX,XXX above the amount  
17 spent for this same purpose during the (previous fiscal year)  
18 fiscal year. In order to achieve improved student academic  
19 performance, this proposed increase is being budgeted for the  
20 following activities: (list activities and amount budgeted)."

21 (4) The advertisement shall appear adjacent to the  
22 advertisement required pursuant to s. 200.065. The State Board  
23 of Education may adopt rules necessary to provide specific  
24 requirements for the format of the advertisement.

25 (5) The board shall hold public hearings to adopt  
26 tentative and final budgets pursuant to s. 200.065. The  
27 hearings shall be primarily for the purpose of hearing  
28 requests and complaints from the public regarding the budgets  
29 and the proposed tax levies and for explaining the budget and  
30 proposed or adopted amendments thereto, if any. The district  
31 school board shall then require the superintendent to transmit

1 forthwith two copies of the adopted budget to the Department  
2 of Education for approval as prescribed by law and rules of  
3 the State Board of Education.

4 Section 601. Section 1011.04, Florida Statutes, is  
5 created to read:

6 1011.04 Levying of taxes.--

7 (1) Upon receipt of the certificate of the property  
8 appraiser giving the assessed valuation of the county and of  
9 each of the special tax school districts pursuant to s.  
10 200.065, the district school board shall determine by  
11 resolution the amounts necessary to be raised for current  
12 operating purposes and for each district bond interest and  
13 sinking fund and the millage necessary to be levied for each  
14 such fund, including the voted millage. A certified copy of  
15 the resolution shall thereupon be filed with the county  
16 property appraiser, and the district school board shall also  
17 order the property appraiser to assess the several millages  
18 certified by the school board against the appropriate taxable  
19 property in the school district.

20 (2) The property appraiser shall then assess the taxes  
21 as ordered by the district school board. Tax millages so  
22 assessed shall be clearly designated and separately identified  
23 as to source on the tax bill for other county taxes.

24 (3) The collector shall collect said taxes and pay  
25 over the same promptly as collected to the district school  
26 depository or depositories to be used as provided by law;  
27 provided, that all taxes authorized herein shall be assessed  
28 and collected on railroad, street railroad, sleeping car,  
29 parlor car, and telegraph company property in the manner now  
30 provided by law.

31 Section 602. Section 1011.05, Florida Statutes, is

1 created to read:

2 1011.05 Implementation of the official budget.--The  
 3 official budget shall give the appropriations and reserves  
 4 therein the force and effect of fixed appropriations and  
 5 reserves, and the same shall not be altered, amended, or  
 6 exceeded except as authorized. However, if the actual  
 7 receipts during any year are less than budgeted receipts, and  
 8 any obligations are thereby incurred which cannot be met  
 9 before the close of the year, such obligations shall be paid  
 10 and accounted for in the ensuing fiscal year in the manner  
 11 prescribed by rules of the State Board of Education and shall  
 12 be payable out of the first funds available for that purpose.

13 Section 603. Section 1011.06, Florida Statutes, is  
14 created to read:

15 1011.06 Expenditures.--

16 (1) Expenditures shall be limited to the amount  
 17 budgeted under the classification of accounts provided for  
 18 each fund and to the total amount of the budget after the same  
 19 have been amended as prescribed by law and rules of the State  
 20 Board of Education. The school board shall endeavor to obtain  
 21 maximum value for all expenditures.

22 (2) EXPENDITURES FROM DISTRICT AND OTHER  
 23 FUNDS.--Expenditures from district and all other funds  
 24 available for the public school program of any district shall  
 25 be authorized by law and must be in accordance with procedures  
 26 prescribed by the district school board. A district school  
 27 board may establish policies that allow expenditures to exceed  
 28 the amount budgeted by function and object, provided that the  
 29 district school board approves the expenditure and amends the  
 30 budget within timelines established by school board policies.

31 Section 604. Section 1011.07, Florida Statutes, is

1 created to read:

2 1011.07 Internal funds.--

3 (1) The district school board shall be responsible for  
4 the administration and control of all local school funds  
5 derived by any public school from all activities or sources,  
6 and shall prescribe the principles and procedures to be  
7 followed in administering these funds consistent with  
8 regulations adopted by the State Board of Education.

9 (2) The State Board of Education shall adopt rules  
10 governing the procedures for the recording of the receipts,  
11 expenditures, deposits, and disbursements of internal funds.

12 Section 605. Section 1011.08, Florida Statutes, is  
13 created to read:

14 1011.08 Expenditures between July 1 and date budget  
15 becomes official.--During the period from July 1 to the date  
16 the tentative budget becomes official, district school boards  
17 are authorized to approve ordinary expenditures, including  
18 salary payments, which are necessary for the approved school  
19 program.

20 Section 606. Section 1011.09, Florida Statutes, is  
21 created to read:

22 1011.09 Expenditure of funds by district school  
23 board.--All state funds apportioned to the credit of any  
24 district constitute a part of the district school fund of that  
25 district and must be budgeted and expended under authority of  
26 the district school board subject to the provisions of law and  
27 rules of the State Board of Education.

28 (1) A district school board shall credit interest or  
29 profits on investments to the specific budgeted fund, as  
30 defined by the accounting system required by s. 1010.01, that  
31 produced the earnings unless otherwise authorized by law or

1 rules of the State Board of Education.

2 (2) A district school board may temporarily advance  
3 moneys from one fund, as defined by the accounting system  
4 required by s. 1010.01, to another fund when insufficient  
5 moneys are available to meet current obligations if the  
6 temporary advancement is repaid within 13 months, appropriate  
7 accounting records are maintained, and the temporary  
8 advancement does not restrict, impede, or limit implementation  
9 or fulfillment of the original purposes for which the moneys  
10 were received in the fund providing the advancement.

11 (3) Funds expended from school nonrecurring incentives  
12 or bonus type state or federal funded programs based on  
13 performance outcomes may not be used for measuring compliance  
14 with state or federal maintenance of effort, supplanting, or  
15 comparability standards.

16 Section 607. Section 1011.10, Florida Statutes, is  
17 created to read:

18 1011.10 Penalty.--

19 (1) Any member of a district school board or any  
20 district school superintendent who violates the provisions of  
21 this section commits malfeasance and misfeasance in office and  
22 shall be subject to removal from office by the Governor, and  
23 any contract or attempted contract entered into by any school  
24 officer or subordinate school officer that is not within the  
25 purview or in violation of the provisions of this section  
26 shall be void, and no such contract or attempted contract  
27 shall be enforceable in any court.

28 (2) Each member of any district school board voting to  
29 incur an indebtedness against the district school funds in  
30 excess of the expenditure allowed by law, or in excess of any  
31 appropriation as adopted in the original official budget or

1 amendments thereto, or to approve or pay any illegal charge  
2 against the funds, and any chair of a district school board or  
3 district school superintendent who signs a warrant for payment  
4 of any such claim or bill of indebtedness against any of the  
5 funds shall be personally liable for the amount, and shall be  
6 guilty of malfeasance in office and subject to removal by the  
7 Governor. It shall be the duty of the Auditor General or other  
8 state official charged by law with the responsibility for  
9 auditing school accounts, upon discovering any such illegal  
10 expenditure or expenditures in excess of the appropriations in  
11 the budget as officially amended, to certify such fact to the  
12 Department of Banking and Finance, which thereupon shall  
13 verify such fact and it shall be the duty of the Department of  
14 Banking and Finance to advise the Department of Legal Affairs  
15 thereof, and it shall be the duty of the Department of Legal  
16 Affairs to cause to be instituted and prosecuted, either  
17 through its office or through any state attorney, proceedings  
18 at law or in equity against such member or members of a  
19 district school board or district school superintendent. If  
20 either of the officers does not institute proceedings within  
21 90 days after the audit has been certified to them by the  
22 Department of Banking and Finance, any taxpayer may institute  
23 suit in his or her own name on behalf of the district.

24 Section 608. Section 1011.11, Florida Statutes, is  
25 created to read:

26 1011.11 Certain provisions to be directory.--No  
27 irregularities of form or manner in the preparation or  
28 adoption of any budget under the provisions of this chapter  
29 shall invalidate either the budget adopted or the taxes levied  
30 therefor. However, the budget and the taxes levied must  
31 conform substantially to the principles and provisions of law



1 and rules of the State Board of Education.

2 Section 609. Section 1011.12, Florida Statutes, is  
3 created to read:

4 1011.12 Purposes of and procedures in incurring school  
5 indebtedness.--Indebtedness for school purposes may be  
6 incurred only as follows:

7 (1) School districts may issue bonds creating a  
8 long-term indebtedness as prescribed by law.

9 (2) Notes may be issued for money borrowed in  
10 anticipation of the receipt of current school funds, included  
11 in the budget from the state, county, or districts, as  
12 authorized under s. 1011.13.

13 (3) Indebtedness may be incurred for certain purposes  
14 as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

15 (4) Bonds or revenue certificates issued on behalf of  
16 the district by the State Board of Education as authorized by  
17 s. 18, Art. XII of the State Constitution of 1885 as adopted  
18 by s. 9(d), Art. XII, 1968 revised constitution, and the  
19 additional provisions of s. 9(d), Art. XII of said revision.

20 Section 610. Section 1011.13, Florida Statutes, is  
21 created to read:

22 1011.13 Current loans authorized under certain  
23 conditions.--Except as provided in subsection (2), for any  
24 fiscal year in which school funds are estimated to be  
25 insufficient at any time during that fiscal year to pay  
26 obligations created by the district school board in accordance  
27 with the official budget of the district, or a budget approved  
28 by the district school board which is prepared preliminarily  
29 to the tentative budget required by this chapter, the school  
30 board is authorized to negotiate a current loan to pay these  
31 obligations, providing for the repayment of that loan from the

1 proceeds of revenues reasonably to be anticipated during the  
 2 fiscal year in which the loan is made as prescribed below.  
 3 However, the district school board shall, whenever possible,  
 4 so arrange its expenditures as to make the incurring of  
 5 current loans unnecessary. When it is deemed necessary for the  
 6 benefit of the schools of the district for a current loan to  
 7 be negotiated, the school board shall arrange for a loan in an  
 8 amount not violative of federal arbitrage regulations and for  
 9 the repayment of the loan, in accord with the other provisions  
 10 of this section.

11 (1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT  
 12 CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING  
 13 FUNDS.--

14 (a) District school boards are authorized and  
 15 empowered to borrow money, to be retired from the district tax  
 16 receipts anticipated in the operating budget, the district  
 17 capital projects budget, and the debt service budget, at a  
 18 rate of interest not to exceed the rate authorized under the  
 19 provisions of s. 215.84, for the purpose of paying all  
 20 outstanding obligations and for the further purpose of paying  
 21 any and all lawful expenses incurred in operating the schools  
 22 of the district. However, it is unlawful for any district  
 23 school board to borrow any sum of money in any one year in  
 24 excess of 80 percent of the amount as estimated by it in the  
 25 official budget for the current fiscal year for the district  
 26 to be available from the district tax. The sum so borrowed  
 27 shall be paid in full before the school board is authorized to  
 28 borrow money in any succeeding year.

29 (b) Nothing in paragraph (a) shall be construed to  
 30 invalidate any outstanding debt of any district as now  
 31 existing and now due, or to become due, or as requiring any

1 school board to pay the same in full before being permitted to  
2 borrow 80 percent on the estimate for the next ensuing year.

3 (c) In the event that the county tax roll is subjected  
4 to litigation and the tax collector is prevented from  
5 collecting taxes on that roll, the following provisions shall  
6 apply:

7 1. The restriction of 80 percent in paragraph (b)  
8 shall not apply if the collection of taxes is delayed beyond  
9 May 1.

10 2. District school boards are authorized and empowered  
11 to borrow money, to be repaid from the district school fund  
12 for operating purposes, the district capital projects funds,  
13 and the district interest and sinking funds, at a rate not to  
14 exceed the rate authorized under the provisions of s. 215.84,  
15 for the purposes of paying any and all lawful operating  
16 expense, capital expense, and required debt service necessary  
17 for the outstanding bond issues of such districts at the times  
18 that the funds are needed to prevent the bonds or interest  
19 payments from being in default. However, the amount of money  
20 so borrowed shall be limited to the amount of the district  
21 school fund and district interest and sinking fund tax  
22 receipts included in the official school budget for that year  
23 or the amount necessary to be borrowed to meet such  
24 obligations, whichever amount is the lesser. Any funds  
25 borrowed pursuant to the authority of this subsection shall,  
26 insofar as possible, be repaid during the fiscal year in which  
27 the loan was made. However, any such loan unpaid at the end  
28 of the fiscal year shall be repaid from the first available  
29 revenue in the next succeeding year.

30 (2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

31 (a) A district school board is also authorized to

1 negotiate a current loan before the end of the fiscal year,  
 2 the note or notes from which loan shall be issued no earlier  
 3 than 60 days before the beginning of the subsequent fiscal  
 4 year, to be repaid during the subsequent fiscal year from the  
 5 proceeds of revenue reasonably anticipated to be received  
 6 during that year. The proceeds of any loan obtained pursuant  
 7 to this subsection shall be limited, and the district school  
 8 board shall take any and all action necessary, to assure that  
 9 the Internal Revenue Code and the regulations promulgated  
 10 thereunder are not violated.

11 (b) Loans arranged pursuant to this subsection shall  
 12 be negotiated in accordance with a budget approved by the  
 13 district school board which is prepared preliminarily to the  
 14 tentative budget required by this chapter. Such loans shall  
 15 be at a rate of interest not to exceed the rate of interest  
 16 authorized under the provisions of s. 215.84 and shall not be  
 17 in excess of amounts authorized under the Internal Revenue  
 18 Code for arbitrage.

19 (c) The proceeds of any loan obtained pursuant to this  
 20 subsection, or any interest earnings thereon, shall not be  
 21 used to pay any expenses incurred in the fiscal year in which  
 22 the loan is made; nor shall the proceeds of the loan or  
 23 interest earnings thereon be in any way encumbered to pay  
 24 expenses incurred in the fiscal year in which the loan is  
 25 made, but shall be held in escrow until the subsequent fiscal  
 26 year. Any outstanding loan issued pursuant to subsection (1)  
 27 must be defeased not less than 5 business days prior to the  
 28 issuance of any obligation pursuant to this subsection. All  
 29 proceeds of any loan obtained pursuant to this subsection, and  
 30 any interest earnings thereon, shall be placed at closing in  
 31 an irrevocable escrow account and held until the beginning of

1 the subsequent fiscal year. The district school board shall  
2 maintain the integrity of such loan proceeds and related  
3 interest in its accounting records so as to be able to  
4 validate compliance with the provisions of this paragraph.

5 Section 611. Section 1011.14, Florida Statutes, is  
6 created to read:

7 1011.14 Obligations for a period of 1 year.--District  
8 school boards are authorized only under the following  
9 conditions to create obligations by way of anticipation of  
10 budgeted revenues accruing on a current basis without pledging  
11 the credit of the district or requiring future levy of taxes  
12 for certain purposes for a period of 1 year; however, such  
13 obligations may be extended from year to year with the consent  
14 of the lender for a period not to exceed 4 years, or for a  
15 total of 5 years including the initial year of the loan:

16 (1) PURPOSES.--The purposes for which such obligations  
17 may be incurred within the intent of this section shall  
18 include only the purchase of school buses, land, and equipment  
19 for educational purposes; the erection of, alteration to, or  
20 addition to educational facilities; and the adjustment of  
21 insurance on educational property on a 5-year plan, as  
22 provided by rules of the State Board of Education.

23 (2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT  
24 AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING  
25 YEAR.--No obligation of the nature prescribed herein may be  
26 incurred by any district school board when such proposed  
27 obligations exceed one-fourth of the revenue received during  
28 the preceding year for the district school fund for operating  
29 expense of the district.

30 (3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the  
31 district school board proposes to incur obligations of the

1 nature authorized in this section, it shall adopt and spread  
 2 upon its minutes a resolution giving the nature of the  
 3 obligations to be incurred, stating the plan of payment, and  
 4 providing that such funds will be budgeted during the period  
 5 of the loan from the current revenue to retire the obligations  
 6 maturing during the year. This plan of payment shall not  
 7 extend over a period longer than 1 year.

8 (4) INTEREST-BEARING NOTES AUTHORIZED.--Each district  
 9 school board which has authorized the incurring of the  
 10 obligations as provided in this section shall issue  
 11 interest-bearing notes for the obligations. The notes shall  
 12 provide the terms of payment and shall not bear interest in  
 13 excess of the rate authorized under the provisions of s.  
 14 215.84. No additional obligations of a similar nature may be  
 15 incurred against the funds of any school district when notes  
 16 authorized under this subsection are still outstanding and  
 17 unpaid when such proposed obligations together with the unpaid  
 18 notes outstanding exceed one-fourth of the revenue of the  
 19 preceding year, as defined in subsection (2).

20 Section 612. Section 1011.15, Florida Statutes, is  
 21 created to read:

22 1011.15 Obligations to eliminate major emergency  
 23 conditions.--The district school board of any district  
 24 experiencing a major emergency condition in an existing school  
 25 plant that demands immediate correction in order to prevent  
 26 further damage to the building or equipment or to eliminate a  
 27 safety hazard that constitutes an immediate danger to the  
 28 students and other occupants is authorized to create an  
 29 obligation for a period of 1 year by way of anticipation of  
 30 revenues for capital outlay purposes accruing on a current  
 31 basis without pledging the credit of the district. Such

1 obligation may be extended from year to year with the consent  
2 of the lender for a period not to exceed 4 years, or for a  
3 total of 5 years including the initial year of the loan.

4 Obligations occurring under this section may be repaid from  
5 funds to be received from taxes authorized by s. 1011.71(2)  
6 and from any other funds available to the district school  
7 board for the purpose under the following conditions:

8       (1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the  
9 district school board proposes to incur obligations of the  
10 nature authorized in this section, it shall adopt and spread  
11 upon its minutes a resolution fully describing the emergency  
12 condition outlined above, giving the nature of the obligations  
13 to be incurred, stating the plan of payment, and providing  
14 that such funds will be budgeted during the period of the loan  
15 from the current revenue to retire the obligations maturing  
16 during the year. This plan of payment shall not extend over a  
17 period longer than 1 year.

18       (2) INTEREST-BEARING NOTES AUTHORIZED.--Each district  
19 school board which has authorized the incurring of the  
20 obligations as provided in this section shall issue  
21 interest-bearing notes for the obligations. The notes shall  
22 provide the terms of payment and shall not bear interest in  
23 excess of the rate authorized in s. 1010.59.

24       Section 613. Section 1011.16, Florida Statutes, is  
25 created to read:

26       1011.16 Provisions for retirement of existing  
27 indebtedness which is unfunded or in default.--In any district  
28 in which there is any indebtedness outstanding against the  
29 district school fund which has not yet been funded, or at any  
30 time any such indebtedness is in default as to principal or  
31 interest, the district school board shall proceed as follows:

1           (1) PLAN FOR RETIRING INDEBTEDNESS TO BE  
2 PROPOSED.--The district school board shall prepare and propose  
3 a plan for retiring any unfunded indebtedness or any such  
4 indebtedness which is in default so that no creditor having a  
5 valid claim will be given a preferred status. This plan shall  
6 be so prepared as to show the funds needed for operating the  
7 schools on the most economical basis practicable, the amount  
8 of any other obligations which must be met each year, the  
9 total funds available each year for the entire school program,  
10 and the funds that can reasonably be spared for retirement of  
11 indebtedness without needlessly handicapping the school  
12 program and which can be budgeted each year for the retirement  
13 of such indebtedness.

14           (2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF  
15 EDUCATION.--The proposal for funding and retiring all such  
16 indebtedness, when approved by the district school board,  
17 shall be submitted to the Department of Education for  
18 consideration. The district school board shall not attempt to  
19 retire any such indebtedness until this procedure has been  
20 followed and until it has had the benefit of the  
21 recommendations of the department. Upon receiving the  
22 proposal, the department shall determine the minimum funds  
23 which are, in its opinion, necessary for the operation of the  
24 school program in the district; shall determine what funds  
25 remain for retirement of indebtedness each year; shall  
26 determine whether the proposed plan is in accordance with  
27 these facts, and, if it is not, shall propose modifications in  
28 the plan in accordance with the facts. The recommendations of  
29 the department shall then be submitted to the district school  
30 board for consideration.

31           (3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring



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1 indebtedness, herein prescribed, shall become effective when  
 2 the district school board and the Department of Education  
 3 jointly agree upon the amount of funds necessary for operating  
 4 the schools and the amount which can be budgeted each year for  
 5 retiring indebtedness. When this plan has been agreed upon, it  
 6 shall become the duty of the district school board to see that  
 7 the amount approved for retiring indebtedness is incorporated  
 8 in the budget each year, and the department shall see that  
 9 this amount has been incorporated before the budget is  
 10 approved, or, if such an amount can not reasonably be  
 11 incorporated in the budget, as shown by evidence submitted by  
 12 the district school board, determine the respects in which the  
 13 plan should be modified, and to see that the budget includes  
 14 the amount for retiring indebtedness which can reasonably be  
 15 included.

16 (4) FUNDING OUTSTANDING INDEBTEDNESS.--

17 (a) Each district school board having an outstanding  
 18 indebtedness legally incurred and constituting an obligation  
 19 or obligations payable from the district school fund is  
 20 authorized to issue and sell interest-bearing coupon warrants  
 21 in a sum or sums not to exceed the total amount of such  
 22 indebtedness. Such coupon warrants shall bear interest at a  
 23 rate not to exceed the rates authorized under the provisions  
 24 of s. 215.84, shall be payable either annually or  
 25 semiannually, and shall be in such form and denomination as  
 26 the district school board issuing the same shall prescribe.  
 27 None of such warrants shall be issued to run for a longer  
 28 period of time than 10 years from the date of issue. Such  
 29 warrants shall be numbered consecutively, beginning with  
 30 number one, and each warrant shall have attached thereto  
 31 interest coupons, each coupon bearing the number of its

1 warrant and representing or calling for an annual or  
2 semiannual, as the case may be, payment of interest on its  
3 warrant.

4 (b) Each such warrant shall be signed by the chair and  
5 attested by the secretary of the district school board issuing  
6 the same, and shall have the seal of the district school board  
7 affixed thereto, and the interest coupons attached thereto  
8 shall be signed by, or bear the printed or lithographed  
9 facsimile signature of the chair and secretary. Each warrant  
10 and interest coupon shall be dated and shall bear the due  
11 date. Such warrants and interest coupons shall be issued upon,  
12 and payable from, the fund designated on the face thereof. The  
13 fund so designated shall be the district school fund. All  
14 funds derived from the sale of interest-bearing coupon  
15 warrants, as herein provided, shall be used for the purpose of  
16 retiring the indebtedness for payment of which the warrants  
17 were issued, and for no other purpose, and any funds remaining  
18 from the sale of such warrants shall be applied to retiring  
19 the interest-bearing coupon warrants from which such funds  
20 were derived.

21 (5) FUNDING OR REFUNDING OTHER TYPES OF  
22 INDEBTEDNESS.--Any proposed plan for refunding any type of  
23 outstanding and legally incurred school indebtedness, not  
24 covered by this section, shall be submitted to the Department  
25 of Education for approval under rules of the State Board of  
26 Education. No such indebtedness may be refunded and no plan  
27 for refunding such indebtedness may be approved, unless the  
28 plan provides for retiring the indebtedness in reasonably  
29 equal annual installments over the period of years covered,  
30 unless other obligations to be retired during any of these  
31 years make adjustments necessary. No indebtedness of any type

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1 may be refunded on a sinking fund basis. The district school  
2 board shall provide that all refunding warrants, notes, or  
3 bonds shall be callable, upon proper notice, beginning not  
4 more than 10 years following the date of refunding. If any  
5 indebtedness outstanding against the county or district  
6 current school funds cannot be retired over a period of 10  
7 years as prescribed in this section, or cannot be funded or  
8 refunded by issuing interest-bearing coupon warrants, the  
9 Department of Education is authorized to cooperate with the  
10 school officials of the district in developing a practicable  
11 plan for refunding such indebtedness and, when such a plan has  
12 been developed, may approve an agreement with the district  
13 school officials for refunding such indebtedness to be retired  
14 over a period of time which shall not exceed a maximum of 20  
15 years; and, if necessary, for refunding the indebtedness by  
16 issuing interest-bearing notes. Any funding or refunding  
17 obligations issued, as prescribed herein, are not and shall  
18 not be deemed to be additional bonds within the meaning of the  
19 Constitution and laws of Florida, and it shall not be  
20 necessary for such obligations to be submitted to, or approved  
21 by, a vote of the people of the district. In preparing and  
22 carrying out such a plan for funding or refunding the school  
23 indebtedness, the district school board and the district  
24 school superintendent shall follow the procedures prescribed  
25 in this section, supplemented by rules of the State Board of  
26 Education, except for the modifications which are herein  
27 authorized.

28           Section 614. Section 1011.17, Florida Statutes, is  
29 created to read:

30           1011.17 School funds to be paid to Treasurer or into  
31 depository.--

1           (1) Every tax collector, or other person having moneys  
 2 which by law go to any district school fund shall at least  
 3 once each month pay the same over to the depository or  
 4 depositories designated by the district school board for such  
 5 purpose, and shall provide said board with confirmation of the  
 6 deposit. Every officer having moneys which by law go to any  
 7 state school fund, shall pay the same to the Treasurer of the  
 8 state, and the Treasurer shall see that these moneys are  
 9 deposited to the credit of the proper state school fund.

10           (2) The district school board shall have the authority  
 11 to designate that funds due it be placed for investment for  
 12 its account with the State Board of Administration rather than  
 13 be deposited, and said board may direct those persons having  
 14 moneys due it or due any state school fund to pay out such  
 15 funds to the State Board of Administration to make authorized  
 16 investments for its account.

17           Section 615. Section 1011.18, Florida Statutes, is  
 18 created to read:

19           1011.18 School depositories; payments into and  
 20 withdrawals from depositories.--

21           (1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The  
 22 tax collector, the clerk of the circuit court, the  
 23 superintendent, and all other persons having, receiving, or  
 24 collecting any money payable to the school district shall  
 25 promptly pay the same to the bank or banks selected by the  
 26 district school board to receive funds for that purpose. No  
 27 bank shall be so selected unless it is qualified as an  
 28 approved depository as provided by law. Each bank receiving  
 29 any school money as provided herein shall make a receipt for  
 30 same.

31           (2) INVESTMENT OF FUNDS DUE.--The district school

1 board shall have the authority to designate that funds due it  
 2 be placed for investment for its account with the State Board  
 3 of Administration rather than be deposited, and the district  
 4 school board may direct those persons having moneys due it or  
 5 due any state school fund to pay out such funds to the State  
 6 Board of Administration to make authorized investments for its  
 7 account.

8       (3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING  
 9 ACCOUNTS PROHIBITED.--The district school board shall require  
 10 an accurate and complete set of accounts to be maintained in  
 11 the books and records for each fund on deposit in each  
 12 district school depository. Each such account shall show the  
 13 amount subject to withdrawal, the amount deposited, the amount  
 14 expended, and the balance of the account. In compliance with  
 15 the provisions of this subsection, a district school board may  
 16 maintain a separate checking account for each such fund or may  
 17 utilize a single checking account for the deposit and  
 18 withdrawal of moneys from all funds and segregate the various  
 19 funds on the books and records only. No check or warrant shall  
 20 be drawn in excess of the balance to the credit of the  
 21 appropriate fund. The funds awaiting clearing may be invested  
 22 in an approved county depository in instruments earning  
 23 interest, such as repurchase agreements, savings accounts,  
 24 etc. If repurchase agreements are involved, United States  
 25 Treasury securities or GNMA's must be pledged as collateral  
 26 for an amount to exceed the principal, interest, and a  
 27 reasonable safety margin for protection against date-to-date  
 28 price fluctuation.

29       (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money  
 30 drawn from any district school depository holding same as  
 31 prescribed herein shall be upon a check or warrant drawn on

1 authority of the district school board as prescribed by law.  
2 Each check or warrant shall be signed by the chair or, in his  
3 or her absence, the vice chair of the district school board  
4 and countersigned by the district school superintendent, with  
5 corporate seal of the school board affixed. However, as a  
6 matter of convenience, the corporate seal of the district  
7 school board may be printed upon the warrant and a proper  
8 record of such warrant shall be maintained. The district  
9 school board may by resolution, a copy of which must be  
10 delivered to the depository, provide for internal funds to be  
11 withdrawn from any district depository by a check duly signed  
12 by at least two bonded school employees designated by the  
13 board to be responsible for administering such funds. However,  
14 the district school superintendent or his or her designee,  
15 after having been by resolution specifically authorized by the  
16 district school board, may transfer funds from one depository  
17 to another, within a depository, to another institution, or  
18 from another institution to a depository for investment  
19 purposes and may transfer funds in a similar manner when the  
20 transfer does not represent an expenditure, advance, or  
21 reduction of cash assets. Such transfer may be made by  
22 electronic, telephonic, or other medium; and each transfer  
23 shall be confirmed in writing and signed by the district  
24 school superintendent or his or her designee.

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

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

13 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND  
 14 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

15 (a) Each district school board is authorized to  
 16 contract with an approved service organization to provide  
 17 self-insurance services, including, but not limited to, the  
 18 evaluation, settlement, and payment of self-insurance claims  
 19 on behalf of the district school board. Pursuant to such  
 20 contract, the district school board may advance money to the  
 21 service organization to be deposited in a special checking  
 22 account for paying claims against the district school board  
 23 under its self-insurance program. The special checking  
 24 account shall be maintained in a designated district school  
 25 depository. The district school board may replenish such  
 26 account as often as necessary upon the presentation by the  
 27 service organization of documentation for claims paid equal to  
 28 the amount of the requested reimbursement. Such replenishment  
 29 shall be made by a warrant signed by the chair of the district  
 30 school board and countersigned by the district school  
 31 superintendent. Such replenishment may be made by electronic,

1 telephonic, or other medium, and each transfer shall be  
2 confirmed in writing and signed by the superintendent or his  
3 or her designee.

4 (b) The district school board may contract with an  
5 insurance company or professional administrator who holds a  
6 valid certificate of authority issued by the Department of  
7 Insurance to provide any or all services that a third-party  
8 administrator is authorized by law to perform. Pursuant to  
9 such contract, the district school board may advance or remit  
10 money to the administrator to be deposited in a designated  
11 special checking account for paying claims against the  
12 district school board under its self-insurance programs, and  
13 remitting premiums to the providers of insured benefits on  
14 behalf of the district school board and the participants in  
15 such programs, and otherwise fulfilling the obligations  
16 imposed upon the administrator by law and the contractual  
17 agreements between the district school board and the  
18 administrator. The special checking account shall be  
19 maintained in a designated district school depository. The  
20 district school board may replenish such account as often as  
21 necessary upon the presentation by the service organization of  
22 documentation for claims or premiums due paid equal to the  
23 amount of the requested reimbursement. Such replenishment  
24 shall be made by a warrant signed by the chair of the district  
25 school board and countersigned by the district school  
26 superintendent. Such replenishment may be made by electronic,  
27 telephonic, or other medium, and each transfer shall be  
28 confirmed in writing and signed by the district school  
29 superintendent or his or her designee. The provisions of  
30 strict accountability of all funds and an annual audit by an  
31 independent certified public accountant as provided in s.



1 1001.42(10)(k) shall apply to this subsection.

2 Section 616. Section 1011.19, Florida Statutes, is  
3 created to read:

4 1011.19 Sources of district school fund.--The district  
5 school fund shall consist of funds derived from the district  
6 school tax levy; state appropriations; appropriations by  
7 county commissioners; local, state, and federal school food  
8 service funds; any and all other sources for school purposes;  
9 national forest trust funds and other federal sources; and  
10 gifts and other sources.

11 Section 617. Section 1011.20, Florida Statutes, is  
12 created to read:

13 1011.20 Apportionment and use of district school  
14 fund.--The district school fund shall be apportioned, expended  
15 and disbursed in the district solely for the support of the  
16 public schools of the district as prescribed by law; provided,  
17 however, that the district school fund shall also be used to  
18 pay the principal and interest on bonds legally issued and  
19 payable from said fund, together with other proper items of  
20 debt service against such fund, including any necessary  
21 refunding expense as prescribed by rules of the State Board of  
22 Education. The district school board shall, before the  
23 maturity of such bonds or other indebtedness and before  
24 interest due dates, deposit with the paying agent or make  
25 available, as designated in the resolution authorizing the  
26 issuance of the bonds or other legal evidences of  
27 indebtedness, sufficient funds with which to pay all principal  
28 and interest when due; provided, that when such funds have  
29 been so deposited with the paying agent or made available, all  
30 interest on the indebtedness represented by the maturing  
31 bonds, coupons or other evidences of indebtedness shall cease

1 as of their maturity dates; and provided, further, that if any  
2 such bonds, coupons or other evidences of indebtedness are not  
3 presented for payment within 6 months after the date on which  
4 they mature, the funds shall be returned to the district  
5 school board and shall be placed by said board in the district  
6 school fund and the district school board shall pay said  
7 bonds, coupons or other evidences of indebtedness from said  
8 fund when presented for payment. Any holder of bonds, coupons  
9 or other indebtedness claiming interest after maturity on  
10 account of the fact that funds were not deposited with the  
11 paying agent or made available to pay such bonds, coupons or  
12 other indebtedness at maturity, shall be required to produce  
13 evidence in the form of a letter from the paying agent or the  
14 district school board, respectively, acknowledging that the  
15 bonds, coupons and other evidences of indebtedness upon which  
16 interest is claimed were presented for payment, that no funds  
17 were available for the payment thereof, that such bonds,  
18 coupons and other evidences of indebtedness were presented for  
19 payment at least annually thereafter and that no funds were  
20 available to pay such indebtedness. The paying agent or the  
21 district school board, whichever has the duty of holding the  
22 funds, shall, upon request of the holder of defaulted bonds,  
23 coupons or other evidences of indebtedness, furnish to such  
24 holder the letter required herein. When such evidence is  
25 presented the district school fund shall be liable for the  
26 payment of principal and interest on the bonds, coupons or  
27 other evidences of indebtedness from maturity until paid at  
28 the rate prescribed on the face thereof. If at any time any  
29 bonds, coupons or other evidences of indebtedness are reduced  
30 to judgment, the district school fund shall be responsible for  
31 past due interest only at the rate prescribed by the bonds or

1 other evidences of indebtedness and any rate of interest in  
2 excess of that amount shall be illegal and invalid. Such  
3 judgments shall bear interest at the rate of 5 percent per  
4 annum until paid. When any proposal for refunding the  
5 indebtedness against said district school fund has been  
6 prepared and approved by the State Board of Education, as  
7 required by law, and when the holders of at least 80 percent  
8 of the outstanding indebtedness against said fund have agreed  
9 in writing to the refunding plan, the district school board  
10 shall be authorized to pay, out of the district school fund,  
11 from and after that date, on the original and refunding bonds  
12 or other evidences of indebtedness only the rate of interest  
13 which has been agreed upon for the refunding bonds or other  
14 evidences of indebtedness and no owner or holder of a bond,  
15 coupon or other evidence of indebtedness shall be entitled to  
16 a higher rate of interest after that date; provided, that such  
17 owner or holder shall be given the option by the district  
18 school board of receiving payment in cash for all principal  
19 and interest due on the bonds and coupons or other evidence of  
20 indebtedness he or she holds at the same rate at which the  
21 remaining indebtedness has been refunded.

22 Section 618. Section 1011.21, Florida Statutes, is  
23 created to read:

24 1011.21 Source and use of district interest and  
25 sinking fund.--The district interest and sinking fund of any  
26 school district shall comprise the proceeds of the tax levied  
27 for the purpose of paying the principal and interest of bonds  
28 outstanding against the district as provided in this chapter  
29 and in addition such funds as may accrue to the credit of the  
30 district interest and sinking fund from interest on deposits,  
31 investments or other sources. The district interest and

1 sinking fund in each district shall be used to pay the  
2 principal and interest on bonds legally issued against the  
3 district and other proper items of debt service against such  
4 district, including any necessary refunding expense as  
5 prescribed by rules of the State Board of Education. The  
6 district school board shall, before the maturity of bonds and  
7 before interest due dates, deposit with the paying agent or  
8 make available, as designated in the resolution authorizing  
9 the issuance of bonds, sufficient money of the district  
10 interest and sinking fund with which to pay all principal and  
11 interest when due; provided, that when such money has been so  
12 deposited with the paying agent or made available, all  
13 interest on the indebtedness represented by the maturing bonds  
14 or coupons shall cease as of their maturity dates; and  
15 provided, further, that if any such bonds or coupons are not  
16 presented for payment within 6 months after the date on which  
17 they mature, the money shall be returned to the district  
18 school board and shall be held by the board as a reserve fund  
19 in the account of the district interest and sinking fund until  
20 the bonds and coupons are presented for payment. Any holder  
21 of bonds or coupons claiming interest after maturity shall be  
22 required to produce evidence in the form of a letter from the  
23 paying agent or the district school board of the district,  
24 respectively, acknowledging that the bonds or coupons upon  
25 which interest is claimed were presented for payment upon  
26 maturity, that no funds were available for the payment  
27 thereof, that such bonds or coupons were presented for payment  
28 at least annually thereafter and that no funds were available  
29 to pay such bonds or coupons. The paying agent or the  
30 district school board, whichever has the duty of holding the  
31 money shall, upon request of the holder of defaulted bonds or

1 coupons, furnish to such holder the letter required herein.  
2 When such evidence is presented, the district interest and  
3 sinking fund shall be liable for the payment of principal and  
4 interest on the bonds and coupons from maturity until paid at  
5 the rate prescribed on the face of the bonds. If at any time  
6 any bonds or coupons are reduced to judgment, the district  
7 interest and sinking fund shall be responsible for past due  
8 interest only at the rate prescribed by the bonds and any rate  
9 of interest in excess of that amount shall be illegal and  
10 invalid. Such judgments shall bear interest at the rate of 5  
11 percent per annum until paid. When any proposal for refunding  
12 the indebtedness against any district has been prepared and  
13 approved by the Department of Education, as required by law,  
14 and when the holders of at least 80 percent of the outstanding  
15 indebtedness represented by the bond issue have agreed in  
16 writing to the refunding plan, the district school board shall  
17 be authorized to pay, from and after that date on the original  
18 and refunding bonds from the district interest and sinking  
19 fund, only the rate of interest which has been agreed upon for  
20 the refunding bonds and no owner or holder of a bond or coupon  
21 shall be entitled to a higher rate of interest after that  
22 date; provided, that such owner or holder shall be given the  
23 option by the school board of receiving payment in cash for  
24 all principal and interest due on the bonds and coupons he or  
25 she holds at the same rate at which the remaining bonds and  
26 coupons have been refunded.

27 Section 619. Section 1011.22, Florida Statutes, is  
28 created to read:

29 1011.22 Interest and sinking funds may be invested in  
30 certain bonds, warrants, and notes.--Each district school  
31 board shall have the power at all times to invest the interest

1 and sinking funds collected for the retirement of any bonds of  
 2 the school district in any investment as authorized in s.  
 3 1010.53(2). The district school board shall have authority at  
 4 any time to use the interest and sinking fund of any district  
 5 for purchasing, for the purpose of canceling and retiring,  
 6 bonds outstanding against the interest and sinking fund of  
 7 said district at any price which will result in a net saving  
 8 to the taxpayers of the district; provided, always, that the  
 9 district school board shall have the right to keep the  
 10 interest and sinking fund on deposit earning the rate of  
 11 interest agreed upon until such time as within its judgment it  
 12 may be able to invest it in bonds, warrants, or notes to  
 13 better advantage as provided herein.

14 Section 620. Section 1011.23, Florida Statutes, is  
 15 created to read:

16 1011.23 Disposition of balance in interest and sinking  
 17 fund.--If all principal and interest outstanding against any  
 18 school district shall have been paid, and there shall still  
 19 remain a balance in the interest and sinking fund to the  
 20 credit of that district, the district school board shall, by  
 21 resolution, authorize this balance to be transferred to the  
 22 credit of the district school fund.

23 Section 621. Section 1011.24, Florida Statutes, is  
 24 created to read:

25 1011.24 Special district units.--For the purposes of  
 26 funding through chapters 1011 and 1013, developmental research  
 27 schools shall be designated as special school districts. Such  
 28 districts shall be accountable to the Department of Education  
 29 for budget requests and reports on expenditures.

30 Section 622. Part I.b. of chapter 1011, Florida  
 31 Statutes, shall be entitled "Community Colleges: Preparation,

1 Adoption, and Implementation of Budgets" and shall consist of  
2 ss. 1011.30-1011.32.

3 Section 623. Section 1011.30, Florida Statutes, is  
4 created to read:

5 1011.30 Budgets for community colleges.--Each  
6 community college president shall recommend to the community  
7 college board of trustees a budget of income and expenditures  
8 at such time and in such form as the State Board of Education  
9 may prescribe. Upon approval of a budget by the community  
10 college board of trustees, such budget shall be transmitted to  
11 the Department of Education for review and approval. Rules of  
12 the State Board of Education shall prescribe procedures for  
13 effecting budget amendments subsequent to the final approval  
14 of a budget for a given year.

15 Section 624. Section 1011.31, Florida Statutes, is  
16 created to read:

17 1011.31 Current loans to community college boards of  
18 trustees.--

19 (1) At any time the current funds on hand are  
20 insufficient to pay obligations created by a community college  
21 board of trustees in accordance with the approved budget of  
22 the community college, the community college board of trustees  
23 may request approval by the Commissioner of Education of a  
24 proposal to negotiate a current loan, with provisions for the  
25 repayment of such loan during the fiscal year in which the  
26 loan is made, in order to meet these obligations.

27 (2) The Commissioner of Education shall approve such  
28 proposal when, in his opinion, the proposal is reasonable and  
29 just, the expenditure is necessary, and revenues sufficient to  
30 meet the requirements of the loan can reasonably be  
31 anticipated.

1           Section 625. Section 1011.32, Florida Statutes, is  
2 created to read:

3           1011.32 Community College Facility Enhancement  
4 Challenge Grant Program.--

5           (1) The Legislature recognizes that the community  
6 colleges do not have sufficient physical facilities to meet  
7 the current demands of their instructional and community  
8 programs. It further recognizes that, to strengthen and  
9 enhance community colleges, it is necessary to provide  
10 facilities in addition to those currently available from  
11 existing revenue sources. It further recognizes that there are  
12 sources of private support that, if matched with state  
13 support, can assist in constructing much needed facilities and  
14 strengthen the commitment of citizens and organizations in  
15 promoting excellence at each community college. Therefore, it  
16 is the intent of the Legislature to establish a program to  
17 provide the opportunity for each community college through its  
18 direct-support organization to receive and match challenge  
19 grants for instructional and community-related capital  
20 facilities within the community college.

21           (2) There is established the Community College  
22 Facility Enhancement Challenge Grant Program for the purpose  
23 of assisting the community colleges in building high priority  
24 instructional and community-related capital facilities  
25 consistent with s. 1004.65, including common areas connecting  
26 such facilities. The direct-support organizations that serve  
27 the community colleges shall solicit gifts from private  
28 sources to provide matching funds for capital facilities. For  
29 the purposes of this section, private sources of funds shall  
30 not include any federal or state government funds that a  
31 community college may receive.



1           (3) The Community College Capital Facilities Matching  
2 Program shall provide funds to match private contributions for  
3 the development of high priority instructional and  
4 community-related capital facilities, including common areas  
5 connecting such facilities, within the community colleges.

6           (4) Within the direct-support organization of each  
7 community college there must be established a separate capital  
8 facilities matching account for the purpose of providing  
9 matching funds from the direct-support organization's  
10 unrestricted donations or other private contributions for the  
11 development of high priority instructional and  
12 community-related capital facilities, including common areas  
13 connecting such facilities. The Legislature shall appropriate  
14 funds for distribution to a community college after matching  
15 funds are certified by the direct-support organization and  
16 community college. The Public Education Capital Outlay and  
17 Debt Service Trust Fund shall not be used as the source of the  
18 state match for private contributions.

19           (5) A project may not be initiated unless all private  
20 funds for planning, construction, and equipping the facility  
21 have been received and deposited in the direct-support  
22 organization's matching account and the state's share for the  
23 minimum amount of funds needed to begin the project has been  
24 appropriated by the Legislature. The Legislature may  
25 appropriate the state's matching funds in one or more fiscal  
26 years for the planning, construction, and equipping of an  
27 eligible facility. However, these requirements shall not  
28 preclude the community college or direct-support organization  
29 from expending available funds from private sources to develop  
30 a prospectus, including preliminary architectural schematics  
31 and/or models, for use in its efforts to raise private funds

1 for a facility. Additionally, any private sources of funds  
 2 expended for this purpose are eligible for state matching  
 3 funds should the project materialize as provided for in this  
 4 section.

5 (6) To be eligible to participate in the Community  
 6 College Facility Enhancement Challenge Grant Program, a  
 7 community college, through its direct-support organization,  
 8 shall raise a contribution equal to one-half of the total cost  
 9 of a facilities construction project from private sources  
 10 which shall be matched by a state appropriation equal to the  
 11 amount raised for a facilities construction project, subject  
 12 to the General Appropriations Act.

13 (7) If the state's share of the required match is  
 14 insufficient to meet the requirements of subsection (6), the  
 15 community college shall renegotiate the terms of the  
 16 contribution with the donors. If the project is terminated,  
 17 each private donation, plus accrued interest, reverts to the  
 18 direct-support organization for remittance to the donor.

19 (8) By September 1 of each year, the State Board of  
 20 Education shall transmit to the Legislature a list of projects  
 21 which meet all eligibility requirements to participate in the  
 22 Community College Facility Enhancement Challenge Grant Program  
 23 and a budget request which includes the recommended schedule  
 24 necessary to complete each project.

25 (9) In order for a project to be eligible under this  
 26 program, it must be survey recommended under the provisions of  
 27 s. 1013.31 and included in the community colleges 5-year  
 28 capital improvement plan, and it must receive prior approval  
 29 from the State Board of Education.

30 (10) A community college project may not be removed  
 31 from the approved 3-year PECO priority list because of its

1 successful participation in this program until approved by the  
2 Legislature and provided for in the General Appropriations  
3 Act. When such a project is completed and removed from the  
4 list, all other projects shall move up on the 3-year PECO  
5 priority list.

6 (11) Any project funds that are unexpended after a  
7 project is completed shall revert to the community college's  
8 direct-support organization capital facilities matching  
9 account. Fifty percent of such unexpended funds shall be  
10 reserved for the community college which originally received  
11 the private contribution for the purpose of providing private  
12 matching funds for future facility construction projects as  
13 provided in this section. The balance of such unexpended funds  
14 shall be returned to the General Revenue Fund.

15 (12) The surveys, architectural plans, facility, and  
16 equipment shall be the property of the participating community  
17 college. A facility constructed under this section may be  
18 named in honor of a donor at the option of the community  
19 college district board of trustees. A facility may not be  
20 named after a living person without prior approval by the  
21 State Board of Education.

22 Section 626. Part I.c. of chapter 1011, Florida  
23 Statutes, shall be entitled "Universities: Preparation,  
24 Adoption, and Implementation of Budgets" and shall consist of  
25 ss. 1011.40-1011.52.

26 Section 627. Section 1011.40, Florida Statutes, is  
27 created to read:

28 1011.40 Budgets for universities.--

29 (1) LEGISLATIVE BUDGET REQUEST.--The State Board of  
30 Education shall provide instructions, guidelines, and standard  
31 formats to be used by each university that will provide to the

1 State Board of Education and the Legislature adequate  
 2 information to support and justify the legislative budget  
 3 requests submitted pursuant to ss. 216.023, 1013.60, and  
 4 1011.90 for each university.

5 (2) OPERATING BUDGET.--Each university board of  
 6 trustees shall adopt an operating budget for the operation of  
 7 the university as prescribed by law and rules of the State  
 8 Board of Education. Each university president shall prepare  
 9 and implement the operating budget of the university as  
 10 prescribed by law, rules of the State Board of Education,  
 11 policies of the university board of trustees, and provisions  
 12 of the General Appropriations Act. The proposed expenditures,  
 13 plus transfers, and balances shall not exceed the estimated  
 14 income, transfers, and balances. The budget and each part  
 15 thereof shall balance. If at any time the unencumbered balance  
 16 in the education and general fund of the university board of  
 17 trustees approved operating budget goes below five percent,  
 18 the president shall provide written notification to the State  
 19 Board of Education.

20 (3) EXPENDITURES.--Expenditures from any source of  
 21 funds by any university shall not exceed the funds available.  
 22 Expenditures shall not exceed the amount budgeted under each  
 23 classification of accounts for each fund and the total amount  
 24 of the budget, as amended as prescribed by rules of the State  
 25 Board of Education. No expenditure of funds, contract, or  
 26 agreement of any nature shall be made that requires additional  
 27 appropriation of funds by the Legislature unless specifically  
 28 authorized in advance by law or the General Appropriations  
 29 Act.

30 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated  
 31 in the General Appropriations Act for the operation of state

1 universities shall be distributed by the State Board of  
2 Education to the universities twice monthly. The Executive  
3 Office of the Governor may modify this schedule if required to  
4 meet specific needs of a university.

5 Section 628. Section 1011.41, Florida Statutes, is  
6 created to read:

7 1011.41 University appropriations.--Funds for the  
8 general operations of universities shall be requested and  
9 appropriated as Aid to Local Governments Grants and Aids,  
10 subject to provisions of the General Appropriations Act.

11 Section 629. Section 1011.4105, Florida Statutes, is  
12 created to read:

13 1011.4105 Transition from state accounting system  
14 (FLAIR) to university accounting system.--

15 (1) Universities and colleges under the supervision of  
16 the State Board of Education shall use the state accounting  
17 system (FLAIR) for fiscal year 2002-2003. The universities  
18 shall not be required to provide funds to the Department of  
19 Banking and Finance for the utilization of FLAIR.

20 (2) Beginning with the 2003-2004 fiscal year any  
21 university may transition from FLAIR to the university's  
22 accounting system.

23 (3) To accomplish the transition from FLAIR to a  
24 university's accounting system the university board of  
25 trustees must submit to the State Board of Education a plan  
26 developed in cooperation with the State Comptroller (Chief  
27 Financial Officer.) The plan must contain the actions the  
28 university will take, or has taken, to implement this  
29 transition. The plan must provide time lines for completion of  
30 actions and the target date the university will have  
31 implemented and tested parallel systems with appropriate audit

1 and internal controls in place that will enable the university  
2 to satisfactorily and timely perform all accounting and  
3 reporting functions required by State and Federal law and  
4 rules of the State Board of Education.

5 (4) When a university is ready to transition from  
6 FLAIR to its own system, the State Board of Education shall  
7 verify that the system the university has implemented and  
8 tested is adequate for the university, the university has  
9 appropriate audit and internal controls in place, the  
10 university has the resources required to operate and maintain  
11 the system, and that the university and the State Comptroller  
12 (Chief Financial Officer) are prepared to implement the  
13 transition. The State Board of Education shall submit to the  
14 Executive Office of the Governor and the Chairs of the  
15 Appropriations Committees of the Senate and House of  
16 Representatives confirmation of this verification and the date  
17 the transition will be effective. Transition for any  
18 university shall not take place until after the State Board of  
19 Education has submitted this confirmation.

20 (5) The State Board of Education in cooperation with  
21 each university and the Department of Banking and Finance  
22 shall develop a plan and establish the deadline for all  
23 universities to have completed the transition from FLAIR. The  
24 Board shall submit a copy of this plan to the Executive Office  
25 of the Governor and the Chairs of the Appropriations  
26 Committees of the Senate and House of Representatives.

27 Section 630. Section 1011.4106, Florida Statutes, is  
28 created to read:

29 1011.4106 Trust fund dissolution.--Notwithstanding the  
30 provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to  
31 s. 216.351, all unexpended balances as of June 30, 2002 in the

1 following state university system trust funds are hereby  
 2 appropriated to the appropriate accounts of each university  
 3 based upon the original source of the trust fund revenue and  
 4 any accrued interest: the Education/General Student and Other  
 5 Fees Trust Fund, the Experiment Station Federal Grant Trust  
 6 Fund, the Experiment Station Incidental Trust Fund, the  
 7 Extension Service Federal Grant Trust Fund, the Extension  
 8 Service Incidental Trust Fund, the Incidental Trust Fund, the  
 9 UF Health Center Operations and Maintenance Trust Fund, the  
 10 Operations and Maintenance Trust Fund, and all other trust  
 11 funds in the State Treasury for universities. Expenditure of  
 12 these funds by each university must be based on the laws,  
 13 rules, grant agreements, or other legal controlling factors  
 14 associated with all trust fund balances which are appropriated  
 15 to local accounts pursuant to this section, and included in  
 16 each university board of trustees' approved operating budget.  
 17 Each university shall be responsible for the payment of  
 18 outstanding debts or obligations associated with these funds.

19 Section 631. Section 1011.411, Florida Statutes, is  
 20 created to read:

21 1011.411 Budgets for sponsored research at  
 22 universities.--Funds for sponsored research at each university  
 23 shall be budgeted and expended pursuant to ss. 1010.30 and  
 24 1011.42.

25 Section 632. Section 1011.42, Florida Statutes, is  
 26 created to read:

27 1011.42 University depositories; deposits into and  
 28 withdrawals from depositories.--

29 (1) The board of trustees of each university shall  
 30 designate the depositories in which any university funds may  
 31 be deposited. No bank shall be designated unless it is a

1 qualified depository as provided by Florida Statutes.

2 (2) All funds received by a university, from whatever  
3 source and for whatever purpose, shall promptly be deposited  
4 in a board of trustees approved qualified depository.

5 (3) The board of trustees shall require an accurate  
6 and complete set of accounts to be maintained in the books and  
7 records for each fund on deposit in each university  
8 depository. Each account shall show the amount subject to  
9 withdrawal, the amount deposited, the amount expended, and the  
10 balance of the account.

11 (4) The university may maintain a separate checking  
12 account for each fund or may utilize a single checking account  
13 for the deposit and withdrawal of moneys from all funds and  
14 segregate the various funds on the books and records only. No  
15 check or withdrawal shall be drawn in excess of the balance to  
16 the credit of the appropriate fund.

17 (5) Funds awaiting clearing may be invested in  
18 investments earning interest in a qualified depository, in the  
19 State Treasury, and in the State Board of Administration.  
20 Investments of university funds shall comply with the  
21 requirements of Florida Statutes for the investment of public  
22 funds by local government. Due diligence shall be exercised to  
23 assure that the highest available amount of earnings is  
24 obtained on investments.

25 (6) The university president or his designee, after  
26 having been specifically authorized by the university board of  
27 trustees, may transfer funds from one depository to another,  
28 within a depository, to another institution, or from another  
29 institution to a depository for investment purposes and may  
30 transfer funds in a similar manner when the transfer does not  
31 represent an expenditure, advance, or reduction of cash



1 assets.

2 (7) The university board of trustees shall  
3 specifically designate and spread upon the minutes of the  
4 board the legal name and position title of any university  
5 employee authorized to sign checks to pay legal obligations of  
6 the university.

7 Section 633. Section 1011.43, Florida Statutes, is  
8 created to read:

9 1011.43 Investment of university agency and activity  
10 funds; earnings used for scholarships.--Each university is  
11 authorized to invest available agency and activity funds and  
12 to use the earnings from such investments for student  
13 scholarships and loans. The university board of trustees shall  
14 provide procedures for the administration of these  
15 scholarships and loans by rules.

16 Section 634. Section 1011.45, Florida Statutes, is  
17 created to read:

18 1011.45 End of year balance of funds.--Unexpended  
19 amounts in any fund in a university current year operating  
20 budget shall be carried forward and included as the balance  
21 forward for that fund in the approved operating budget for the  
22 following year.

23 Section 635. Section 1011.47, Florida Statutes, is  
24 created to read:

25 1011.47 Auxiliary enterprises; contracts, grants, and  
26 donations.--As used in s. 19(f)(3), Art. III of the State  
27 Constitution, the term:

28 (1) "Auxiliary enterprises" includes activities that  
29 directly or indirectly provide a product or a service, or  
30 both, to a university or its students, faculty, or staff and  
31 for which a charge is made. These auxiliary enterprises are

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1 business activities of a university which require no support  
 2 from the General Revenue Fund, and include activities such as  
 3 housing, bookstores, student health services, continuing  
 4 education programs, food services, college stores, operation  
 5 of vending machines, specialty shops, day care centers, golf  
 6 courses, student activities programs, data center operations,  
 7 and intercollegiate athletics programs.

8       (2) "Contracts, grants, and donations" includes  
 9 noneducational and general funding sources in support of  
 10 research, public services, and training. The term includes  
 11 grants and donations, sponsored-research contracts, and  
 12 Department of Education funding for developmental research  
 13 schools and other activities for which the funds are deposited  
 14 outside the State Treasury.

15       Section 636. Section 1011.48, Florida Statutes, is  
 16 created to read:

17       1011.48 Establishment of educational research centers  
 18 for child development.--

19       (1) Upon approval of the university president, the  
 20 student government association of any state university may  
 21 establish an educational research center for child development  
 22 in accordance with the provisions of this section. Each such  
 23 center shall be a child day care center established to provide  
 24 care for the children of students, both graduate and  
 25 undergraduate, faculty, and other staff and employees of the  
 26 university and to provide an opportunity for interested  
 27 schools or departments of the university to conduct  
 28 educational research programs and establish internship  
 29 programs within such centers. Whenever possible, such center  
 30 shall be located on the campus of the university. There shall  
 31 be a director of each center, selected by the board of

1 directors of the center.

2 (2) There shall be a board of directors for each  
3 educational research center for child development, consisting  
4 of the president of the university or his or her designee, the  
5 student government president or his or her designee, the chair  
6 of each department participating in the center or his or her  
7 designee, and one parent for each 50 children enrolled in the  
8 center, elected by the parents of children enrolled in the  
9 center. The director of the center shall be an ex officio,  
10 nonvoting member of the board. The board shall establish local  
11 policies and perform local oversight and operational guidance  
12 for the center.

13 (3) Each center is authorized to charge fees for the  
14 care and services it provides. Such fees must be approved by  
15 the State Board of Education and may be imposed on a sliding  
16 scale based on ability to pay or any other factors deemed  
17 relevant by the board.

18 (4) The State Board of Education is authorized and  
19 directed to promulgate rules for the establishment, operation,  
20 and supervision of educational research centers for child  
21 development. Such rules shall include, but need not be limited  
22 to: a defined method of establishment of and participation in  
23 the operation of centers by the appropriate student government  
24 associations; guidelines for the establishment of an intern  
25 program in each center; and guidelines for the receipt and  
26 monitoring of funds from grants and other sources of funds  
27 consistent with existing laws.

28 (5) Each educational research center for child  
29 development shall be funded by a portion of the Capital  
30 Improvement Trust Fund fee established by the State Board of  
31 Education pursuant to s. 1009.24(7). Each university that

1 establishes a center shall receive a portion of such fees  
 2 collected from the students enrolled at that university,  
 3 usable only at that university, equal to 22.5 cents per  
 4 student per credit hour taken per term, based on the summer  
 5 term and fall and spring semesters. This allocation shall be  
 6 used by the university only for the establishment and  
 7 operation of a center as provided by this section and rules  
 8 promulgated hereunder. Said allocation may be made only after  
 9 all bond obligations required to be paid from such fees have  
 10 been met.

11 Section 637. Section 1011.49, Florida Statutes, is  
 12 created to read:

13 1011.49 Assent to Smith-Lever Act; university board of  
 14 trustees authorized to receive grants.--The Legislature, in  
 15 behalf of and for the state, assents to, and gives its assent  
 16 to, the provisions and requirements of the Act of Congress  
 17 commonly known as the "Smith-Lever Act," and all acts  
 18 supplemental thereto, and the University of Florida Board of  
 19 Trustees, having supervision over and control of the  
 20 University of Florida, located at Gainesville, may receive the  
 21 grants of money appropriated under said Act of Congress and  
 22 organize and conduct agricultural and home economics extension  
 23 work, which shall be carried on in connection with the  
 24 University of Florida Institute of Food and Agricultural  
 25 Sciences, in accordance with the terms and conditions  
 26 expressed in said Act of Congress.

27 Section 638. Section 1011.50, Florida Statutes, is  
 28 created to read:

29 1011.50 Agricultural experiment stations; assent to  
 30 Act of Congress; federal appropriation.--The objects and  
 31 purposes contained in the Act of Congress entitled "An Act to

1 provide for an increased annual appropriation for agricultural  
 2 experiment stations and regulating the expenditure thereof"  
 3 are assented to; and the Board of Trustees of the University  
 4 of Florida is authorized to accept and receive the annual  
 5 appropriations for the use and benefit of the agricultural  
 6 experiment station fund of the Institute of Food and  
 7 Agricultural Sciences of the University of Florida, located at  
 8 Gainesville, upon the terms and conditions contained in said  
 9 Act of Congress.

10 Section 639. Section 1011.501, Florida Statutes, is  
 11 created to read:

12 1011.501 Assent to ss. 1444 and 1445 of the Food and  
 13 Agriculture Act of 1977; board of trustees authorized to  
 14 receive grants, etc.--The assent of Legislature is given to  
 15 the provisions and requirements of ss. 1444 and 1445 of the  
 16 Act of Congress commonly known as the "Food and Agriculture  
 17 Act of 1977" and all acts supplemental thereto. The Board of  
 18 Trustees of the Florida Agricultural and Mechanical University  
 19 may receive grants of money appropriated under said sections  
 20 of said act and may organize and conduct agricultural  
 21 extension work and conduct agricultural research, which shall  
 22 be carried on in connection with the College of Engineering  
 23 Sciences, Technology and Agriculture of said Florida  
 24 Agricultural and Mechanical University, in accordance with the  
 25 terms and conditions expressed in the Act of Congress  
 26 aforesaid.

27 Section 640. Section 1011.51, Florida Statutes, is  
 28 created to read:

29 1011.51 Independent postsecondary endowment grants.--

30 (1) The Legislature finds and declares that accredited  
 31 baccalaureate-degree-granting independent nonprofit colleges

1 and universities are an integral part of the higher education  
 2 system in this state; that significant numbers of persons  
 3 choose to utilize these institutions for obtaining higher  
 4 education; that the burdens on public colleges and  
 5 universities are lessened because of the students that choose  
 6 to utilize these institutions for their higher education; that  
 7 having a strong system of baccalaureate-degree-granting  
 8 independent nonprofit colleges and universities will improve  
 9 the educational, economic, and social well-being of the state;  
 10 and that creation of a state program to provide matching  
 11 endowment grants will improve the academic excellence of these  
 12 institutions and enhance educational opportunities for Florida  
 13 citizens, furthering the improvement of the overall  
 14 educational system in the state.

15       (2) There is established the Florida Postsecondary  
 16 Endowment Grants Program to be administered by the Department  
 17 of Education. The program shall provide matching endowment  
 18 grants to independent nonprofit colleges and universities in  
 19 Florida that meet the requirements of this section. The  
 20 Legislature shall designate funds for the program to be  
 21 transferred to the Grants and Donations Trust Fund from  
 22 available sources. All funds transferred to the trust fund,  
 23 or retained in the trust fund, shall be invested in accordance  
 24 with the provisions of chapter 215. Notwithstanding the  
 25 provisions of s. 216.301 and pursuant to s. 216.351, any  
 26 undisbursed balance remaining in the trust fund for the  
 27 program and income from investments and interest related  
 28 thereto shall remain in the trust fund and shall increase the  
 29 total funds available for such matching endowment grants.

30       (3) The matching endowment grants made available under  
 31 this section shall be made available to any independent

1 nonprofit college or university which:  
2       (a) Is located in and chartered by the state.  
3       (b) Is accredited by the Commission on Colleges of the  
4 Southern Association of Colleges and Schools.  
5       (c) Grants baccalaureate degrees.  
6       (d) Is not a state university or community college.  
7       (e) Has a secular purpose, so long as the receipt of  
8 state aid by students at the institution would not have the  
9 primary effect of advancing or impeding religion or result in  
10 an excessive entanglement between the state and any religious  
11 sect.

12       (4)(a) The amounts appropriated for the program shall  
13 be allocated by the Department of Education to each  
14 independent nonprofit college or university that meets the  
15 criteria of subsection (3) in the following manner:

16           1. Each such college or university that raises an  
17 endowment contribution of at least \$50,000, but no more than  
18 \$75,000, from private sources shall receive a matching  
19 endowment grant equal to 70 percent of the private  
20 contribution.

21           2. Each such college or university that raises an  
22 endowment contribution in excess of \$75,000, but no more than  
23 \$100,000, from private sources shall receive a matching  
24 endowment grant equal to 75 percent of the private  
25 contribution.

26           3. Each such college or university that raises an  
27 endowment contribution in excess of \$100,000, but no more than  
28 \$125,000, from private sources shall receive a matching  
29 endowment grant equal to 80 percent of the private  
30 contribution.

31           4. Each such college or university that raises an

1 endowment contribution in excess of \$125,000 from private  
2 sources shall receive a matching endowment grant equal to 100  
3 percent of the private contribution.

4 (b) The private sources may include combined  
5 contributions for a common purpose, but shall not include  
6 separate unrelated contributions. The state endowment  
7 matching grant shall be disbursed to the independent nonprofit  
8 college or university upon certification by the college or  
9 university that it has received and deposited the  
10 proportionate amount specified in this subsection.

11 (c) Contributions may also be eligible for matching if  
12 there is a commitment to make a donation of \$125,000, and an  
13 initial payment of \$25,000 is accompanied by a written pledge  
14 to provide the balance within 4 years after the date of such  
15 initial payment. Payments on the balance must be at least  
16 \$25,000 per year and shall be made on or before the  
17 anniversary date of the initial payment. No matching  
18 endowment grant shall be disbursed prior to collection of the  
19 total pledged contribution from the private source, but a  
20 pledged contribution shall encumber the matching endowment  
21 grant for that independent nonprofit college or university.

22 (5)(a) By July 1 of each year, each independent  
23 nonprofit college or university that desires to participate in  
24 the program shall certify to the department its eligibility.  
25 The department, upon receipt and acceptance of such  
26 certifications, shall reserve an equal amount of the  
27 additional funds for the program transferred to the Grants and  
28 Donations Trust Fund for that fiscal year for each independent  
29 nonprofit college or university that is eligible to  
30 participate. An eligible independent nonprofit college or  
31 university shall have 3 fiscal years within which to encumber



1 its share of trust funds reserved during the first 3 fiscal  
 2 years. After the third fiscal year, if any independent  
 3 nonprofit college or university does not fully utilize or  
 4 encumber its share of reserved trust funds for any single  
 5 fiscal year, such reserved funds shall be available in  
 6 subsequent fiscal years for the purposes of this program.

7       (b) Each eligible institution shall certify to the  
 8 department its contributions for the year ending June 30,  
 9 1989. Only the qualified new contributions above the certified  
 10 base shall be calculated for the purpose of allocating grants  
 11 during the first 3 years of the program. In subsequent years,  
 12 only the qualified new contributions above the certified prior  
 13 year base shall be calculated for the purpose of allocating  
 14 such grants.

15       (6) Matching endowment grants made pursuant to this  
 16 section to a qualified independent nonprofit college or  
 17 university shall be placed in a separate restricted endowment  
 18 by such institution. The interest or other income accruing  
 19 from the endowment shall be expended exclusively for  
 20 professorships, library resources, scientific and technical  
 21 equipment, and nonathletic scholarships. Moreover, the funds  
 22 in the endowment shall not be used for pervasively sectarian  
 23 instruction, religious worship, or theology or divinity  
 24 programs or resources. The records of the endowment shall be  
 25 subject to review by the department and audit or examination  
 26 by the Auditor General and the Office of Program Policy  
 27 Analysis and Government Accountability. If any institution  
 28 receiving a matching endowment grant pursuant to this section  
 29 ceases operations and undergoes dissolution proceedings, then  
 30 all funds received pursuant to this section from the state  
 31 shall be returned.

1           (7) The State Board of Education shall adopt rules  
2 necessary to implement this section.

3           (8) This section shall be implemented to the extent  
4 specifically funded and authorized by law.

5           Section 641. Section 1011.52, Florida Statutes, is  
6 created to read:

7           1011.52 Appropriation to first accredited medical  
8 school.--

9           (1) Subject to the provisions hereinafter set forth,  
10 the Legislature shall provide an annual appropriation to the  
11 first accredited medical school. Payments of moneys from such  
12 appropriation shall be made semiannually at the beginning of  
13 the first and third quarters.

14           (2) In order for a medical school to qualify under the  
15 provisions of this section and to be entitled to the benefits  
16 herein, such medical school:

17           (a) Must be primarily operated and established to  
18 offer, afford, and render a medical education to residents of  
19 the state qualifying for admission to such institution;

20           (b) Must be operated by a municipality or county of  
21 this state, or by a nonprofit organization heretofore or  
22 hereafter established exclusively for educational purposes;

23           (c) Must, upon the formation and establishment of an  
24 accredited medical school, transmit and file with the  
25 Department of Education documentary proof evidencing the facts  
26 that such institution has been certified and approved by the  
27 council on medical education and hospitals of the American  
28 Medical Association and has adequately met the requirements of  
29 that council in regard to its administrative facilities,  
30 administrative plant, clinical facilities, curriculum, and all  
31 other such requirements as may be necessary to qualify with

1 the council as a recognized, approved, and accredited medical  
2 school;

3 (d) Must certify to the Department of Education the  
4 name, address, and educational history of each student  
5 approved and accepted for enrollment in such institution for  
6 the ensuing school year.

7 (3) The Department of Education shall, within 60 days  
8 of the receipt of the student enrollment of the medical  
9 school, pay to the school, each year, the amount appropriated  
10 for students accepted and approved for enrollment in such  
11 medical institution, provided each medical student is a legal  
12 resident of the state or, if the student is not of legal age,  
13 his or her parents or legal guardian are residents of the  
14 state at the time of the student's acceptance and approval as  
15 a medical student. In the event a student resigns or is  
16 dismissed from such medical institution for any reason  
17 whatsoever before the end of a school year, then the medical  
18 institution shall, within 30 days from such dismissal or  
19 resignation, remit to the state, through the Department of  
20 Education, a pro rata amount of the sum before paid by the  
21 state to the medical institution, which amount is to be  
22 computed by dividing the total number of days in the school  
23 year into the sum paid for that student and multiplying the  
24 result by the total number of days remaining in such school  
25 year after such resignation or dismissal.

26 (4) Such institution is prohibited from expending any  
27 of the sums received under the terms of this section for any  
28 purposes whatsoever, except for the operation and maintenance  
29 of a medical school and for medical research. The institution  
30 is further prohibited from expending any sums received under  
31 the terms of this section for the construction or erection of

1 any buildings of any kind, nature, or description or for the  
2 maintenance and operation of a hospital in any form or manner  
3 whatsoever.

4 Section 642. Part I.d. of chapter 1011, Florida  
5 Statutes, shall be entitled "Florida School for the Deaf and  
6 the Blind: Preparation, Adoption, and Implementation of  
7 Budgets" and shall consist of ss. 1011.55-1011.57.

8 Section 643. Section 1011.55, Florida Statutes, is  
9 created to read:

10 1011.55 Procedure for legislative budget requests for  
11 the Florida School for the Deaf and the Blind.--

12 (1) The legislative budget request of the Florida  
13 School for the Deaf and the Blind shall be prepared using the  
14 same format, procedures, and timelines required for the  
15 submission of the legislative budget of the Department of  
16 Education. The Commissioner of Education shall include the  
17 Florida School for the Deaf and the Blind in the department's  
18 legislative budget request to the State Board of Education,  
19 the Governor, and the Legislature. The legislative budget  
20 request and the appropriation for the Florida School for the  
21 Deaf and the Blind shall be a separate identifiable sum in the  
22 public schools budget entity of the Department of Education.  
23 The annual appropriation for the school shall be distributed  
24 monthly in payments as nearly equal as possible.  
25 Appropriations for textbooks, instructional technology, and  
26 school buses may be released and distributed as necessary to  
27 serve the instructional program for the students.

28 (2) Fixed capital outlay needs of the school shall  
29 continue to be requested in the public education capital  
30 outlay legislative budget request of the Department of  
31 Education.

1           Section 644. Section 1011.56, Florida Statutes, is  
2 created to read:

3           1011.56 Operating budget for the Florida School for  
4 the Deaf and the Blind.--The president of the school shall  
5 recommend to the board of trustees a budget of income and  
6 expenditures at such time and in such form as the board of  
7 trustees may prescribe. The board of trustees shall adopt  
8 procedures for the approval of budget amendments.

9           Section 645. Section 1011.57, Florida Statutes, is  
10 created to read:

11           1011.57 Florida School for the Deaf and the Blind;  
12 board of trustees; management flexibility.--

13           (1) Notwithstanding the provisions of ss. 216.031,  
14 216.181, and 216.262 to the contrary and pursuant to the  
15 provisions of s. 216.351, but subject to any guidelines  
16 imposed in the General Appropriations Act, funds for the  
17 operation of the Florida School for the Deaf and the Blind  
18 shall be requested and appropriated within budget entities,  
19 program components, program categories, lump sums, or special  
20 categories. Funds appropriated to the Florida School for the  
21 Deaf and the Blind for each program category, lump sum, or  
22 special category may be transferred to traditional categories  
23 for expenditure by the board of trustees of the school. The  
24 board of trustees shall develop an annual operating budget  
25 that allocates funds by program component and traditional  
26 expenditure category.

27           (2) Notwithstanding the provisions of s. 216.181 and  
28 pursuant to the provisions of s. 216.351, but subject to any  
29 requirements imposed in the General Appropriations Act, no  
30 lump-sum plan is required to implement the special categories,  
31 program categories, or lump-sum appropriations. Upon release

1 of the special categories, program categories, or lump-sum  
 2 appropriations to the board of trustees, the Comptroller, upon  
 3 the request of the board of trustees, shall transfer or  
 4 reallocate funds to or among accounts established for  
 5 disbursement purposes. The board of trustees shall maintain  
 6 records to account for the original appropriation.

7 (3) Notwithstanding the provisions of ss. 216.031,  
 8 216.181, 216.251, and 216.262 to the contrary and pursuant to  
 9 the provisions of s. 216.351, but subject to any requirements  
 10 imposed in the General Appropriations Act, the board of  
 11 trustees shall establish the authorized positions and may  
 12 amend such positions, within the total funds authorized  
 13 annually in the appropriations act.

14 Section 646. Part II of chapter 1011, Florida  
 15 Statutes, shall be entitled "Funding for School Districts" and  
 16 shall consist of ss. 1011.60-1011.77.

17 Section 647. Section 1011.60, Florida Statutes, is  
 18 created to read:

19 1011.60 Minimum requirements of the Florida Education  
 20 Finance Program.--Each district which participates in the  
 21 state appropriations for the Florida Education Finance Program  
 22 shall provide evidence of its effort to maintain an adequate  
 23 school program throughout the district and shall meet at least  
 24 the following requirements:

25 (1) ACCOUNTS AND REPORTS.--Maintain adequate and  
 26 accurate records, including a system of internal accounts for  
 27 individual schools, and file with the Department of Education,  
 28 in correct and proper form on or before the date due as fixed  
 29 by law or rule, each annual or periodic report that is  
 30 required by rules of the State Board of Education.

31 (2) MINIMUM TERM.--Operate all schools for a term of

1 at least 180 actual teaching days as prescribed in s.  
 2 1003.01(14) or the equivalent on an hourly basis as specified  
 3 by rules of the State Board of Education each school year. The  
 4 State Board of Education may prescribe procedures for  
 5 altering, and, upon written application, may alter, this  
 6 requirement during a national, state, or local emergency as it  
 7 may apply to an individual school or schools in any district  
 8 or districts if, in the opinion of the board, it is not  
 9 feasible to make up lost days, and the apportionment may, at  
 10 the discretion of the Commissioner of Education and if the  
 11 board determines that the reduction of school days is caused  
 12 by the existence of a bona fide emergency, be reduced for such  
 13 district or districts in proportion to the decrease in the  
 14 length of term in any such school or schools. A strike, as  
 15 defined in s. 447.203(6), by employees of the school district  
 16 may not be considered an emergency.

17 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the  
 18 appointment, promotion, transfer, suspension, and dismissal of  
 19 personnel.

20 (a) Such rules must conform to applicable law and  
 21 rules of the State Board of Education and must include the  
 22 duties and responsibilities of the district school  
 23 superintendent and school board pertaining to these and other  
 24 personnel matters.

25 (b) All personnel shall be paid in accordance with  
 26 payroll period schedules adopted by the school board and  
 27 included in the official salary schedule.

28 (c) No salary payment shall be paid to any employee in  
 29 advance of service being rendered.

30 (d) District school boards may authorize a maximum of  
 31 six paid legal holidays which shall apply to the 196 days of

1 service.

2 (e) Such rules may include reasonable time for  
3 vacation and absences for further professional studies for  
4 personnel employed on a 12-month basis.

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

14 (4) SALARY SCHEDULES.--Expend funds for salaries in  
15 accordance with a salary schedule or schedules adopted by the  
16 school board in accordance with the provisions of law and  
17 rules of the State Board of Education. Expenditures for  
18 salaries of instructional personnel must include compensation  
19 based on employee performance demonstrated under s. 1012.34.

20 (5) BUDGETS.--Observe fully at all times all  
21 requirements of law and rules of the State Board of Education  
22 relating to the preparation, adoption, and execution of  
23 budgets for district school boards.

24 (6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the  
25 minimum financial effort required for the support of the  
26 Florida Education Finance Program as prescribed in the current  
27 year's General Appropriations Act.

28 (7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system  
29 of planning and evaluation as required by law.

30 (8) MINIMUM CLASSROOM EXPENDITURE  
31 REQUIREMENTS.--Comply with the minimum classroom expenditure



1 requirements and associated reporting pursuant to s. 1011.64.

2 Section 648. Section 1011.61, Florida Statutes, is  
3 created to read:

4 1011.61 Definitions.--Notwithstanding the provisions  
5 of s. 1000.21, the following terms are defined as follows for  
6 the purposes of the Florida Education Finance Program:

7 (1) A "full-time equivalent student" in each program  
8 of the district is defined in terms of full-time students and  
9 part-time students as follows:

10 (a) A "full-time student" is one student on the  
11 membership roll of one school program or a combination of  
12 school programs listed in s. 1011.62(1)(c) for the school year  
13 or the equivalent for:

14 1. Instruction in a standard school, comprising not  
15 less than 900 net hours for a student in or at the grade level  
16 of 4 through 12, or not less than 720 net hours for a student  
17 in or at the grade level of kindergarten through grade 3 or in  
18 an authorized prekindergarten exceptional program;

19 2. Instruction in a double-session school or a school  
20 utilizing an experimental school calendar approved by the  
21 Department of Education, comprising not less than the  
22 equivalent of 810 net hours in grades 4 through 12 or not less  
23 than 630 net hours in kindergarten through grade 3; or

24 3. Instruction comprising the appropriate number of  
25 net hours set forth in subparagraph 1. or subparagraph 2. for  
26 students who, within the past year, have moved with their  
27 parents for the purpose of engaging in the farm labor or fish  
28 industries, if a plan furnishing such an extended school day  
29 or week, or a combination thereof, has been approved by the  
30 commissioner. Such plan may be approved to accommodate the  
31 needs of migrant students only or may serve all students in

1 schools having a high percentage of migrant students. The plan  
2 described in this subparagraph is optional for any school  
3 district and is not mandated by the state.

4 (b) A "part-time student" is a student on the active  
5 membership roll of a school program or combination of school  
6 programs listed in s. 1011.62(1)(c) who is less than a  
7 full-time student.

8 (c)1. A "full-time equivalent student" is:

9 a. A full-time student in any one of the programs  
10 listed in s. 1011.62(1)(c); or

11 b. A combination of full-time or part-time students in  
12 any one of the programs listed in s. 1011.62(1)(c) which is  
13 the equivalent of one full-time student based on the following  
14 calculations:

15 (I) A full-time student, except a postsecondary or  
16 adult student or a senior high school student enrolled in  
17 adult education when such courses are required for high school  
18 graduation, in a combination of programs listed in s.  
19 1011.62(1)(c) shall be a fraction of a full-time equivalent  
20 membership in each special program equal to the number of net  
21 hours per school year for which he or she is a member, divided  
22 by the appropriate number of hours set forth in subparagraph  
23 (a)1. or subparagraph (a)2. The difference between that  
24 fraction or sum of fractions and the maximum value as set  
25 forth in subsection (4) for each full-time student is presumed  
26 to be the balance of the student's time not spent in such  
27 special education programs and shall be recorded as time in  
28 the appropriate basic program.

29 (II) A prekindergarten handicapped student shall meet  
30 the requirements specified for kindergarten students.

31 2. A student in membership in a program scheduled for

1 more or less than 180 school days is a fraction of a full-time  
 2 equivalent membership equal to the number of instructional  
 3 hours in membership divided by the appropriate number of hours  
 4 set forth in subparagraph (a)1.; however, for the purposes of  
 5 this subparagraph, membership in programs scheduled for more  
 6 than 180 days is limited to students enrolled in juvenile  
 7 justice education programs.

8  
 9 The department shall determine and implement an equitable  
 10 method of equivalent funding for experimental schools and for  
 11 schools operating under emergency conditions, which schools  
 12 have been approved by the department to operate for less than  
 13 the minimum school day.

14 (2) A "full-time equivalent student" is a student in  
 15 grades 4 through 8 who is participating in a student-teacher  
 16 adviser program conducted during homeroom period, who is a  
 17 fraction of a full-time equivalent membership based on net  
 18 hours in the program, with a maximum of 36 net hours in any  
 19 fiscal year. Each district program shall be approved by the  
 20 Department of Education.

21 (3) For the purpose of calculating the "current  
 22 operation program," a student is in membership until he or she  
 23 withdraws or until the close of the 11th consecutive school  
 24 day of his or her absence, whichever comes first.

25 (4) The maximum value for funding a student in  
 26 kindergarten through grade 12 or in a prekindergarten program  
 27 for exceptional children as provided in s. 1003.21(1)(e),  
 28 except for a student as set forth in sub-sub-subparagraph  
 29 (1)(c)1.b.(I), is one full-time equivalent student membership  
 30 for a school year or equivalent.

31 (5) The "Florida Education Finance Program" includes

1 all programs and costs as provided in s. 1011.62.

2 (6) "Basic programs" include, but are not limited to,  
3 language arts, mathematics, art, music, physical education,  
4 science, and social studies.

5 Section 649. Section 1011.62, Florida Statutes, is  
6 created to read:

7 1011.62 Funds for operation of schools.--If the annual  
8 allocation from the Florida Education Finance Program to each  
9 district for operation of schools is not determined in the  
10 annual appropriations act or the substantive bill implementing  
11 the annual appropriations act, it shall be determined as  
12 follows:

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

17 (a) Determination of full-time equivalent  
18 membership.--During each of several school weeks, including  
19 scheduled intersessions of a year-round school program during  
20 the fiscal year, a program membership survey of each school  
21 shall be made by each district by aggregating the full-time  
22 equivalent student membership of each program by school and by  
23 district. The department shall establish the number and  
24 interval of membership calculations, except that for basic and  
25 special programs such calculations shall not exceed nine for  
26 any fiscal year. The district's full-time equivalent  
27 membership shall be computed and currently maintained in  
28 accordance with regulations of the commissioner.

29 (b) Determination of base student allocation.--The  
30 base student allocation for the Florida Education Finance  
31 Program for kindergarten through grade 12 shall be determined

1 annually by the Legislature and shall be that amount  
2 prescribed in the current year's General Appropriations Act.

3 (c) Determination of programs.--Cost factors based on  
4 desired relative cost differences between the following  
5 programs shall be established in the annual General  
6 Appropriations Act. The Commissioner of Education shall  
7 specify a matrix of services and intensity levels to be used  
8 by districts in the determination of the two weighted cost  
9 factors for exceptional students with the highest levels of  
10 need. For these students, the funding support level shall fund  
11 the exceptional students' education program, with the  
12 exception of extended school year services for students with  
13 disabilities.

14 1. Basic programs.--

15 a. Kindergarten and grades 1, 2, and 3.

16 b. Grades 4, 5, 6, 7, and 8.

17 c. Grades 9, 10, 11, and 12.

18 2. Programs for exceptional students.--

19 a. Support Level IV.

20 b. Support Level V.

21 3. Secondary career and technical education  
22 programs.--

23 4. English for Speakers of Other Languages.--

24 (d) Annual allocation calculation.--

25 1. The Department of Education is authorized and  
26 directed to review all district programs and enrollment  
27 projections and calculate a maximum total weighted full-time  
28 equivalent student enrollment for each district for the K-12  
29 FEFP.

30 2. Maximum enrollments calculated by the department  
31 shall be derived from enrollment estimates used by the

1 Legislature to calculate the FEFP. If two or more districts  
 2 enter into an agreement under the provisions of s.  
 3 1001.42(4)(d), after the final enrollment estimate is agreed  
 4 upon, the amount of FTE specified in the agreement, not to  
 5 exceed the estimate for the specific program as identified in  
 6 paragraph (c), may be transferred from the participating  
 7 districts to the district providing the program.

8 3. As part of its calculation of each district's  
 9 maximum total weighted full-time equivalent student  
 10 enrollment, the department shall establish separate enrollment  
 11 ceilings for each of two program groups. Group 1 shall be  
 12 composed of basic programs for grades K-3, grades 4-8, and  
 13 grades 9-12. Group 2 shall be composed of students in  
 14 exceptional student education programs, English for Speakers  
 15 of Other Languages programs, and all career and technical  
 16 programs in grades 7-12.

17 a. The weighted enrollment ceiling for group 2  
 18 programs shall be calculated by multiplying the final  
 19 enrollment conference estimate for each program by the  
 20 appropriate program weight. The weighted enrollment ceiling  
 21 for program group 2 shall be the sum of the weighted  
 22 enrollment ceilings for each program in the program group,  
 23 plus the increase in weighted full-time equivalent student  
 24 membership from the prior year for clients of the Department  
 25 of Children and Family Services and the Department of Juvenile  
 26 Justice.

27 b. If, for any calculation of the FEFP, the weighted  
 28 enrollment for program group 2, derived by multiplying actual  
 29 enrollments by appropriate program weights, exceeds the  
 30 enrollment ceiling for that group, the following procedure  
 31 shall be followed to reduce the weighted enrollment for that

1 group to equal the enrollment ceiling:

2 (I) The weighted enrollment ceiling for each program  
3 in the program group shall be subtracted from the weighted  
4 enrollment for that program derived from actual enrollments.

5 (II) If the difference calculated under  
6 sub-sub-subparagraph (I) is greater than zero for any program,  
7 a reduction proportion shall be computed for the program by  
8 dividing the absolute value of the difference by the total  
9 amount by which the weighted enrollment for the program group  
10 exceeds the weighted enrollment ceiling for the program group.

11 (III) The reduction proportion calculated under  
12 sub-sub-subparagraph (II) shall be multiplied by the total  
13 amount of the program group's enrollment over the ceiling as  
14 calculated under sub-sub-subparagraph (I).

15 (IV) The prorated reduction amount calculated under  
16 sub-sub-subparagraph (III) shall be subtracted from the  
17 program's weighted enrollment. For any calculation of the  
18 FEFP, the enrollment ceiling for group 1 shall be calculated  
19 by multiplying the actual enrollment for each program in the  
20 program group by its appropriate program weight.

21 c. For program group 2, the weighted enrollment  
22 ceiling shall be a number not less than the sum obtained by:

23 (I) Multiplying the sum of reported FTE for all  
24 programs in the program group that have a cost factor of 1.0  
25 or more by 1.0, and

26 (II) By adding this number to the sum obtained by  
27 multiplying the projected FTE for all programs with a cost  
28 factor less than 1.0 by the actual cost factor.

29 4. Following completion of the weighted enrollment  
30 ceiling calculation as provided in subparagraph 3., a  
31 supplemental capping calculation shall be employed for those

1 districts that are over their weighted enrollment ceiling. For  
 2 each such district, the total reported unweighted FTE  
 3 enrollment for group 2 programs shall be compared with the  
 4 total appropriated unweighted FTE enrollment for group 2  
 5 programs. If the total reported unweighted FTE for group 2 is  
 6 greater than the appropriated unweighted FTE, then the excess  
 7 unweighted FTE up to the unweighted FTE transferred from group  
 8 2 to group 1 for each district by the Public School FTE  
 9 Estimating Conference shall be funded at a weight of 1.0 and  
 10 added to the funded weighted FTE computed in subparagraph 3.

11 (e) Funding model for exceptional student education  
 12 programs.--

13 1.a. The funding model uses basic, at-risk, support  
 14 levels IV and V for exceptional students and career and  
 15 technical Florida Education Finance Program cost factors, and  
 16 a guaranteed allocation for exceptional student education  
 17 programs. Exceptional education cost factors are determined by  
 18 using a matrix of services to document the services that each  
 19 exceptional student will receive. The nature and intensity of  
 20 the services indicated on the matrix shall be consistent with  
 21 the services described in each exceptional student's  
 22 individual educational plan.

23 b. In order to generate funds using one of the two  
 24 weighted cost factors, a matrix of services must be completed  
 25 at the time of the student's initial placement into an  
 26 exceptional student education program and at least once every  
 27 3 years by personnel who have received approved training.  
 28 Nothing listed in the matrix shall be construed as limiting  
 29 the services a school district must provide in order to ensure  
 30 that exceptional students are provided a free, appropriate  
 31 public education.



1           c. Students identified as exceptional, in accordance  
 2 with chapter 6A-6, Florida Administrative Code, who do not  
 3 have a matrix of services as specified in sub-subparagraph b.  
 4 shall generate funds on the basis of full-time-equivalent  
 5 student membership in the Florida Education Finance Program at  
 6 the same funding level per student as provided for basic  
 7 students. Additional funds for these exceptional students will  
 8 be provided through the guaranteed allocation designated in  
 9 subparagraph 2.

10           2. For students identified as exceptional who do not  
 11 have a matrix of services, there is created a guaranteed  
 12 allocation to provide these students with a free appropriate  
 13 public education, in accordance with s. 1001.42(4)(m) and  
 14 rules of the State Board of Education, which shall be  
 15 allocated annually to each school district in the amount  
 16 provided in the General Appropriations Act. These funds shall  
 17 be in addition to the funds appropriated on the basis of FTE  
 18 student membership in the Florida Education Finance Program,  
 19 and the amount allocated for each school district shall not be  
 20 recalculated during the year. These funds shall be used to  
 21 provide special education and related services for exceptional  
 22 students.

23           (f) Supplemental academic instruction; categorical  
 24 fund.--

25           1. There is created a categorical fund to provide  
 26 supplemental academic instruction to students in kindergarten  
 27 through grade 12. This paragraph may be cited as the  
 28 "Supplemental Academic Instruction Categorical Fund."

29           2. Categorical funds for supplemental academic  
 30 instruction shall be allocated annually to each school  
 31 district in the amount provided in the General Appropriations

1 Act. These funds shall be in addition to the funds  
 2 appropriated on the basis of FTE student membership in the  
 3 Florida Education Finance Program and shall be included in the  
 4 total potential funds of each district. These funds shall be  
 5 used to provide supplemental academic instruction to students  
 6 enrolled in the K-12 program. Supplemental instruction  
 7 strategies may include, but are not limited to: modified  
 8 curriculum, reading instruction, after-school instruction,  
 9 tutoring, mentoring, class size reduction, extended school  
 10 year, intensive skills development in summer school, and other  
 11 methods for improving student achievement. Supplemental  
 12 instruction may be provided to a student in any manner and at  
 13 any time during or beyond the regular 180-day term identified  
 14 by the school as being the most effective and efficient way to  
 15 best help that student progress from grade to grade and to  
 16 graduate.

17 3. Effective with the 1999-2000 fiscal year, funding  
 18 on the basis of FTE membership beyond the 180-day regular term  
 19 shall be provided in the FEFP only for students enrolled in  
 20 juvenile justice education programs. Funding for instruction  
 21 beyond the regular 180-day school year for all other K-12  
 22 students shall be provided through the supplemental academic  
 23 instruction categorical fund and other state, federal, and  
 24 local fund sources with ample flexibility for schools to  
 25 provide supplemental instruction to assist students in  
 26 progressing from grade to grade and graduating.

27 4. The Florida State University School, as a  
 28 developmental research school, is authorized to expend from  
 29 its FEFP or Lottery Enhancement Trust Fund allocation the cost  
 30 to the student of remediation in reading, writing, or  
 31 mathematics for any graduate who requires remediation at a

1 postsecondary educational institution.

2 5. Beginning in the 1999-2000 school year, dropout  
3 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
4 (b), and (c), and 1003.54 shall be included in Group 1  
5 programs under subparagraph (1)(d)3.

6 (g) Education for speakers of other languages.--A  
7 school district shall be eligible to report full-time  
8 equivalent student membership in the ESOL program in the  
9 Florida Education Finance Program provided the following  
10 conditions are met:

11 1. The school district has a plan approved by the  
12 Department of Education.

13 2. The eligible student is identified and assessed as  
14 limited English proficient based on assessment criteria.

15 3.a. An eligible student may be reported for funding  
16 in the ESOL program for a base period of 3 years. However, a  
17 student whose English competency does not meet the criteria  
18 for proficiency after 3 years in the ESOL program may be  
19 reported for a fourth, fifth, and sixth year of funding,  
20 provided his or her limited English proficiency is assessed  
21 and properly documented prior to his or her enrollment in each  
22 additional year beyond the 3-year base period.

23 b. If a student exits the program and is later  
24 reclassified as limited English proficient, the student may be  
25 reported in the ESOL program for funding for an additional  
26 year, or extended annually for a period not to exceed a total  
27 of 6 years pursuant to this paragraph, based on an annual  
28 evaluation of the student's status.

29 4. An eligible student may be reported for funding in  
30 the ESOL program for membership in ESOL instruction in English  
31 and ESOL instruction or home language instruction in the basic

1 subject areas of mathematics, science, social studies, and  
2 computer literacy.

3 (h) Small, isolated high schools.--Districts which  
4 levy the maximum nonvoted discretionary millage, exclusive of  
5 millage for capital outlay purposes levied pursuant to s.  
6 1011.71(2), may calculate full-time equivalent students for  
7 small, isolated high schools by multiplying the number of  
8 unweighted full-time equivalent students times 2.75; provided  
9 the percentage of students at such school passing both parts  
10 of the high school competency test, as defined by law and  
11 rule, has been equal to or higher than such percentage for the  
12 state or district, whichever is greater. For the purpose of  
13 this section, the term "small, isolated high school" means any  
14 high school which is located no less than 28 miles by the  
15 shortest route from another high school; which has been  
16 servng students primarily in basic studies provided by  
17 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
18 (c)4.; and which has a membership of no more than 100  
19 students, but no fewer than 28 students, in grades 9 through  
20 12.

21 (i) Calculation of full-time equivalent membership  
22 with respect to instruction from community colleges or state  
23 universities.--Students enrolled in community college or  
24 university dual enrollment instruction pursuant to s. 1007.271  
25 may be included in calculations of full-time equivalent  
26 student memberships for basic programs for grades 9 through 12  
27 by a district school board. Such students may also be  
28 calculated as the proportional shares of full-time equivalent  
29 enrollments they generate for the community college or  
30 university conducting the dual enrollment instruction. Early  
31 admission students shall be considered dual enrollments for

1 funding purposes. Students may be enrolled in dual enrollment  
 2 instruction provided by an eligible independent college or  
 3 university and may be included in calculations of full-time  
 4 equivalent student memberships for basic programs for grades 9  
 5 through 12 by a district school board. However, those  
 6 provisions of law which exempt dual enrolled and early  
 7 admission students from payment of instructional materials and  
 8 tuition and fees, including laboratory fees, shall not apply  
 9 to students who select the option of enrolling in an eligible  
 10 independent institution. An independent college or university  
 11 which is located and chartered in Florida, is not for profit,  
 12 is accredited by the Commission on Colleges of the Southern  
 13 Association of Colleges and Schools or the Accrediting  
 14 Commission of the Association of Independent Colleges and  
 15 Schools, and which confers degrees as defined in s. 1005.02  
 16 shall be eligible for inclusion in the dual enrollment or  
 17 early admission program. Students enrolled in dual enrollment  
 18 instruction shall be exempt from the payment of tuition and  
 19 fees, including laboratory fees. No student enrolled in  
 20 college credit mathematics or English dual enrollment  
 21 instruction shall be funded as a dual enrollment unless the  
 22 student has successfully completed the relevant section of the  
 23 entry-level examination required pursuant to s. 1008.30.

24 (j) Coenrollment.--If a high school student wishes to  
 25 earn high school credits from a community college and enrolls  
 26 in one or more adult secondary education courses at the  
 27 community college, the community college shall be reimbursed  
 28 for the costs incurred because of the high school student's  
 29 coenrollment as provided in the General Appropriations Act.

30 (k) Instruction in exploratory career  
 31 education.--Students in grades 7 through 12 who are enrolled

1 for more than four semesters in exploratory career education  
2 may not be counted as full-time equivalent students for this  
3 instruction.

4 (1) Calculation of additional full-time equivalent  
5 membership based on international baccalaureate examination  
6 scores of students.--A value of 0.24 full-time equivalent  
7 student membership shall be calculated for each student  
8 enrolled in an international baccalaureate course who receives  
9 a score of 4 or higher on a subject examination. A value of  
10 0.3 full-time equivalent student membership shall be  
11 calculated for each student who receives an international  
12 baccalaureate diploma. Such value shall be added to the total  
13 full-time equivalent student membership in basic programs for  
14 grades 9 through 12 in the subsequent fiscal year. The school  
15 district shall distribute to each classroom teacher who  
16 provided international baccalaureate instruction:

17 1. A bonus in the amount of \$50 for each student  
18 taught by the International Baccalaureate teacher in each  
19 international baccalaureate course who receives a score of 4  
20 or higher on the international baccalaureate examination.

21 2. An additional bonus of \$500 to each International  
22 Baccalaureate teacher in a school designated performance grade  
23 category "D" or "F" who has at least one student scoring 4 or  
24 higher on the international baccalaureate examination,  
25 regardless of the number of classes taught or of the number of  
26 students scoring a 4 or higher on the international  
27 baccalaureate examination.

28  
29 Bonuses awarded to a teacher according to this paragraph shall  
30 not exceed \$2,000 in any given school year and shall be in  
31 addition to any regular wage or other bonus the teacher

1 received or is scheduled to receive.

2       (m) Calculation of additional full-time equivalent  
3 membership based on Advanced International Certificate of  
4 Education examination scores of students.--A value of 0.24  
5 full-time equivalent student membership shall be calculated  
6 for each student enrolled in a full-credit Advanced  
7 International Certificate of Education course who receives a  
8 score of 2 or higher on a subject examination. A value of 0.12  
9 full-time equivalent student membership shall be calculated  
10 for each student enrolled in a half-credit Advanced  
11 International Certificate of Education course who receives a  
12 score of 1 or higher on a subject examination. A value of 0.3  
13 full-time equivalent student membership shall be calculated  
14 for each student who received an Advanced International  
15 Certificate of Education diploma. Such value shall be added to  
16 the total full-time equivalent student membership in basic  
17 programs for grades 9 through 12 in the subsequent fiscal  
18 year. The school district shall distribute to each classroom  
19 teacher who provided Advanced International Certificate of  
20 Education instruction:

21       1. A bonus in the amount of \$50 for each student  
22 taught by the Advanced International Certificate of Education  
23 teacher in each full-credit Advanced International Certificate  
24 of Education course who receives a score of 2 or higher on the  
25 Advanced International Certificate of Education examination. A  
26 bonus in the amount of \$25 for each student taught by the  
27 Advanced International Certificate of Education teacher in  
28 each half-credit Advanced International Certificate of  
29 Education course who receives a score of 1 or higher on the  
30 Advanced International Certificate of Education examination.

31       2. An additional bonus of \$500 to each Advanced

1 International Certificate of Education teacher in a school  
 2 designated performance grade category "D" or "F" who has at  
 3 least one student scoring 2 or higher on the full-credit  
 4 Advanced International Certificate of Education examination,  
 5 regardless of the number of classes taught or of the number of  
 6 students scoring a 2 or higher on the full-credit Advanced  
 7 International Certificate of Education examination.

8 3. Additional bonuses of \$250 each to teachers of  
 9 half-credit Advanced International Certificate of Education  
 10 classes in a school designated performance grade category "D"  
 11 or "F" which has at least one student scoring a 1 or higher on  
 12 the half-credit Advanced International Certificate of  
 13 Education examination in that class. The maximum additional  
 14 bonus for a teacher awarded in accordance with this  
 15 subparagraph shall not exceed \$500 in any given school year.  
 16 Teachers receiving an award under subparagraph 2. are not  
 17 eligible for a bonus under this subparagraph.

18  
 19 Bonuses awarded to a teacher according to this paragraph shall  
 20 not exceed \$2,000 in any given school year and shall be in  
 21 addition to any regular wage or other bonus the teacher  
 22 received or is scheduled to receive.

23 (n) Calculation of additional full-time equivalent  
 24 membership based on college board advanced placement scores of  
 25 students.--A value of 0.24 full-time equivalent student  
 26 membership shall be calculated for each student in each  
 27 advanced placement course who receives a score of 3 or higher  
 28 on the College Board Advanced Placement Examination for the  
 29 prior year and added to the total full-time equivalent student  
 30 membership in basic programs for grades 9 through 12 in the  
 31 subsequent fiscal year. Each district must allocate at least



1 80 percent of the funds provided to the district for advanced  
2 placement instruction, in accordance with this paragraph, to  
3 the high school that generates the funds. The school district  
4 shall distribute to each classroom teacher who provided  
5 advanced placement instruction:

6 1. A bonus in the amount of \$50 for each student  
7 taught by the Advanced Placement teacher in each advanced  
8 placement course who receives a score of 3 or higher on the  
9 College Board Advanced Placement Examination.

10 2. An additional bonus of \$500 to each Advanced  
11 Placement teacher in a school designated performance grade  
12 category "D" or "F" who has at least one student scoring 3 or  
13 higher on the College Board Advanced Placement Examination,  
14 regardless of the number of classes taught or of the number of  
15 students scoring a 3 or higher on the College Board Advanced  
16 Placement Examination.

17  
18 Bonuses awarded to a teacher according to this paragraph shall  
19 not exceed \$2,000 in any given school year and shall be in  
20 addition to any regular wage or other bonus the teacher  
21 received or is scheduled to receive.

22 (o) Year-round-school programs.--The Commissioner of  
23 Education is authorized to adjust student eligibility  
24 definitions, funding criteria, and reporting requirements of  
25 statutes and rules in order that year-round-school programs  
26 may achieve equivalent application of funding requirements  
27 with non-year-round-school programs.

28 (p) Extended-school-year program.--It is the intent of  
29 the Legislature that students be provided additional  
30 instruction by extending the school year to 210 days or more.  
31 Districts may apply to the Commissioner of Education for funds

1 to be used in planning and implementing an  
 2 extended-school-year program. The Department of Education  
 3 shall recommend to the Legislature the policies necessary for  
 4 full implementation of an extended school year.

5 (q) Determination of the basic amount for current  
 6 operation.--The basic amount for current operation to be  
 7 included in the Florida Education Finance Program for  
 8 kindergarten through grade 12 for each district shall be the  
 9 product of the following:

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

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

14 3. The base student allocation.

15 (r) Computation for funding through the Florida  
 16 Education Finance Program.--The State Board of Education may  
 17 adopt rules establishing programs and courses for which the  
 18 student may earn credit toward high school graduation.

19 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The  
 20 Commissioner of Education shall annually compute for each  
 21 district the current year's district cost differential. The  
 22 district cost differential shall be calculated by adding each  
 23 district's price level index as published in the Florida Price  
 24 Level Index for the most recent 3 years and dividing the  
 25 resulting sum by 3. The result for each district shall be  
 26 multiplied by 0.008 and to the resulting product shall be  
 27 added 0.200; the sum thus obtained shall be the cost  
 28 differential for that district for that year.

29 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING  
 30 EXPENDITURE.--Of the amount computed in subsections (1) and  
 31 (2), a percentage of the base student allocation per full-time

1 equivalent student or other funds shall be expended for  
2 educational training programs as determined by the district  
3 school board as provided in s. 1012.98.

4 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL

5 EFFORT.--The Legislature shall prescribe the aggregate  
6 required local effort for all school districts collectively as  
7 an item in the General Appropriations Act for each fiscal  
8 year. The amount that each district shall provide annually  
9 toward the cost of the Florida Education Finance Program for  
10 kindergarten through grade 12 programs shall be calculated as  
11 follows:

12 (a) Estimated taxable value calculations.--

13 1.a. Not later than 2 working days prior to July 19,  
14 the Department of Revenue shall certify to the Commissioner of  
15 Education its most recent estimate of the taxable value for  
16 school purposes in each school district and the total for all  
17 school districts in the state for the current calendar year  
18 based on the latest available data obtained from the local  
19 property appraisers. Not later than July 19, the Commissioner  
20 of Education shall compute a millage rate, rounded to the next  
21 highest one one-thousandth of a mill, which, when applied to  
22 95 percent of the estimated state total taxable value for  
23 school purposes, would generate the prescribed aggregate  
24 required local effort for that year for all districts. The  
25 Commissioner of Education shall certify to each district  
26 school board the millage rate, computed as prescribed in this  
27 subparagraph, as the minimum millage rate necessary to provide  
28 the district required local effort for that year.

29 b. The General Appropriations Act shall direct the  
30 computation of the statewide adjusted aggregate amount for  
31 required local effort for all school districts collectively

1 from ad valorem taxes to ensure that no school district's  
2 revenue from required local effort millage will produce more  
3 than 90 percent of the district's total Florida Education  
4 Finance Program calculation, and the adjustment of the  
5 required local effort millage rate of each district that  
6 produces more than 90 percent of its total Florida Education  
7 Finance Program entitlement to a level that will produce only  
8 90 percent of its total Florida Education Finance Program  
9 entitlement in the July calculation.

10 2. As revised data are received from property  
11 appraisers, the Department of Revenue shall amend the  
12 certification of the estimate of the taxable value for school  
13 purposes. The Commissioner of Education, in administering the  
14 provisions of subparagraph (9)(a)2., shall use the most recent  
15 taxable value for the appropriate year.

16 (b) Final calculation.--

17 1. The Department of Revenue shall, upon receipt of  
18 the official final assessed value of property from each of the  
19 property appraisers, certify to the Commissioner of Education  
20 the taxable value total for school purposes in each school  
21 district, subject to the provisions of paragraph (d). The  
22 commissioner shall use the official final taxable value for  
23 school purposes for each school district in the final  
24 calculation of the annual Florida Education Finance Program  
25 allocations.

26 2. For the purposes of this paragraph, the official  
27 final taxable value for school purposes shall be the taxable  
28 value for school purposes on which the tax bills are computed  
29 and mailed to the taxpayers, adjusted to reflect final  
30 administrative actions of value adjustment boards and judicial  
31 decisions pursuant to part I of chapter 194. By September 1 of

1 each year, the Department of Revenue shall certify to the  
 2 commissioner the official prior year final taxable value for  
 3 school purposes. For each county that has not submitted a  
 4 revised tax roll reflecting final value adjustment board  
 5 actions and final judicial decisions, the Department of  
 6 Revenue shall certify the most recent revision of the official  
 7 taxable value for school purposes. The certified value shall  
 8 be the final taxable value for school purposes, and no further  
 9 adjustments shall be made, except those made pursuant to  
 10 subparagraph (9)(a)2.

11 (c) Equalization of required local effort.--

12 1. The Department of Revenue shall include with its  
 13 certifications provided pursuant to paragraph (a) its most  
 14 recent determination of the assessment level of the prior  
 15 year's assessment roll for each county and for the state as a  
 16 whole.

17 2. The Commissioner of Education shall adjust the  
 18 required local effort millage of each district for the current  
 19 year, computed pursuant to paragraph (a), as follows:

20 a. The equalization factor for the prior year's  
 21 assessment roll of each district shall be multiplied by 95  
 22 percent of the taxable value for school purposes shown on that  
 23 roll and by the prior year's required local-effort millage,  
 24 exclusive of any equalization adjustment made pursuant to this  
 25 paragraph. The dollar amount so computed shall be the  
 26 additional required local effort for equalization for the  
 27 current year.

28 b. Such equalization factor shall be computed as the  
 29 quotient of the prior year's assessment level of the state as  
 30 a whole divided by the prior year's assessment level of the  
 31 county, from which quotient shall be subtracted 1.

1           c. The dollar amount of additional required local  
 2 effort for equalization for each district shall be converted  
 3 to a millage rate, based on 95 percent of the current year's  
 4 taxable value for that district, and added to the required  
 5 local effort millage determined pursuant to paragraph (a).

6           3. Notwithstanding the limitations imposed pursuant to  
 7 s. 1011.71(1), the total required local-effort millage,  
 8 including additional required local effort for equalization,  
 9 shall be an amount not to exceed 10 minus the maximum millage  
 10 allowed as nonvoted discretionary millage, exclusive of  
 11 millage authorized pursuant to s. 1011.71(2). Nothing herein  
 12 shall be construed to allow a millage in excess of that  
 13 authorized in s. 9, Art. VII of the State Constitution.

14           4. For the purposes of this chapter, the term  
 15 "assessment level" means the value-weighted mean assessment  
 16 ratio for the county or state as a whole, as determined  
 17 pursuant to s. 195.096, or as subsequently adjusted. In the  
 18 event a court has adjudicated that the department failed to  
 19 establish an accurate estimate of an assessment level of a  
 20 county and recomputation resulting in an accurate estimate  
 21 based upon the evidence before the court was not possible,  
 22 that county shall be presumed to have an assessment level  
 23 equal to that of the state as a whole.

24           5. If, in the prior year, taxes were levied against an  
 25 interim assessment roll pursuant to s. 193.1145, the  
 26 assessment level and prior year's nonexempt assessed valuation  
 27 used for the purposes of this paragraph shall be those of the  
 28 interim assessment roll.

29           (d) Exclusion.--

30           1. In those instances in which:

31           a. There is litigation either attacking the authority

1 of the property appraiser to include certain property on the  
 2 tax assessment roll as taxable property or contesting the  
 3 assessed value of certain property on the tax assessment roll,  
 4 and

5 b. The assessed value of the property in contest  
 6 involves more than 6 percent of the total nonexempt assessment  
 7 roll, the plaintiff shall provide to the district school board  
 8 of the county in which the property is located and to the  
 9 Department of Education a certified copy of the petition and  
 10 receipt for the good faith payment at the time they are filed  
 11 with the court.

12 2. For purposes of computing the required local effort  
 13 for each district affected by such petition, the Department of  
 14 Education shall exclude from the district's total nonexempt  
 15 assessment roll the assessed value of the property in contest  
 16 and shall add the amount of the good faith payment to the  
 17 district's required local effort.

18 (e) Recomputation.--Following final adjudication of  
 19 any litigation on the basis of which an adjustment in taxable  
 20 value was made pursuant to paragraph (d), the department shall  
 21 recompute the required local effort for each district for each  
 22 year affected by such adjustments, utilizing taxable values  
 23 approved by the court, and shall adjust subsequent allocations  
 24 to such districts accordingly.

25 (5) CATEGORICAL FUNDS.--

26 (a) In addition to the basic amount for current  
 27 operations for the FEFP as determined in subsection (1) the  
 28 Legislature may appropriate categorical funding for specified  
 29 programs, activities, or purposes.

30 (b) If a district school board finds and declares in a  
 31 resolution adopted at a regular meeting of the school board

1 that the funds received for any of the following categorical  
2 appropriations are urgently needed to maintain school board  
3 specified academic classroom instruction, the school board may  
4 consider and approve an amendment to the school district  
5 operating budget transferring the identified amount of the  
6 categorical funds to the appropriate account for expenditure:

7 1. Funds for student transportation.

8 2. Funds for in-service educational personnel  
9 training.

10 3. Funds for safe schools.

11 4. Funds for public school technology.

12 5. Funds for teacher recruitment and retention.

13 6. Funds for supplemental academic instruction.

14 (c) Each district school board shall include in its  
15 annual financial report to the Department of Education the  
16 amount of funds the school board transferred from each of the  
17 categorical funds identified in this subsection and the  
18 specific academic classroom instruction for which the  
19 transferred funds were expended. The Department of Education  
20 shall provide instructions and specify the format to be used  
21 in submitting this required information as a part of the  
22 district annual financial report.

23 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

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

29  
30 1101.8918

31 Sparsity Factor = 2700 + district - 0.1101



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

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

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

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

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment

1 shall be calculated as the product of the difference between  
 2 the state average levy value per FTE calculated in  
 3 subparagraph 2. and the district's levy value per FTE  
 4 calculated in subparagraph 1. and the district's FTE student  
 5 count and -1;

6 4. Each district's sparsity supplement allocation  
 7 shall be calculated by adding the amount calculated as  
 8 specified in paragraphs (a) and (b) and the wealth adjustment  
 9 amount calculated in this paragraph.

10 (7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In  
 11 those districts where there is a decline between prior year  
 12 and current year unweighted FTE students, 50 percent of the  
 13 decline in the unweighted FTE students shall be multiplied by  
 14 the prior year calculated FEFP per unweighted FTE student and  
 15 shall be added to the allocation for that district. For this  
 16 purpose, the calculated FEFP shall be computed by multiplying  
 17 the weighted FTE students by the base student allocation and  
 18 then by the district cost differential. If a district  
 19 transfers a program to another institution not under the  
 20 authority of the district's school board, including a charter  
 21 technical career center, the decline is to be multiplied by a  
 22 factor of 0.15.

23 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may  
 24 annually in the General Appropriations Act determine a  
 25 percentage increase in funds per K-12 unweighted FTE as a  
 26 minimum guarantee to each school district. The guarantee shall  
 27 be calculated from prior year base funding per unweighted FTE  
 28 student which shall include the adjusted FTE dollars as  
 29 provided in subsection (9), quality guarantee funds, and  
 30 actual nonvoted discretionary local effort from taxes. From  
 31 the base funding per unweighted FTE, the increase shall be

1 calculated for the current year. The current year funds from  
 2 which the guarantee shall be determined shall include the  
 3 adjusted FTE dollars as provided in subsection (9) and  
 4 potential nonvoted discretionary local effort from taxes. A  
 5 comparison of current year funds per unweighted FTE to prior  
 6 year funds per unweighted FTE shall be computed. For those  
 7 school districts which have less than the legislatively  
 8 assigned percentage increase, funds shall be provided to  
 9 guarantee the assigned percentage increase in funds per  
 10 unweighted FTE student. Should appropriated funds be less than  
 11 the sum of this calculated amount for all districts, the  
 12 commissioner shall prorate each district's allocation. This  
 13 provision shall be implemented to the extent specifically  
 14 funded.

15 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
 16 FOR CURRENT OPERATION.--The total annual state allocation to  
 17 each district for current operation for the FEFP shall be  
 18 distributed periodically in the manner prescribed in the  
 19 General Appropriations Act.

20 (a) The basic amount for current operation for the  
 21 FEFP as determined in subsection (1), multiplied by the  
 22 district cost differential factor as determined in subsection  
 23 (2), plus the amounts provided for categorical components  
 24 within the FEFP, plus the amount for the sparsity supplement  
 25 as determined in subsection (6), the decline in full-time  
 26 equivalent students as determined in subsection (7), and the  
 27 quality assurance guarantee as determined in subsection (8),  
 28 less the required local effort as determined in subsection  
 29 (4). If the funds appropriated for the purpose of funding the  
 30 total amount for current operation as provided in this  
 31 paragraph are not sufficient to pay the state requirement in

1 full, the department shall prorate the available state funds  
2 to each district in the following manner:

3 1. Determine the percentage of proration by dividing  
4 the sum of the total amount for current operation, as provided  
5 in this paragraph for all districts collectively, and the  
6 total district required local effort into the sum of the state  
7 funds available for current operation and the total district  
8 required local effort.

9 2. Multiply the percentage so determined by the sum of  
10 the total amount for current operation as provided in this  
11 paragraph and the required local effort for each individual  
12 district.

13 3. From the product of such multiplication, subtract  
14 the required local effort of each district; and the remainder  
15 shall be the amount of state funds allocated to the district  
16 for current operation.

17 (b) The amount thus obtained shall be the net annual  
18 allocation to each school district. However, if it is  
19 determined that any school district received an  
20 underallocation or overallocation for any prior year because  
21 of an arithmetical error, assessment roll change, full-time  
22 equivalent student membership error, or any allocation error  
23 revealed in an audit report, the allocation to that district  
24 shall be appropriately adjusted. If the Department of  
25 Education audit adjustment recommendation is based upon  
26 controverted findings of fact, the Commissioner of Education  
27 is authorized to establish the amount of the adjustment based  
28 on the best interests of the state.

29 (c) The amount thus obtained shall represent the net  
30 annual state allocation to each district; however,  
31 notwithstanding any of the provisions herein, each district

1 shall be guaranteed a minimum level of funding in the amount  
2 and manner prescribed in the General Appropriations Act.

3 Section 650. Section 1011.64, Florida Statutes, is  
4 created to read:

5 1011.64 School district minimum classroom expenditure  
6 requirements.--

7 (1) The Legislature may require any school district  
8 that fails to meet minimum academic performance standards to  
9 increase emphasis on classroom instruction activities from  
10 operating funds, including, but not limited to, those provided  
11 for the operation of schools pursuant to s. 1011.62.

12 (2) For the purpose of implementing the provisions of  
13 this section, the Legislature shall prescribe minimum academic  
14 performance standards and minimum classroom expenditure  
15 requirements for districts not meeting such minimum academic  
16 performance standards in the General Appropriations Act.

17 (a) Minimum academic performance standards may be  
18 based on, but are not limited to, district performance grades  
19 determined pursuant to s. 1008.34(8).

20 (b) School district minimum classroom expenditure  
21 requirements shall be calculated pursuant to subsection (3).

22 (3)(a) Annually the Department of Education shall  
23 calculate for each school district:

24 1. Total K-12 operating expenditures, which are  
25 defined as the amount of total general fund expenditures for  
26 K-12 programs as reported in accordance with the accounts and  
27 codes prescribed in the most recent issuance of the Department  
28 of Education publication entitled "Financial and Program Cost  
29 Accounting and Reporting for Florida Schools" and as included  
30 in the most recent annual financial report submitted to the  
31 Commissioner of Education, less the student transportation

1 revenue allocation from the state appropriation for that  
 2 purpose, amounts transferred to other funds, and increases to  
 3 the amount of the general fund unreserved ending fund balance  
 4 when the total unreserved ending fund balance is in excess of  
 5 5 percent of the total general fund revenues.

6 2. Expenditures for classroom instruction, which shall  
 7 be the sum of the general fund expenditures for K-12  
 8 instruction and instructional staff training.

9 (b) The department shall annually calculate for each  
 10 district, and for the entire state, the percentage of  
 11 classroom expenditures to total operating expenditures as  
 12 calculated pursuant to subparagraphs (a)1. and 2.

13 (4) In order for the Department of Education to  
 14 monitor the implementation of this section, each school  
 15 district which is required to increase emphasis on classroom  
 16 activities from operating funds pursuant to subsection (1)  
 17 shall submit to the department the following two reports in a  
 18 format determined by the department:

19 (a) An initial report, which shall include the  
 20 proposed budget actions identified for increased classroom  
 21 expenditures, a description of how such actions are designed  
 22 to improve student achievement, and a copy of the published  
 23 statement required by s. 1011.03(3). This report shall be  
 24 submitted within 30 days after final budget approval as  
 25 provided in s. 200.065.

26 (b) A final report, prepared at the end of each fiscal  
 27 year, which shall include, but is not limited to, information  
 28 that clearly indicates the degree of each district's  
 29 compliance or noncompliance with the requirements of this  
 30 section. If not fully compliant, the district shall include a  
 31 statement which has been adopted at a public hearing and

1 signed by the district school superintendent and district  
2 school board members, which explains why the requirements of  
3 this section have not been met.

4 (c) The department shall provide annual summaries of  
5 these two reports to the Governor, the President of the  
6 Senate, and the Speaker of the House of Representatives.

7 Section 651. Section 1011.65, Florida Statutes, is  
8 created to read:

9 1011.65 Florida Education Finance Program  
10 Appropriation Allocation Conference.--Prior to the  
11 distribution of any funds appropriated in the General  
12 Appropriations Act for the K-12 Florida Education Finance  
13 Program formula and for the formula-funded categorical  
14 programs, the Commissioner of Education shall conduct an  
15 allocation conference. Conference principals shall include  
16 representatives of the Department of Education, the Executive  
17 Office of the Governor, and the Appropriations Committees of  
18 the Senate and the House of Representatives. Conference  
19 principals shall discuss and agree to all conventions,  
20 including rounding conventions, and methods of computation to  
21 be used to calculate Florida Education Finance Program and  
22 categorical entitlements of the districts for the fiscal year  
23 for which the appropriations are made. These conventions and  
24 calculation methods shall remain in effect until further  
25 agreements are reached in subsequent allocation conferences  
26 called by the commissioner for that purpose. The commissioner  
27 shall also, prior to each recalculation of Florida Education  
28 Finance Program and categorical allocations of the districts,  
29 provide conference principals with all data necessary to  
30 replicate those allocations precisely. This data shall include  
31 a matrix by district by program of all full-time equivalent

1 changes made by the department as part of its administration  
2 of state full-time equivalent caps.

3 Section 652. Section 1011.66, Florida Statutes, is  
4 created to read:

5 1011.66 Distribution of funds in first quarter.--Upon  
6 the request of any school district whose net state FEFP  
7 funding is less than 60 percent of its gross state and local  
8 FEFP funding, the Department of Education shall distribute to  
9 that school district in the first quarter of the fiscal year  
10 an amount from the funds appropriated for the FEFP in the  
11 General Appropriations Act up to a maximum of 15 percent of  
12 that school district's gross state and local FEFP funding or  
13 that school district's net state FEFP funding, whichever is  
14 less.

15 Section 653. Section 1011.67, Florida Statutes, is  
16 created to read:

17 1011.67 Funds for instructional materials.--The  
18 department is authorized to allocate and distribute to each  
19 district an amount as prescribed annually by the Legislature  
20 for instructional materials for student membership in basic  
21 and special programs in grades K-12, which will provide for  
22 growth and maintenance needs. For purposes of this section,  
23 unweighted full-time equivalent students enrolled in the lab  
24 schools in state universities are to be included as school  
25 district students and reported as such to the department. The  
26 annual allocation shall be determined as follows:

27 (1) The growth allocation for each school district  
28 shall be calculated as follows:

29 (a) Subtract from that district's projected full-time  
30 equivalent membership of students in basic and special  
31 programs in grades K-12 used in determining the initial



1 allocation of the Florida Education Finance Program, the prior  
2 year's full-time equivalent membership of students in basic  
3 and special programs in grades K-12 for that district.

4 (b) Multiply any such increase in full-time equivalent  
5 student membership by the allocation for a set of  
6 instructional materials, as determined by the department, or  
7 as provided for in the General Appropriations Act.

8 (c) The amount thus determined shall be that  
9 district's initial allocation for growth for the school year.  
10 However, the department shall recompute and adjust the initial  
11 allocation based on actual full-time equivalent student  
12 membership data for that year.

13 (2) The maintenance of the instructional materials  
14 allocation for each school district shall be calculated by  
15 multiplying each district's prior year full-time equivalent  
16 membership of students in basic and special programs in grades  
17 K-12 by the allocation for maintenance of a set of  
18 instructional materials as provided for in the General  
19 Appropriations Act. The amount thus determined shall be that  
20 district's initial allocation for maintenance for the school  
21 year; however, the department shall recompute and adjust the  
22 initial allocation based on such actual full-time equivalent  
23 student membership data for that year.

24 (3) In the event the funds appropriated are not  
25 sufficient for the purpose of implementing this section in  
26 full, the department shall prorate the funds available for  
27 instructional materials after first funding in full each  
28 district's growth allocation.

29 Section 654. Section 1011.68, Florida Statutes, is  
30 created to read:

31 1011.68 Funds for student transportation.--The annual

1 allocation to each district for transportation to public  
2 school programs, including charter schools as provided in s.  
3 1002.33(18)(b), of students in membership in kindergarten  
4 through grade 12 and in migrant and exceptional student  
5 programs below kindergarten shall be determined as follows:

6 (1) Subject to the rules of the State Board of  
7 Education, each district shall determine the membership of  
8 students who are transported:

9 (a) By reason of living 2 miles or more from school.  
10 (b) By reason of being students with disabilities or  
11 enrolled in a teenage parent program, regardless of distance  
12 to school.

13 (c) By reason of being in a state prekindergarten  
14 program, regardless of distance from school.

15 (d) By reason of being career and technical, dual  
16 enrollment, or students with disabilities transported from one  
17 school center to another to participate in an instructional  
18 program or service; or students with disabilities, transported  
19 from one designation to another in the state, provided one  
20 designation is a school center and provided the student's  
21 individual educational plan (IEP) identifies the need for the  
22 instructional program or service and transportation to be  
23 provided by the school district. A "school center" is defined  
24 as a public school center, community college, state  
25 university, or other facility rented, leased, or owned and  
26 operated by the school district or another public agency. A  
27 "dual enrollment student" is defined as a public school  
28 student in membership in both a public secondary school  
29 program and a community college or a state university program  
30 under a written agreement to partially fulfill ss. 1003.435  
31 and 1007.23 and earning full-time equivalent membership under

1 s. 1011.62(1)(i).

2 (e) With respect to elementary school students whose  
3 grade level does not exceed grade 6, by reason of being  
4 subjected to hazardous walking conditions en route to or from  
5 school as provided in s. 1006.23. Such rules shall, when  
6 appropriate, provide for the determination of membership under  
7 this paragraph for less than 1 year to accommodate the needs  
8 of students who require transportation only until such  
9 hazardous conditions are corrected.

10 (f) By reason of being a pregnant student or student  
11 parent, and the child of a student parent as provided in s.  
12 1003.54, regardless of distance from school.

13 (2) The allocation for each district shall be  
14 calculated annually in accordance with the following formula:

15  
16 T = B + EX. The elements of this formula are defined as  
17 follows: T is the total dollar allocation for transportation.  
18 B is the base transportation dollar allocation prorated by an  
19 adjusted student membership count. The adjusted membership  
20 count shall be derived from a multiplicative index function in  
21 which the base student membership is adjusted by multiplying  
22 it by index numbers that individually account for the impact  
23 of the price level index, average bus occupancy, and the  
24 extent of rural population in the district. EX is the base  
25 transportation dollar allocation for disabled students  
26 prorated by an adjusted disabled student membership count.  
27 The base transportation dollar allocation for disabled  
28 students is the total state base disabled student membership  
29 count weighted for increased costs associated with  
30 transporting disabled students and multiplying it by the prior  
31 year's average per student cost for transportation. The

1 adjusted disabled student membership count shall be derived  
 2 from a multiplicative index function in which the weighted  
 3 base disabled student membership is adjusted by multiplying it  
 4 by index numbers that individually account for the impact of  
 5 the price level index, average bus occupancy, and the extent  
 6 of rural population in the district. Each adjustment factor  
 7 shall be designed to affect the base allocation by no more or  
 8 less than 10 percent.

9       (3) The total allocation to each district for  
 10 transportation of students shall be the sum of the amounts  
 11 determined in subsection (2). If the funds appropriated for  
 12 the purpose of implementing this section are not sufficient to  
 13 pay the base transportation allocation and the base  
 14 transportation allocation for disabled students, the  
 15 Department of Education shall prorate the available funds on a  
 16 percentage basis. If the funds appropriated for the purpose  
 17 of implementing this section exceed the sum of the base  
 18 transportation allocation and the base transportation  
 19 allocation for disabled students, the base transportation  
 20 allocation for disabled students shall be limited to the  
 21 amount calculated in subsection (2), and the remaining balance  
 22 shall be added to the base transportation allocation.

23       (4) No district shall use funds to purchase  
 24 transportation equipment and supplies at prices which exceed  
 25 those determined by the department to be the lowest which can  
 26 be obtained, as prescribed in s. 1006.27(1).

27       (5) Funds allocated or apportioned for the payment of  
 28 student transportation services may be used to pay for  
 29 transportation of students to and from school on local general  
 30 purpose transportation systems. Student transportation funds  
 31 may also be used to pay for transportation of students to and

1 from school in private passenger cars and boats when the  
 2 transportation is for isolated students, or students with  
 3 disabilities as defined by rule. Subject to the rules of the  
 4 State Board of Education, each school district shall determine  
 5 and report the number of assigned students using general  
 6 purpose transportation private passenger cars and boats. The  
 7 allocation per student must be equal to the allocation per  
 8 student riding a school bus.

9       (6) Notwithstanding other provisions of this section,  
 10 in no case shall any student or students be counted for  
 11 transportation funding more than once per day. This provision  
 12 includes counting students for funding pursuant to trips in  
 13 school buses, passenger cars, or boats or general purpose  
 14 transportation.

15       (7) Any funds received by a school district under this  
 16 section that are not required to transport students may, at  
 17 the discretion of the district school board, be transferred to  
 18 the district's Florida Education Finance Program.

19       Section 655. Section 1011.69, Florida Statutes, is  
 20 created to read:

21       1011.69 Equity in School-Level Funding Act.--

22       (1) This section may be cited as the "Equity in  
 23 School-Level Funding Act."

24       (2)(a) Beginning in the 2000-2001 fiscal year,  
 25 district school boards shall allocate to each school within  
 26 the district at least 50 percent of the funds generated by  
 27 that school based upon the Florida Education Finance Program  
 28 as provided in s. 1011.62 and the General Appropriations Act,  
 29 including gross state and local funds, discretionary lottery  
 30 funds, and funds from the school district's current operating  
 31 discretionary millage levy.

1           (b) Beginning in the 2001-2002 fiscal year, district  
 2 school boards shall allocate to each school within the  
 3 district at least 65 percent of the funds generated by that  
 4 school based upon the Florida Education Finance Program as  
 5 provided in s. 1011.62 and the General Appropriations Act,  
 6 including gross state and local funds, discretionary lottery  
 7 funds, and funds from the school district's current operating  
 8 discretionary millage levy.

9           (c) Beginning in the 2002-2003 fiscal year, district  
 10 school boards shall allocate to each school within the  
 11 district at least 80 percent of the funds generated by that  
 12 school based upon the Florida Education Finance Program as  
 13 provided in s. 1011.62 and the General Appropriations Act,  
 14 including gross state and local funds, discretionary lottery  
 15 funds, and funds from the school district's current operating  
 16 discretionary millage levy.

17           (d) Beginning in the 2003-2004 fiscal year, district  
 18 school boards shall allocate to each school within the  
 19 district at least 90 percent of the funds generated by that  
 20 school based upon the Florida Education Finance Program as  
 21 provided in s. 1011.62 and the General Appropriations Act,  
 22 including gross state and local funds, discretionary lottery  
 23 funds, and funds from the school district's current operating  
 24 discretionary millage levy.

25  
 26 Total funding for each school shall be recalculated during the  
 27 year to reflect the revised calculations under the Florida  
 28 Education Finance Program by the state and the actual weighted  
 29 full-time equivalent students reported by the school during  
 30 the full-time equivalent student survey periods designated by  
 31 the Commissioner of Education. If the district school board is

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1 providing programs or services to students funded by federal  
 2 funds, any eligible students enrolled in the schools in the  
 3 district shall be provided federal funds. Only those districts  
 4 that initially applied for charter school district status,  
 5 pursuant to s. 1003.62, and have been approved by the State  
 6 Board of Education are exempt from the provisions of this  
 7 section.

8       (3) Funds allocated to a school pursuant to this  
 9 section that are unused at the end of the fiscal year shall  
 10 not revert to the district, but shall remain with the school.  
 11 These carryforward funds may be used for any purpose provided  
 12 by law at the discretion of the principal of the school.

13       (4) Recommendations made by the Governor's Equity in  
 14 Educational Opportunity Task Force shall be reviewed to  
 15 identify potential categorical funds to be included in the  
 16 district allocation methodology required in subsection (2).

17       (5) Funds appropriated in the General Appropriations  
 18 Act for supplemental academic instruction to be used for the  
 19 purposes described in s. 1011.62(1)(f) are excluded from the  
 20 school-level allocation under this section.

21       Section 656. Section 1011.70, Florida Statutes, is  
 22 created to read:

23       1011.70 Medicaid certified school funding  
 24 maximization.--

25       (1) Each school district, subject to the provisions of  
 26 ss. 409.9071 and 409.908(21) and this section, is authorized  
 27 to certify funds provided for a category of required Medicaid  
 28 services termed "school-based services," which are  
 29 reimbursable under the federal Medicaid program. Such services  
 30 shall include, but not be limited to, physical, occupational,  
 31 and speech therapy services, behavioral health services,

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1 mental health services, transportation services, Early  
 2 Periodic Screening, Diagnosis, and Treatment (EPSDT)  
 3 administrative outreach for the purpose of determining  
 4 eligibility for exceptional student education, and any other  
 5 such services, for the purpose of receiving federal Medicaid  
 6 financial participation. Certified school funding shall not be  
 7 available for the following services:

- 8       (a) Family planning.
- 9       (b) Immunizations.
- 10      (c) Prenatal care.

11       (2) The Department of Education shall monitor  
 12 compliance of each participating school district with the  
 13 Medicaid provider agreements. In addition, the department  
 14 shall develop standardized recordkeeping procedures for the  
 15 school districts that meet Medicaid requirements for audit  
 16 purposes.

17       (3) Each school district's continued participation in  
 18 certifying funds to be reimbursed for Medicaid expenditures is  
 19 contingent upon the district providing to the department an  
 20 annual accounting of how the federal Medicaid reimbursements  
 21 are utilized.

22       (4) Funds generated pursuant to this section may be  
 23 used for autism therapy services allowed by federal law.

24       (5) Developmental research schools, as authorized  
 25 under s. 1002.32, shall be authorized to participate in the  
 26 Medicaid certified school match program subject to the  
 27 provisions of subsections (1)-(4) and ss. 409.9071 and  
 28 409.908(21).

29       Section 657. Section 1011.71, Florida Statutes, is  
 30 created to read:

31       1011.71 District school tax.--



1           (1) If the district school tax is not provided in the  
 2 General Appropriations Act or the substantive bill  
 3 implementing the General Appropriations Act, each district  
 4 school board desiring to participate in the state allocation  
 5 of funds for current operation as prescribed by s. 1011.62(9)  
 6 shall levy on the taxable value for school purposes of the  
 7 district, exclusive of millage voted under the provisions of  
 8 s. 9(b) or s. 12, Art. VII of the State Constitution, a  
 9 millage rate not to exceed the amount certified by the  
 10 commissioner as the minimum millage rate necessary to provide  
 11 the district required local effort for the current year,  
 12 pursuant to s. 1011.62(4)(a)1. In addition to the required  
 13 local effort millage levy, each district school board may levy  
 14 a nonvoted current operating discretionary millage. The  
 15 Legislature shall prescribe annually in the appropriations act  
 16 the maximum amount of millage a district may levy. The millage  
 17 rate prescribed shall exceed zero mills but shall not exceed  
 18 the lesser of 1.6 mills or 25 percent of the millage which is  
 19 required pursuant to s. 1011.62(4), exclusive of millage  
 20 levied pursuant to subsection (2).

21           (2) In addition to the maximum millage levy as  
 22 provided in subsection (1), each school board may levy not  
 23 more than 2 mills against the taxable value for school  
 24 purposes to fund:

25           (a) New construction and remodeling projects, as set  
 26 forth in s. 1013.64(3)(b) and (6)(b) and included in the  
 27 district's educational plant survey pursuant to s. 1013.31,  
 28 without regard to prioritization, sites and site improvement  
 29 or expansion to new sites, existing sites, auxiliary  
 30 facilities, athletic facilities, or ancillary facilities.

31           (b) Maintenance, renovation, and repair of existing

1 school plants or of leased facilities to correct deficiencies  
2 pursuant to s. 1013.15(2).

3 (c) The purchase, lease-purchase, or lease of school  
4 buses; drivers' education vehicles; motor vehicles used for  
5 the maintenance or operation of plants and equipment; security  
6 vehicles; or vehicles used in storing or distributing  
7 materials and equipment.

8 (d) The purchase, lease-purchase, or lease of new and  
9 replacement equipment.

10 (e) Payments for educational facilities and sites due  
11 under a lease-purchase agreement entered into by a district  
12 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),  
13 not exceeding, in the aggregate, an amount equal to  
14 three-fourths of the proceeds from the millage levied by a  
15 district school board pursuant to this subsection.

16 (f) Payment of loans approved pursuant to ss. 1011.14  
17 and 1011.15.

18 (g) Payment of costs directly related to complying  
19 with state and federal environmental statutes, rules, and  
20 regulations governing school facilities.

21 (h) Payment of costs of leasing relocatable  
22 educational facilities, of renting or leasing educational  
23 facilities and sites pursuant to s. 1013.15(2), or of renting  
24 or leasing buildings or space within existing buildings  
25 pursuant to s. 1013.15(4).

26  
27 Violations of these expenditure provisions shall result in an  
28 equal dollar reduction in the Florida Education Finance  
29 Program (FEFP) funds for the violating district in the fiscal  
30 year following the audit citation.

31 (3) These taxes shall be certified, assessed, and

1 collected as prescribed in s. 1011.04 and shall be expended as  
2 provided by law.

3 (4) Nothing in s. 1011.62(4)(a)1. shall in any way be  
4 construed to increase the maximum school millage levies as  
5 provided for in subsection (1).

6 (5)(a) It is the intent of the Legislature that, by  
7 July 1, 2003, revenue generated by the millage levy authorized  
8 by subsection (2) should be used only for the costs of  
9 construction, renovation, remodeling, maintenance, and repair  
10 of the educational plant; for the purchase, lease, or  
11 lease-purchase of equipment, educational plants, and  
12 construction materials directly related to the delivery of  
13 student instruction; for the rental or lease of existing  
14 buildings, or space within existing buildings, originally  
15 constructed or used for purposes other than education, for  
16 conversion to use as educational facilities; for the opening  
17 day collection for the library media center of a new school;  
18 for the purchase, lease-purchase, or lease of school buses;  
19 and for servicing of payments related to certificates of  
20 participation issued for any purpose prior to the effective  
21 date of this act. Costs associated with the lease-purchase of  
22 equipment, educational plants, and school buses may include  
23 the issuance of certificates of participation on or after the  
24 effective date of this act and the servicing of payments  
25 related to certificates so issued. For purposes of this  
26 section, "maintenance and repair" is defined in s. 1013.01.

27 (b) For purposes not delineated in paragraph (a) for  
28 which proceeds received from millage levied under subsection  
29 (2) may be legally expended, a district school board may spend  
30 no more than the following percentages of the amount the  
31 district spent for these purposes in fiscal year 1995-1996:

- 1           1. In fiscal year 2000-2001, 40 percent.
- 2           2. In fiscal year 2001-2002, 25 percent.
- 3           3. In fiscal year 2002-2003, 10 percent.

4           (c) Beginning July 1, 2003, revenue generated by the  
 5 millage levy authorized by subsection (2) must be used only  
 6 for the purposes delineated in paragraph (a).

7           (d) Notwithstanding any other provision of this  
 8 subsection, if through its adopted facilities work program a  
 9 district has clearly identified the need for an ancillary  
 10 plant, has provided opportunity for public input as to the  
 11 relative value of the ancillary plant versus an educational  
 12 plant, and has obtained public approval, the district may use  
 13 revenue generated by the millage levy authorized by subsection  
 14 (2) for the construction, renovation, remodeling, maintenance,  
 15 or repair of an ancillary plant.

16  
 17 A district that violates these expenditure restrictions shall  
 18 have an equal dollar reduction in funds appropriated to the  
 19 district under s. 1011.62 in the fiscal year following the  
 20 audit citation. The expenditure restrictions do not apply to  
 21 any school district that certifies to the Commissioner of  
 22 Education that all of the district's instructional space needs  
 23 for the next 5 years can be met from capital outlay sources  
 24 that the district reasonably expects to receive during the  
 25 next 5 years or from alternative scheduling or construction,  
 26 leasing, rezoning, or technological methodologies that exhibit  
 27 sound management.

28           (6) In addition to the maximum millage levied under  
 29 this section and the General Appropriations Act, a school  
 30 district may levy, by local referendum or in a general  
 31 election, additional millage for school operational purposes

1 up to an amount that, when combined with nonvoted millage  
 2 levied under this section, does not exceed the 10-mill limit  
 3 established in s. 9(b), Art. VII of the State Constitution.  
 4 Any such levy shall be for a maximum of 4 years and shall be  
 5 counted as part of the 10-mill limit established in s. 9(b),  
 6 Art. VII of the State Constitution. Millage elections  
 7 conducted under the authority granted pursuant to this section  
 8 are subject to s. 1011.73. Funds generated by such additional  
 9 millage do not become a part of the calculation of the Florida  
 10 Education Finance Program total potential funds in 2001-2002  
 11 or any subsequent year and must not be incorporated in the  
 12 calculation of any hold-harmless or other component of the  
 13 Florida Education Finance Program formula in any year. If an  
 14 increase in required local effort, when added to existing  
 15 millage levied under the 10-mill limit, would result in a  
 16 combined millage in excess of the 10-mill limit, any millage  
 17 levied pursuant to this subsection shall be considered to be  
 18 required local effort to the extent that the district millage  
 19 would otherwise exceed the 10-mill limit.

20 Section 658. Section 1011.72, Florida Statutes, is  
 21 created to read:

22 1011.72 Levy based on interim assessment roll;  
 23 reimbursement to state for additional taxes collected upon  
 24 reconciliation of roll.--In any year in which the base student  
 25 allocation has been guaranteed to school districts through the  
 26 use of state funds, a school district which levied taxes based  
 27 on an interim assessment roll shall be required to reimburse  
 28 the state in an amount equal to the additional taxes collected  
 29 upon reconciliation of that roll. Beginning with the  
 30 distribution following the delinquency date of the  
 31 supplemental bills, the state shall withhold all funds

1 otherwise available to that school district from the  
2 appropriation to the Florida Education Finance Program until  
3 such time as the state is completely reimbursed.

4 Section 659. Section 1011.73, Florida Statutes, is  
5 created to read:

6 1011.73 District millage elections.--

7 (1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The  
8 district school board, pursuant to resolution adopted at a  
9 regular meeting, shall direct the county commissioners to call  
10 an election at which the electors within the school districts  
11 may approve an ad valorem tax millage as authorized in s. 9,  
12 Art. VII of the State Constitution. Such election may be held  
13 at any time, except that not more than one such election shall  
14 be held during any 12-month period. Any millage so authorized  
15 shall be levied for a period not in excess of 2 years or until  
16 changed by another millage election, whichever is the earlier.  
17 In the event any such election is invalidated by a court of  
18 competent jurisdiction, such invalidated election shall be  
19 considered not to have been held.

20 (2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The  
21 district school board, pursuant to resolution adopted at a  
22 regular meeting, shall direct the county commissioners to call  
23 an election at which the electors within the school district  
24 may approve an ad valorem tax millage as authorized under s.  
25 1011.71(6). Such election may be held at any time, except that  
26 not more than one such election shall be held during any  
27 12-month period. Any millage so authorized shall be levied for  
28 a period not in excess of 4 years or until changed by another  
29 millage election, whichever is earlier. If any such election  
30 is invalidated by a court of competent jurisdiction, such  
31 invalidated election shall be considered not to have been

1 held.

2 (3) HOLDING ELECTIONS.--All school district millage  
3 elections shall be held and conducted in the manner prescribed  
4 by law for holding general elections, except as provided in  
5 this chapter.

6 (4) FORM OF BALLOT.--

7 (a) The district school board may propose a single  
8 millage or two millages, with one for operating expenses and  
9 another for a local capital improvement reserve fund. When two  
10 millage figures are proposed, each millage must be voted on  
11 separately.

12 (b) The district school board shall provide the  
13 wording of the substance of the measure and the ballot title  
14 in the resolution calling for the election. The wording of the  
15 ballot must conform to the provisions of s. 101.161.

16 (5) QUALIFICATION OF ELECTORS.--All qualified electors  
17 of the school district are entitled to vote in the election to  
18 set the school tax district millage levy.

19 (6) RESULTS OF ELECTION.--When the district school  
20 board proposes one tax levy for operating expenses and another  
21 for the local capital improvement reserve fund, the results  
22 shall be considered separately. The tax levy shall be levied  
23 only in case a majority of the electors participating in the  
24 election vote in favor of the proposed special millage.

25 (7) EXPENSES OF ELECTION.--The cost of the publication  
26 of the notice of the election and all expenses of the election  
27 in the school district shall be paid by the district school  
28 board.

29 Section 660. Section 1011.74, Florida Statutes, is  
30 created to read:

31 1011.74 Source and use of district capital improvement

1 fund.--The district capital improvement fund shall consist of  
 2 funds derived from the sale of school district bonds  
 3 authorized in s. 17, Art. XII of the State Constitution of  
 4 1885 as amended, together with any other funds directed to be  
 5 placed therein by rules of the State Board of Education, and  
 6 other similar funds which are to be used for capital outlay  
 7 purposes within the district.

8 Section 661. Section 1011.75, Florida Statutes, is  
 9 created to read:

10 1011.75 Gifted education exemplary program grants.--

11 (1) This section shall be known and may be cited as  
 12 the "Challenge Grant Program for the Gifted."

13 (2) There is hereby created a grant program for  
 14 education for the gifted which shall be administered by the  
 15 Commissioner of Education in cooperation and consultation with  
 16 appropriate organizations and associations concerned with  
 17 education for the gifted and pursuant to rules adopted by the  
 18 State Board of Education. The program may be implemented in  
 19 any public school.

20 (3) Pursuant to policies and rules to be adopted by  
 21 the State Board of Education, each district school board, two  
 22 or more district school boards in cooperation, or a public  
 23 school principal through the district school board may submit  
 24 to the commissioner a proposed program designed to effectuate  
 25 an exemplary program for education for the gifted in a school,  
 26 district, or group of districts. Consideration for funding  
 27 shall be given to proposed programs of district school boards  
 28 that are developed with the cooperation of a community college  
 29 or public or private college or university for the purpose of  
 30 providing advanced accelerated instruction for public school  
 31 students pursuant to s. 1003.435. In order to be approved, a



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1 program proposal must include:

2 (a) Clearly stated goals and objectives expressed, to  
3 the maximum extent possible, in measurable terms.

4 (b) Information concerning the number of students,  
5 teachers, and other personnel to be involved in the program.

6 (c) The estimated cost of the program and the number  
7 of years for which it is to be funded.

8 (d) Provisions for evaluation of the program and for  
9 its integration into the general curriculum and financial  
10 program of the school district or districts at the end of the  
11 funded period.

12 (e) Such other information and provisions as the  
13 commissioner requires.

14 (4) The commissioner shall review and approve,  
15 disapprove, or resubmit for modification all proposed programs  
16 for education for the gifted submitted. For those programs  
17 approved, the commissioner shall authorize distribution of  
18 funds equal to the cost of the program from funds appropriated  
19 to the Department of Education for exemplary program grants  
20 for education for the gifted as provided for by this section.  
21 These funds shall be in addition to any funds for education  
22 for the gifted provided pursuant to s. 1011.62.

23 Section 662. Section 1011.76, Florida Statutes, is  
24 created to read:

25 1011.76 Small School District Stabilization Program.--

26 (1) There is created the Small School District  
27 Stabilization Program to assist school districts in rural  
28 communities that document economic conditions or other  
29 significant community influences that negatively impact the  
30 school district. The purpose of the program is to provide  
31 technical assistance and financial support to maintain the

1 stability of the educational program in the school district. A  
 2 rural community means a county with a population of 75,000 or  
 3 less; or a county with a population of 100,000 or less that is  
 4 contiguous to a county with a population of 75,000 or less.

5       (2) In order to participate in this program, a school  
 6 district must be located in a rural area of critical economic  
 7 concern designated by the Executive Office of the Governor,  
 8 and the district school board must submit a resolution to the  
 9 Office of Tourism, Trade, and Economic Development requesting  
 10 participation in the program. A rural area of critical  
 11 economic concern must be a rural community, or a region  
 12 composed of such, that has been adversely affected by an  
 13 extraordinary economic event or a natural disaster or that  
 14 presents a unique economic development concern or opportunity  
 15 of regional impact. The resolution must be accompanied with  
 16 documentation of the economic conditions in the community,  
 17 provide information indicating the negative impact of these  
 18 conditions on the school district's financial stability, and  
 19 the school district must participate in a best financial  
 20 management practices review to determine potential  
 21 efficiencies that could be implemented to reduce program costs  
 22 in the district.

23       (3) The Office of Tourism, Trade, and Economic  
 24 Development, in consultation with the Department of Education,  
 25 shall review the resolution and other information required by  
 26 subsection (2) and determine whether the school district is  
 27 eligible to participate in the program. Factors influencing  
 28 the office's determination may include, but are not limited  
 29 to, reductions in the county tax roll resulting from business  
 30 closures or other causes, or a reduction in student enrollment  
 31 due to business closures or impacts in the local economy.

1           (4) Effective July 1, 2000, and thereafter, when the  
 2 Office of Tourism, Trade, and Economic Development authorizes  
 3 a school district to participate in the program, the  
 4 Legislature may give priority to that district for a best  
 5 financial management practices review in the school district,  
 6 subject to approval pursuant to s. 1008.35(7), to the extent  
 7 that funding is provided annually for such purpose in the  
 8 General Appropriations Act. The scope of the review shall be  
 9 as set forth in s. 1008.35.

10           (5) Effective July 1, 2000, and thereafter, the  
 11 Department of Education may award the school district a  
 12 stabilization grant intended to protect the district from  
 13 continued financial reductions. The amount of the grant will  
 14 be determined by the Department of Education and may be  
 15 equivalent to the amount of the decline in revenues projected  
 16 for the next fiscal year. In addition, the Office of Tourism,  
 17 Trade, and Economic Development may implement a rural economic  
 18 development initiative to identify the economic factors that  
 19 are negatively impacting the community and may consult with  
 20 Enterprise Florida, Inc., in developing a plan to assist the  
 21 county with its economic transition. The grant will be  
 22 available to the school district for a period of up to 5 years  
 23 to the extent that funding is provided for such purpose in the  
 24 General Appropriations Act.

25           (6) Based on the availability of funds, the Office of  
 26 Tourism, Trade, and Economic Development or the Department of  
 27 Education may enter into contracts or issue grants necessary  
 28 to implement the program.

29           Section 663. Section 1011.77, Florida Statutes, is  
 30 created to read:

31           1011.77 Special laws and general laws of local

1 application prohibited.--

2 (1) Pursuant to s. 11(a)(21), Art. III of the State  
3 Constitution, the Legislature hereby prohibits special laws  
4 and general laws of local application pertaining to:

5 (a) The assessment or collection of taxes for school  
6 purposes insofar as it may affect the distribution of state  
7 funds, including the determination of millages therefor, the  
8 extension of time therefor, relief of tax officers from due  
9 performance of their duties, and relief of their sureties from  
10 liability.

11 (b) The Florida Education Finance Program as enacted  
12 in 1973 or as subsequently amended.

13 (2) The department shall determine whether any  
14 district has received additional funds subsequent to June 30,  
15 1973, as a result of any special law or general law of local  
16 application described in subsection (1) and shall deduct an  
17 amount equal to any such additional funds from allocations to  
18 that district.

19 Section 664. Part III of chapter 1011, Florida  
20 Statutes, shall be entitled "Funding for Workforce Education"  
21 and shall consist of ss. 1011.80-1011.801.

22 Section 665. Section 1011.80, Florida Statutes, is  
23 created to read:

24 1011.80 Funds for operation of adult technical  
25 education programs.--

26 (1) As used in this section, the terms "workforce  
27 development education" and "workforce development program"  
28 include:

29 (a) Adult general education programs designed to  
30 improve the employability skills of the state's workforce as  
31 defined in s. 1004.02(5).

1           (b) Career and technical certificate programs, as  
2 defined in s. 1004.02(23).

3           (c) Applied technology diploma programs.

4           (d) Continuing workforce education courses.

5           (e) Degree technical education programs.

6           (f) Apprenticeship and preapprenticeship programs as  
7 defined in s. 446.021.

8           (2) Any workforce development education program may be  
9 conducted by a community college or a school district, except  
10 that college credit in an associate in applied science or an  
11 associate in science degree may be awarded only by a community  
12 college. However, if an associate in applied science or an  
13 associate in science degree program contains within it an  
14 occupational completion point that confers a certificate or an  
15 applied technology diploma, that portion of the program may be  
16 conducted by a school district technical center. Any  
17 instruction designed to articulate to a degree program is  
18 subject to guidelines and standards adopted by the State Board  
19 of Education pursuant to s. 1007.25.

20           (3) If a program for disabled adults pursuant to s.  
21 1004.93 is a workforce development program as defined in law,  
22 it must be funded as provided in this section.

23           (4) The Florida Workforce Development Education Fund  
24 is created to provide performance-based funding for all  
25 workforce development programs, whether the programs are  
26 offered by a school district or a community college. Funding  
27 for all workforce development education programs must be from  
28 the Workforce Development Education Fund and must be based on  
29 cost categories, performance output measures, and performance  
30 outcome measures.

31           (a) The cost categories must be calculated to identify

1 high-cost programs, medium-cost programs, and low-cost  
 2 programs. The cost analysis used to calculate and assign a  
 3 program of study to a cost category must include at least both  
 4 direct and indirect instructional costs, consumable supplies,  
 5 equipment, and standard program length.

6 (b)1. The performance output measure for career and  
 7 technical education programs of study is student completion of  
 8 a career and technical program of study that leads to an  
 9 occupational completion point associated with a certificate;  
 10 an apprenticeship program; or a program that leads to an  
 11 applied technology diploma or an associate in applied science  
 12 or associate in science degree. Performance output measures  
 13 for registered apprenticeship programs shall be based on  
 14 program lengths that coincide with lengths established  
 15 pursuant to the requirements of chapter 446.

16 2. The performance output measure for an adult general  
 17 education course of study is measurable improvement in student  
 18 skills. This measure shall include improvement in literacy  
 19 skills, grade level improvement as measured by an approved  
 20 test, or attainment of a State of Florida diploma or an adult  
 21 high school diploma.

22 (c) The performance outcome measures for programs  
 23 funded through the Workforce Development Education Fund are  
 24 associated with placement and retention of students after  
 25 reaching a completion point or completing a program of study.  
 26 These measures include placement or retention in employment  
 27 that is related to the program of study; placement into or  
 28 retention in employment in an occupation on the Workforce  
 29 Estimating Conference list of high-wage, high-skill  
 30 occupations with sufficient openings, or other High Wage/High  
 31 Skill Program occupations as determined by Workforce Florida,

1 Inc.; and placement and retention of participants or former  
 2 participants in the welfare transition program in employment.  
 3 Continuing postsecondary education at a level that will  
 4 further enhance employment is a performance outcome for adult  
 5 general education programs. Placement and retention must be  
 6 reported pursuant to ss. 1008.39 and 1008.43.

7 (5) State funding and student fees for workforce  
 8 development instruction funded through the Workforce  
 9 Development Education Fund shall be established as follows:

10 (a) For a continuing workforce education course, state  
 11 funding shall equal 50 percent of the cost of instruction,  
 12 with student fees, business support, quick-response training  
 13 funds, or other means making up the remaining 50 percent.

14 (b) For all other workforce development education  
 15 funded through the Workforce Development Education Fund, state  
 16 funding shall equal 75 percent of the average cost of  
 17 instruction with the remaining 25 percent made up from student  
 18 fees. Fees for courses within a program shall not vary  
 19 according to the cost of the individual program, but instead  
 20 shall be based on a uniform fee calculated and set at the  
 21 state level, as adopted by the State Board of Education,  
 22 unless otherwise specified in the General Appropriations Act.

23 (c) For fee-exempt students pursuant to s. 1009.25,  
 24 unless otherwise provided for in law, state funding shall  
 25 equal 100 percent of the average cost of instruction.

26 (6)(a) A school district or a community college that  
 27 provides workforce development education funded through the  
 28 Workforce Development Education Fund shall receive funds in  
 29 accordance with distributions for base and performance funding  
 30 established by the Legislature in the General Appropriations  
 31 Act, pursuant to the following conditions:

1           1. Base funding shall not exceed 85 percent of the  
2 current fiscal year total Workforce Development Education Fund  
3 allocation, which shall be distributed by the Legislature in  
4 the General Appropriations Act based on a maximum of 85  
5 percent of the institution's prior year total allocation from  
6 base and performance funds.

7           2. Performance funding shall be at least 15 percent of  
8 the current fiscal year total Workforce Development Education  
9 Fund allocation, which shall be distributed by the Legislature  
10 in the General Appropriations Act based on the previous fiscal  
11 year's achievement of output and outcomes in accordance with  
12 formulas adopted pursuant to subsection (9). Performance  
13 funding must incorporate payments for at least three levels of  
14 placements that reflect wages and workforce demand. Payments  
15 for completions must not exceed 60 percent of the payments for  
16 placement. School districts and community colleges shall be  
17 awarded funds pursuant to this paragraph based on performance  
18 output data and performance outcome data available in that  
19 year.

20           3. If a local educational agency achieves a level of  
21 performance sufficient to generate a full allocation as  
22 authorized by the workforce development funding formula, the  
23 agency may earn performance incentive funds as appropriated  
24 for that purpose in a General Appropriations Act. If  
25 performance incentive funds are funded and awarded, these  
26 funds must be added to the local educational agency's prior  
27 year total allocation from the Workforce Development Education  
28 Fund and shall be used to calculate the following year's base  
29 funding.

30           (b) A program is established to assist school  
31 districts and community colleges in responding to the needs of



1 new and expanding businesses and thereby strengthening the  
 2 state's workforce and economy. The program may be funded in  
 3 the General Appropriations Act. A school district or community  
 4 college may expend funds under the program without regard to  
 5 performance criteria set forth in subparagraph (a)2. The  
 6 district or community college shall use the program to provide  
 7 customized training for businesses which satisfies the  
 8 requirements of s. 288.047. Business firms whose employees  
 9 receive the customized training must provide 50 percent of the  
 10 cost of the training. Balances remaining in the program at the  
 11 end of the fiscal year shall not revert to the general fund,  
 12 but shall be carried over for 1 additional year and used for  
 13 the purpose of serving incumbent worker training needs of area  
 14 businesses with fewer than 100 employees. Priority shall be  
 15 given to businesses that must increase or upgrade their use of  
 16 technology to remain competitive.

17 (7) A school district or community college that earns  
 18 performance funding must use the money to benefit the  
 19 postsecondary adult and technical education programs it  
 20 provides. The money may be used for equipment upgrades,  
 21 program expansions, or any other use that would result in  
 22 workforce development program improvement. The district school  
 23 board or community college board of trustees may not withhold  
 24 any portion of the performance funding for indirect costs.  
 25 Notwithstanding s. 216.351, funds awarded pursuant to this  
 26 section may be carried across fiscal years and shall not  
 27 revert to any other fund maintained by the district school  
 28 board or community college board of trustees.

29 (8) The State Board of Education and Workforce  
 30 Florida, Inc., shall provide the Legislature with recommended  
 31 formulas, criteria, timeframes, and mechanisms for

1 distributing performance funds. The commissioner shall  
 2 consolidate the recommendations and develop a consensus  
 3 proposal for funding. The Legislature shall adopt a formula  
 4 and distribute the performance funds to the State Board of  
 5 Education for community colleges and school districts through  
 6 the General Appropriations Act. These recommendations shall be  
 7 based on formulas that would discourage low-performing or  
 8 low-demand programs and encourage through performance-funding  
 9 awards:

10       (a) Programs that prepare people to enter high-wage  
 11 occupations identified by the Workforce Estimating Conference  
 12 created by s. 216.136 and other programs as approved by  
 13 Workforce Florida, Inc. At a minimum, performance incentives  
 14 shall be calculated for adults who reach completion points or  
 15 complete programs that lead to specified high-wage employment  
 16 and to their placement in that employment.

17       (b) Programs that successfully prepare adults who are  
 18 eligible for public assistance, economically disadvantaged,  
 19 disabled, not proficient in English, or dislocated workers for  
 20 high-wage occupations. At a minimum, performance incentives  
 21 shall be calculated at an enhanced value for the completion of  
 22 adults identified in this paragraph and job placement of such  
 23 adults upon completion. In addition, adjustments may be made  
 24 in payments for job placements for areas of high unemployment.

25       (c) Programs that are specifically designed to be  
 26 consistent with the workforce needs of private enterprise and  
 27 regional economic development strategies, as defined in  
 28 guidelines set by Workforce Florida, Inc. Workforce Florida,  
 29 Inc., shall develop guidelines to identify such needs and  
 30 strategies based on localized research of private employers  
 31 and economic development practitioners.

1           (d) Programs identified by Workforce Florida, Inc., as  
2 increasing the effectiveness and cost efficiency of education.

3           (9) A high school student dually enrolled under s.  
4 1007.271 in a workforce development program funded through the  
5 Workforce Development Education Fund and operated by a  
6 community college or school district technical center  
7 generates the amount calculated by the Workforce Development  
8 Education Fund, including any payment of performance funding,  
9 and the proportional share of full-time equivalent enrollment  
10 generated through the Florida Education Finance Program for  
11 the student's enrollment in a high school. If a high school  
12 student is dually enrolled in a community college program,  
13 including a program conducted at a high school, the community  
14 college earns the funds generated through the Workforce  
15 Development Education Fund and the school district earns the  
16 proportional share of full-time equivalent funding from the  
17 Florida Education Finance Program. If a student is dually  
18 enrolled in a technical center operated by the same district  
19 as the district in which the student attends high school, that  
20 district earns the funds generated through the Workforce  
21 Development Education Fund and also earns the proportional  
22 share of full-time equivalent funding from the Florida  
23 Education Finance Program. If a student is dually enrolled in  
24 a workforce development program provided by a technical center  
25 operated by a different school district, the funds must be  
26 divided between the two school districts proportionally from  
27 the two funding sources. A student may not be reported for  
28 funding in a dual enrollment workforce development program  
29 unless the student has completed the basic skills assessment  
30 pursuant to s. 1004.91.

31           (10) The State Board of Education may adopt rules to

1 administer this section.

2 Section 666. Section 1011.801, Florida Statutes, is  
3 created to read:

4 1011.801 Workforce Development Capitalization  
5 Incentive Grant Program.--The Legislature recognizes that the  
6 need for school districts and community colleges to be able to  
7 respond to emerging local or statewide economic development  
8 needs is critical to the workforce development system. The  
9 Workforce Development Capitalization Incentive Grant Program  
10 is created to provide grants to school districts and community  
11 colleges on a competitive basis to fund some or all of the  
12 costs associated with the creation or expansion of workforce  
13 development programs that serve specific employment workforce  
14 needs.

15 (1) Funds awarded for a workforce development  
16 capitalization incentive grant may be used for instructional  
17 equipment, laboratory equipment, supplies, personnel, student  
18 services, or other expenses associated with the creation or  
19 expansion of a workforce development program. Expansion of a  
20 program may include either the expansion of enrollments in a  
21 program or expansion into new areas of specialization within a  
22 program. No grant funds may be used for recurring  
23 instructional costs or for institutions' indirect costs.

24 (2) The State Board of Education shall accept  
25 applications from school districts or community colleges for  
26 workforce development capitalization incentive grants.  
27 Applications from school districts or community colleges shall  
28 contain projected enrollments and projected costs for the new  
29 or expanded workforce development program. The State Board of  
30 Education, in consultation with the Workforce Florida, Inc.,  
31 shall review and rank each application for a grant according

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1 to subsection (3) and shall submit to the Legislature a list  
2 in priority order of applications recommended for a grant  
3 award.

4 (3) The State Board of Education shall give highest  
5 priority to programs that train people to enter high-skill,  
6 high-wage occupations identified by the Workforce Estimating  
7 Conference and other programs approved by Workforce Florida,  
8 Inc.; programs that train people to enter occupations under  
9 the welfare transition program; or programs that train for the  
10 workforce adults who are eligible for public assistance,  
11 economically disadvantaged, disabled, not proficient in  
12 English, or dislocated workers. The State Board of Education  
13 shall consider the statewide geographic dispersion of grant  
14 funds in ranking the applications and shall give priority to  
15 applications from education agencies that are making maximum  
16 use of their workforce development funding by offering  
17 high-performing, high-demand programs.

18 Section 667. Part IV of chapter 1011, Florida  
19 Statutes, shall be entitled "Funding for Community Colleges"  
20 and shall consist of ss. 1011.81-1011.87.

21 Section 668. Section 1011.81, Florida Statutes, is  
22 created to read:

23 1011.81 Community College Program Fund.--There is  
24 established a Community College Program Fund. This fund shall  
25 comprise all appropriations made by the Legislature for the  
26 support of the current operating program and shall be  
27 apportioned and distributed to the community college districts  
28 of the state on the basis of procedures established by law and  
29 rules of the State Board of Education. The annual  
30 apportionment for each community college district shall be  
31 distributed monthly in payments as nearly equal as possible.

1           Section 669. Section 1011.82, Florida Statutes, is  
2 created to read:

3           1011.82 Requirements for participation in Community  
4 College Program Fund.--Each community college district which  
5 participates in the state appropriations for the Community  
6 College Program Fund shall provide evidence of its effort to  
7 maintain an adequate community college program which shall:

8           (1) Meet the minimum standards prescribed by the State  
9 Board of Education in accordance with s. 1001.02(9).

10           (2) Effectively fulfill the mission of the community  
11 colleges in accordance with s. 1004.65.

12           Section 670. Section 1011.83, Florida Statutes, is  
13 created to read:

14           1011.83 Financial support of community colleges.--Each  
15 community college that has been approved by the Department of  
16 Education and meets the requirements of law and rules of the  
17 State Board of Education shall participate in the community  
18 college program fund. However, funds to support workforce  
19 development programs conducted by community colleges shall be  
20 provided by the Workforce Development Education Fund pursuant  
21 to s. 1011.80.

22           Section 671. Section 1011.84, Florida Statutes, is  
23 created to read:

24           1011.84 Procedure for determining state financial  
25 support and annual apportionment of state funds to each  
26 community college district.--The procedure for determining  
27 state financial support and the annual apportionment to each  
28 community college district authorized to operate a community  
29 college under the provisions of s. 1001.61 shall be as  
30 follows:

31           (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE

1 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING  
2 PROGRAM.--

3       (a) The Department of Education shall determine  
4 annually from an analysis of operating costs, prepared in the  
5 manner prescribed by rules of the State Board of Education,  
6 the costs per full-time equivalent student served in courses  
7 and fields of study offered in community colleges. This  
8 information and current college operating budgets shall be  
9 submitted to the Executive Office of the Governor with the  
10 legislative budget request prior to each regular session of  
11 the Legislature.

12       (b) The allocation of funds for community colleges  
13 shall be based on advanced and professional disciplines,  
14 college-preparatory programs, and other programs for adults  
15 funded pursuant to s. 1011.80.

16       (c) The category of lifelong learning is for students  
17 enrolled pursuant to s. 1004.93. A student shall also be  
18 reported as a lifelong learning student for his or her  
19 enrollment in any course that he or she has previously taken,  
20 unless it is a credit course in which the student earned a  
21 grade of D or F.

22       (d) If an adult student has been determined to be a  
23 disabled student eligible for an approved educational program  
24 for disabled adults provided pursuant to s. 1004.93 and rules  
25 of the State Board of Education and is enrolled in a class  
26 with curriculum frameworks developed for the program, state  
27 funding for that student shall be provided at a level double  
28 that of a student enrolled in a special adult general  
29 education program provided by a community college.

30       (e) The State Board of Education shall adopt rules to  
31 implement s. 9(d)(8)f., Art. XII of the State Constitution.

1 These rules shall provide for the use of the funds available  
 2 under s. 9(d)(8)f., Art. XII by an individual community  
 3 college for operating expense in any fiscal year during which  
 4 the State Board of Education has determined that all major  
 5 capital outlay needs have been met. Highest priority for the  
 6 use of these funds for purposes other than financing approved  
 7 capital outlay projects shall be for the proper maintenance  
 8 and repair of existing facilities for projects approved by the  
 9 State Board of Education. However, in any fiscal year in which  
 10 funds from this source are authorized for operating expense  
 11 other than approved maintenance and repair projects, the  
 12 allocation of community college program funds shall be reduced  
 13 by an amount equal to the sum used for such operating expense  
 14 for that community college that year, and that amount shall  
 15 not be released or allocated among the other community  
 16 colleges that year.

17       (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL  
 18 OUTLAY AND DEBT SERVICE.--The amount included for capital  
 19 outlay and debt service shall be as determined and provided in  
 20 s. 18, Art. XII of the State Constitution of 1885, as adopted  
 21 by s. 9(d), Art. XII of the 1968 revised State Constitution  
 22 and State Board of Education rules.

23       (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

24       (a) By December 15 of each year, the Department of  
 25 Education shall estimate the annual enrollment of each  
 26 community college for the current fiscal year and for the 6  
 27 subsequent fiscal years. These estimates shall be based upon  
 28 prior years' enrollments, upon the initial fall term  
 29 enrollments for the current fiscal year for each college, and  
 30 upon each college's estimated current enrollment and  
 31 demographic changes in the respective community college



1 districts.

2 (b) The apportionment to each community college from  
3 the Community College Program Fund shall be determined  
4 annually in the General Appropriations Act. In determining  
5 each college's apportionment, the Legislature shall consider  
6 the following components:

7 1. Base budget, which includes the state appropriation  
8 to the Community College Program Fund in the current year plus  
9 the related student tuition and out-of-state fees assigned in  
10 the current General Appropriations Act.

11 2. The cost-to-continue allocation, which consists of  
12 incremental changes to the base budget, including salaries,  
13 price levels, and other related costs.

14 3. Enrollment workload adjustment, which shall be  
15 determined as follows:

16 a. The actual full-time equivalent enrollment for the  
17 prior year, as accepted or modified by the Legislature, shall  
18 be the assigned enrollment and the basis for allocating  
19 appropriated funds for enrollment workload. If the enrollment  
20 workload allocation to a college is determined to be less than  
21 zero, the reduction in allocation shall be implemented over a  
22 2-year period.

23 b. The systemwide average direct instructional cost  
24 level of each program of study shall be used to calculate the  
25 enrollment workload adjustment. This amount, multiplied by a  
26 factor of 1.3, for support services shall be multiplied by the  
27 change in enrollment as determined in sub-subparagraph a. From  
28 this amount, student matriculation and tuition fees generated  
29 by the change in assigned enrollment shall be deducted and the  
30 remaining amount shall be the state allocation to each college  
31 for enrollment workload.

1           c. Students enrolled in a recreation and leisure  
2 program and students enrolled in a lifelong learning program  
3 may not be counted as full-time equivalent enrollments for  
4 purposes of enrollment workload adjustments.

5           4. Operating costs of new facilities adjustments,  
6 which shall be provided, from funds available, for each new  
7 facility that is owned by the college and is recommended in  
8 accordance with s. 1013.31.

9           5. New and improved program enhancements, which shall  
10 be determined by the Legislature.

11  
12 Student fees in the base budget plus student fee revenues  
13 generated by increases in fee rates shall be deducted from the  
14 sum of the components determined in subparagraphs 1.-5. The  
15 amount remaining shall be the net annual state apportionment  
16 to each college.

17           (c) No community college shall commit funds for the  
18 employment of personnel or resources in excess of those  
19 required to continue the same level of support for either the  
20 previously approved enrollment or the revised enrollment,  
21 whichever is lower.

22           (d) The apportionment to each community college  
23 district for capital outlay and debt service shall be the  
24 amount determined in accordance with subsection (2). This  
25 amount, less any amount determined as necessary for  
26 administrative expense by the State Board of Education and any  
27 amount necessary for debt service on bonds issued by the State  
28 Board of Education, shall be transmitted to the community  
29 college board of trustees to be expended in a manner  
30 prescribed by rules of the State Board of Education.

31           (e) If at any time the unencumbered balance in the

1 general fund of the community college board of trustees  
2 approved operating budget goes below 5 percent, the president  
3 shall provide written notification to the State Board of  
4 Education.

5 (f) Expenditures for apprenticeship programs shall be  
6 reported separately.

7 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds  
8 allocated herein to any community college shall be expended  
9 only for the purpose of supporting that community college.

10 (5) REPORT OF REMEDIAL EDUCATION.--Each community  
11 college board of trustees shall report the volume and cost of  
12 remedial education activities as a separate item in its annual  
13 cost accounting system.

14 Section 672. Section 1011.85, Florida Statutes, is  
15 created to read:

16 1011.85 Dr. Philip Benjamin Academic Improvement  
17 Program for Community Colleges.--

18 (1) There is created the Dr. Philip Benjamin Academic  
19 Improvement Program for Community Colleges to be administered  
20 according to rules of the State Board of Education. This  
21 program shall be used to encourage private support in  
22 enhancing public community colleges by providing the community  
23 college system with the opportunity to receive and match  
24 challenge grants.

25 (2) For every year in which there is a legislative  
26 appropriation to the program, no less than \$25,000 must be  
27 reserved to permit each community college and the State Board  
28 of Education, which shall be an eligible community college  
29 entity for the purposes of this section, an opportunity to  
30 match challenge grants. The balance of the funds shall be  
31 available for matching by any eligible community college

1 entity. Funds which remain unmatched by contribution on March  
2 1 of any year shall also be available for matching by any  
3 community college entity. The State Board of Education shall  
4 adopt rules providing all community college entities with an  
5 opportunity to apply for excess funds prior to the awarding of  
6 such funds. However, no community college may receive more  
7 than its percentage of the total full-time equivalent  
8 enrollment or 15 percent, whichever is greater, of the funds  
9 appropriated to the program for that fiscal year and,  
10 likewise, the State Board of Education may not receive more  
11 than 15 percent of the funds appropriated to the program for  
12 that fiscal year. A community college entity shall place all  
13 funds it receives in excess of the first challenge grant and  
14 its matching funds in its endowment fund and only the earnings  
15 on that amount may be spent for approved projects. A community  
16 college entity may spend the first challenge grant and its  
17 matching funds as cash for any approved project, except  
18 scholarships. If a community college entity proposes to use  
19 any amount of the grant or the matching funds for  
20 scholarships, it must deposit that amount in its endowment in  
21 its academic improvement trust fund and use the earnings of  
22 the endowment to provide scholarships.

23 (3) Challenge grants shall be proportionately  
24 allocated from the program on the basis of matching each \$4 of  
25 state funds with \$6 of local or private funds. To be eligible,  
26 a minimum of \$4,500 must be raised from private sources.

27 (4) Funds sufficient to provide the match shall be  
28 transferred from the state appropriation to the local  
29 community college foundation or the statewide community  
30 college foundation upon notification that a proportionate  
31 amount has been received and deposited by the community

1 college entity in its own trust fund.

2 (5) Each community college entity shall establish its  
3 own academic improvement trust fund as a depository for the  
4 private contributions and matching state funds provided under  
5 this section. The foundations of the community college  
6 entities are responsible for the maintenance, investment, and  
7 administration of their academic improvement trust funds.

8 (6)(a) The community college board of trustees and the  
9 State Board of Education are responsible for determining the  
10 uses for the proceeds of their respective trust funds. Such  
11 uses of the proceeds shall be limited to expenditure of the  
12 funds for:

13 1. Scientific and technical equipment.

14 2. Other activities that will benefit future students  
15 as well as students currently enrolled at the community  
16 college and that will improve the quality of education at the  
17 community college or in the community college system.

18 3. Scholarships, loans, or need-based grants.

19 (b) If a community college includes scholarships,  
20 loans, or need-based grants in its proposal, it shall create  
21 an endowment in its academic improvement trust fund and use  
22 the earnings of the endowment to provide scholarships, loans,  
23 or need-based grants.

24 (c) Proposals for use of the trust fund shall be  
25 submitted to the State Board of Education for approval. Any  
26 proposal not acted upon in 60 days shall be considered not  
27 approved.

28 (7) The State Board of Education shall establish rules  
29 to provide for the administration of this program. Such rules  
30 shall establish the minimum challenge grant reserved for each  
31 community college entity and the maximum amount which a

1 community college entity may receive from a legislative  
2 appropriation in any fiscal year in accordance with the  
3 provisions of the General Appropriations Act.

4 Section 673. Section 1011.86, Florida Statutes, is  
5 created to read:

6 1011.86 Educational leadership enhancement grants.--

7 (1) State universities and community colleges may  
8 submit proposals for educational leadership enhancement grants  
9 to the Commissioner of Education. Proposals shall be funded  
10 competitively.

11 (2) To be eligible for funding, proposals must create  
12 programs designed to strengthen the academic and professional  
13 coursework or executive management preparation of women and  
14 minorities.

15 (3) Each proposal must include specific measurable  
16 goals and objectives.

17 (4) The State Board of Education may adopt any rules  
18 necessary to implement the provisions of this grant program.

19 (5) The grant program shall be implemented to the  
20 extent funded in the General Appropriations Act.

21 Section 674. Section 1011.87, Florida Statutes, is  
22 created to read:

23 1011.87 Health Care Education Quality Enhancement  
24 Challenge Grant Program for Community Colleges.--

25 (1) There is established the Health Care Education  
26 Quality Enhancement Challenge Grant Program for Community  
27 Colleges to be administered by the State Board of Education.  
28 The program shall provide matching grants for private  
29 contributions made to community colleges pursuant to this  
30 section. The program shall be used to encourage private  
31 support to improve quality of nursing programs and other

1 health care education programs at community colleges in  
2 Florida. Such improvement includes increasing student access  
3 to, enrollment in, and completion of health care education  
4 programs.

5 (2) The Legislature shall designate funds for the  
6 program. Such funds shall be divided into challenge grants to  
7 be administered by the State Board of Education for  
8 distribution to community colleges.

9 (3) The Legislature shall match each contribution from  
10 private sources made to community colleges pursuant to this  
11 section with \$400 of state funds for each \$600 in private  
12 contributions. Funds sufficient to provide the match shall be  
13 transferred to the community college upon certification that a  
14 proportionate amount has been received and deposited by the  
15 community college foundation in its own fund.

16 (4) For every year in which there is a legislative  
17 appropriation to this program, the State Board of Education  
18 shall determine an amount of funds, based on the FTE  
19 enrollment in health care education programs, to be reserved  
20 to permit each community college an opportunity to match the  
21 challenge grant. The balance of the funds shall be available  
22 for matching by any community college. Funds which remain  
23 unmatched on March 1 of any year shall also be available for  
24 matching by any college. The State Board of Education shall  
25 establish the maximum amount which a college may receive from  
26 a legislative appropriation in any fiscal year.

27 (5) The State Board of Education may establish  
28 priorities for use of these funds. Such use may include:

29 (a) Expansion of enrollment.

30 (b) Activities which improve retention.

31 (c) Implementation of articulation agreements.

1           (d) Cooperative programs between colleges, including,  
2 but not limited to, offering courses through satellite or  
3 video transmission and other linkage programs.

4           (6) Each community college shall establish its own  
5 fund as a depository for the matching grant funds. The  
6 community college foundation shall be responsible for the  
7 maintenance, investment, and administration of its fund.  
8 Private contributions matched under the Health Care Education  
9 Quality Enhancement Challenge Grant Program may not be matched  
10 under other state matching programs.

11           (7) The board of trustees of each community college,  
12 together with the college's foundation representing private  
13 contributors' interests, shall be responsible for determining  
14 the uses of the proceeds in its fund within the community  
15 college's nursing and health care education programs.

16           (8) This section shall be implemented only to the  
17 extent specifically funded and authorized by law.

18           Section 675. Part V of chapter 1011, Florida Statutes,  
19 shall be entitled "Funding for Universities" and shall consist  
20 of ss. 1011.90-1011.94.

21           Section 676. Section 1011.90, Florida Statutes, is  
22 created to read:

23           1011.90 State university funding.--

24           (1) Planned enrollments for each university as  
25 accepted or modified by the Legislature and program cost  
26 categories shall be the basis for the allocation of  
27 appropriated funds to the universities.

28           (2) In addition to enrollment-based appropriations,  
29 categorical programs shall be established in universities  
30 which are not directly related to planned student enrollment.  
31 Such programs shall be based upon the assigned missions of the



1 institutions and shall include, but not be limited to,  
 2 research and public service programs and authority to spend  
 3 fee revenues collected pursuant to subsection (5) and s.  
 4 1009.24. Appropriations by the Legislature and allocations to  
 5 universities shall be based upon full costs, as determined  
 6 pursuant to subsection (1), and priorities established by the  
 7 Legislature.

8       (3) The Legislature by line item in an appropriations  
 9 act may identify programs of extraordinary quality for the  
 10 utilization of state funds to be matched by nonstate and  
 11 nonfederal sources.

12       (4) The State Board of Education shall establish and  
 13 validate a cost-estimating system consistent with the  
 14 requirements of subsection (1) and shall report as part of its  
 15 legislative budget request the actual expenditures for the  
 16 fiscal year ending the previous June 30. Expenditure analysis,  
 17 operating budgets, and annual financial statements of each  
 18 university must be prepared using the standard financial  
 19 reporting procedures and formats prescribed by the State Board  
 20 of Education. These formats shall be the same as used for the  
 21 2000-2001 fiscal year reports. Any revisions to these  
 22 financial and reporting procedures and formats must be  
 23 approved by the Executive Office of the Governor and the  
 24 appropriations committees of the Legislature jointly under the  
 25 provisions of s. 216.023(3). The State Board of Education  
 26 shall continue to collect and maintain at a minimum the  
 27 management information databases existing on June 30, 2002.  
 28 The expenditure analysis report shall include total  
 29 expenditures from all sources for the general operation of the  
 30 university and shall be in such detail as needed to support  
 31 the legislative budget request.

1           (5) If the actual enrollment for any university is  
 2 less than planned enrollment by more than 5 percent for any 2  
 3 consecutive fiscal years, the university enrollment plan for  
 4 the next year shall be reduced. If actual enrollment exceeds  
 5 planned enrollment by more than 5 percent, an explanation of  
 6 the excess shall be provided with the next year's enrollment  
 7 plan. The analysis of enrollment conducted for implementing  
 8 this subsection shall be based on the categories of enrollment  
 9 used in the education and general appropriation.

10           Section 677. Section 1011.91, Florida Statutes, is  
 11 created to read:

12           1011.91 Additional appropriation.--

13           (1) All moneys received by universities, other than  
 14 from state and federal sources, from student building and  
 15 capital improvement fees, and from vending machine  
 16 collections, are hereby appropriated to the use of the  
 17 respective universities collecting same, to be expended as the  
 18 university board of trustees may direct; however, the funds  
 19 shall not be expended except in pursuance of detailed budgets  
 20 filed with the State Board of Education and shall not be  
 21 expended for the construction or reconstruction of buildings  
 22 except as provided under s. 1013.74.

23           (2) All moneys received from vending machine  
 24 collections by universities shall be expended only as set  
 25 forth in detailed budgets approved by the State Board of  
 26 Education.

27           (3)(a) All moneys received by universities for the  
 28 Auxiliary Enterprises and Contracts, Grants and Donations  
 29 budget entities, and the self-insurance program authorized in  
 30 s. 1004.24, shall be exempt from the requirements of s.  
 31 216.023.

1           (b) No new state appropriation shall be obligated as a  
 2 source of matching funds for potential federal or private  
 3 contracts or grants. Upon the termination of any federal or  
 4 private contracts or grants, the state shall not be obligated  
 5 to provide continued funding for personnel or project costs  
 6 related to such contracts or grants.

7           Section 678. Section 1011.93, Florida Statutes, is  
 8 created to read:

9           1011.93 Pari-mutuel wagering funded research and  
 10 development programs.--Each fiscal year, the first \$250,000 of  
 11 the funds credited to the Pari-mutuel Wagering Trust Fund  
 12 shall be used to fund the establishment and implementation of  
 13 research and development programs at the University of  
 14 Florida. The University of Florida shall administer the  
 15 distribution of the funds. These programs must include, but  
 16 are not limited to:

17           (1) Research related to the breeding, health, feeding,  
 18 or training of dogs and horses.

19           (2) Development of continuing education programs for  
 20 individuals involved in the care and treatment of dogs and  
 21 horses at pari-mutuel facilities.

22           (3) Establishment of a postmortem evaluation program  
 23 for break-down injuries of dogs and horses.

24           (4) Research and development of helmet safety and the  
 25 improvement of jai alai equipment.

26           Section 679. Section 1011.94, Florida Statutes, is  
 27 created to read:

28           1011.94 Trust Fund for University Major Gifts.--

29           (1) There is established a Trust Fund for University  
 30 Major Gifts. The purpose of the trust fund is to enable each  
 31 university and New College to provide donors with an incentive

1 in the form of matching grants for donations for the  
 2 establishment of permanent endowments, which must be invested,  
 3 with the proceeds of the investment used to support libraries  
 4 and instruction and research programs, as defined by procedure  
 5 of the State Board of Education. All funds appropriated for  
 6 the challenge grants, new donors, major gifts, or eminent  
 7 scholars program must be deposited into the trust fund and  
 8 invested pursuant to s. 18.125 until the State Board of  
 9 Education allocates the funds to universities to match private  
 10 donations. Notwithstanding s. 216.301 and pursuant to s.  
 11 216.351, any undisbursed balance remaining in the trust fund  
 12 and interest income accruing to the portion of the trust fund  
 13 which is not matched and distributed to universities must  
 14 remain in the trust fund and be used to increase the total  
 15 funds available for challenge grants. The State Board of  
 16 Education may authorize any university to encumber the state  
 17 matching portion of a challenge grant from funds available  
 18 under s. 1011.45.

19 (2) The State Board of Education shall specify the  
 20 process for submission, documentation, and approval of  
 21 requests for matching funds, accountability for endowments and  
 22 proceeds of endowments, allocations to universities,  
 23 restrictions on the use of the proceeds from endowments, and  
 24 criteria used in determining the value of donations.

25 (3)(a) The State Board of Education shall allocate the  
 26 amount appropriated to the trust fund to each university and  
 27 New College based on the amount of the donation and the  
 28 restrictions applied to the donation.

29 (b) Donations for a specific purpose must be matched  
 30 in the following manner:

31 1. Each university that raises at least \$100,000 but

1 no more than \$599,999 from a private source must receive a  
2 matching grant equal to 50 percent of the private  
3 contribution.

4 2. Each university that raises a contribution of at  
5 least \$600,000 but no more than \$1 million from a private  
6 source must receive a matching grant equal to 70 percent of  
7 the private contribution.

8 3. Each university that raises a contribution in  
9 excess of \$1 million but no more than \$1.5 million from a  
10 private source must receive a matching grant equal to 75  
11 percent of the private contribution.

12 4. Each university that raises a contribution in  
13 excess of \$1.5 million but no more than \$2 million from a  
14 private source must receive a matching grant equal to 80  
15 percent of the private contribution.

16 5. Each university that raises a contribution in  
17 excess of \$2 million from a private source must receive a  
18 matching grant equal to 100 percent of the private  
19 contribution.

20 (c) The State Board of Education shall encumber state  
21 matching funds for any pledged contributions, pro rata, based  
22 on the requirements for state matching funds as specified for  
23 the particular challenge grant and the amount of the private  
24 donations actually received by the university for the  
25 respective challenge grant.

26 (4) Matching funds may be provided for contributions  
27 encumbered or pledged under the Eminent Scholars Act prior to  
28 July 1, 1994, and for donations or pledges of any amount equal  
29 to or in excess of the prescribed minimums which are pledged  
30 for the purpose of this section.

31 (5)(a) Each university foundation and New College

1 Foundation shall establish a challenge grant account for each  
 2 challenge grant as a depository for private contributions and  
 3 state matching funds to be administered on behalf of the State  
 4 Board of Education, the university, or New College. State  
 5 matching funds must be transferred to a university foundation  
 6 or New College Foundation upon notification that the  
 7 university or New College has received and deposited the  
 8 amount specified in this section in a foundation challenge  
 9 grant account.

10       (b) The foundation serving a university and New  
 11 College Foundation each has the responsibility for the  
 12 maintenance and investment of its challenge grant account and  
 13 for the administration of the program on behalf of the  
 14 university or New College, pursuant to procedures specified by  
 15 the State Board of Education. Each foundation shall include in  
 16 its annual report to the State Board of Education information  
 17 concerning collection and investment of matching gifts and  
 18 donations and investment of the account.

19       (c) A donation of at least \$600,000 and associated  
 20 state matching funds may be used to designate an Eminent  
 21 Scholar Endowed Chair pursuant to procedures specified by the  
 22 State Board of Education.

23       (6) The donations, state matching funds, or proceeds  
 24 from endowments established under this section may not be  
 25 expended for the construction, renovation, or maintenance of  
 26 facilities or for the support of intercollegiate athletics.

27       Section 680. Chapter 1012, Florida Statutes, shall be  
 28 entitled "Personnel" and shall consist of ss.  
 29 1012.01-1012.992.

30       Section 681. Part I of chapter 1012, Florida Statutes,  
 31 shall be entitled "General Provisions" and shall consist of s.

1 1012.01.

2 Section 682. Section 1012.01, Florida Statutes, is  
3 created to read:

4 1012.01 K-12 definitions.--Specific definitions shall  
5 be as follows, and wherever such defined words or terms are  
6 used in the Florida K-20 Education Code, they shall be used as  
7 follows:

8 (1) SCHOOL OFFICERS.--The officers of the state system  
9 of public education shall be the Commissioner of Education and  
10 the members of the State Board of Education; and, for each  
11 district school system, the officers shall be the district  
12 school superintendent and members of the district school  
13 board.

14 (2) INSTRUCTIONAL PERSONNEL.--"Instructional  
15 personnel" means any staff member whose function includes the  
16 provision of direct instructional services to students.  
17 Instructional personnel also includes personnel whose  
18 functions provide direct support in the learning process of  
19 students. Included in the classification of instructional  
20 personnel are:

21 (a) Classroom teachers.--Classroom teachers are staff  
22 members assigned the professional activity of instructing  
23 students in courses in classroom situations, including basic  
24 instruction, exceptional student education, career and  
25 technical education, and adult education, including substitute  
26 teachers.

27 (b) Student personnel services.--Student personnel  
28 services include staff members responsible for: advising  
29 students with regard to their abilities and aptitudes,  
30 educational and occupational opportunities, and personal and  
31 social adjustments; providing placement services; performing

1 educational evaluations; and similar functions. Included in  
2 this classification are guidance counselors, social workers,  
3 occupational/placement specialists, and school psychologists.

4 (c) Librarians/media specialists.--Librarians/media  
5 specialists are staff members responsible for providing school  
6 library media services. These employees are responsible for  
7 evaluating, selecting, organizing, and managing media and  
8 technology resources, equipment, and related systems;  
9 facilitating access to information resources beyond the  
10 school; working with teachers to make resources available in  
11 the instructional programs; assisting teachers and students in  
12 media productions; and instructing students in the location  
13 and use of information resources.

14 (d) Other instructional staff.--Other instructional  
15 staff are staff members who are part of the instructional  
16 staff but are not classified in one of the categories  
17 specified in paragraphs (a)-(c). Included in this  
18 classification are primary specialists, learning resource  
19 specialists, instructional trainers, adjunct educators  
20 certified pursuant to s. 1012.57, and similar positions.

21 (e) Education paraprofessionals.--Education  
22 paraprofessionals are individuals who are under the direct  
23 supervision of an instructional staff member, aiding the  
24 instructional process. Included in this classification are  
25 classroom paraprofessionals in regular instruction,  
26 exceptional education paraprofessionals, career education  
27 paraprofessionals, adult education paraprofessionals, library  
28 paraprofessionals, physical education and playground  
29 paraprofessionals, and other school-level paraprofessionals.

30 (3) ADMINISTRATIVE PERSONNEL.--"Administrative  
31 personnel" includes personnel who perform management



1 activities such as developing broad policies for the school  
 2 district and executing those policies through the direction of  
 3 personnel at all levels within the district. Administrative  
 4 personnel are generally high-level, responsible personnel who  
 5 have been assigned the responsibilities of systemwide or  
 6 schoolwide functions, such as district school superintendents,  
 7 assistant superintendents, deputy superintendents, school  
 8 principals, assistant principals, technical center directors,  
 9 and others who perform management activities. Broad  
 10 classifications of administrative personnel are as follows:

11       (a) District-based instructional  
 12 administrators.--Included in this classification are persons  
 13 with district-level administrative or policymaking duties who  
 14 have broad authority for management policies and general  
 15 school district operations related to the instructional  
 16 program. Such personnel often report directly to the district  
 17 school superintendent and supervise other administrative  
 18 employees. This classification includes assistant, associate,  
 19 or deputy superintendents and directors of major instructional  
 20 areas, such as curriculum, federal programs such as Title I,  
 21 specialized instructional program areas such as exceptional  
 22 student education, career and technical education, and similar  
 23 areas.

24       (b) District-based noninstructional  
 25 administrators.--Included in this classification are persons  
 26 with district-level administrative or policymaking duties who  
 27 have broad authority for management policies and general  
 28 school district operations related to the noninstructional  
 29 program. Such personnel often report directly to the district  
 30 school superintendent and supervise other administrative  
 31 employees. This classification includes assistant, associate,

1 or deputy superintendents and directors of major  
2 noninstructional areas, such as personnel, construction,  
3 facilities, transportation, data processing, and finance.

4 (c) School administrators.--Included in this  
5 classification are:

6 1. School principals or school directors who are staff  
7 members performing the assigned activities as the  
8 administrative head of a school and to whom have been  
9 delegated responsibility for the coordination and  
10 administrative direction of the instructional and  
11 noninstructional activities of the school. This classification  
12 also includes technical center directors.

13 2. Assistant principals who are staff members  
14 assisting the administrative head of the school. This  
15 classification also includes assistant principals for  
16 curriculum and administration.

17 (4) YEAR OF SERVICE.--The minimum time which may be  
18 recognized in administering the state program of education,  
19 not including retirement, as a year of service by a school  
20 employee shall be full-time actual service; and, beginning  
21 July 1963, such service shall also include sick leave and  
22 holidays for which compensation was received but shall exclude  
23 all other types of leave and holidays for a total of more than  
24 one-half of the number of days required for the normal  
25 contractual period of service for the position held, which  
26 shall be 196 days or longer, or the minimum required for the  
27 district to participate in the Florida Education Finance  
28 Program in the year service was rendered, or the equivalent  
29 for service performed on a daily or hourly basis; provided,  
30 further, that absence from duty after the date of beginning  
31 service shall be covered by leave duly authorized and granted;

1 further, the school board shall have authority to establish a  
2 different minimum for local district school purposes.

3 (5) SCHOOL VOLUNTEER.--A school volunteer is any  
4 nonpaid person who may be appointed by a district school board  
5 or its designee. School volunteers may include, but may not be  
6 limited to, parents, senior citizens, students, and others who  
7 assist the teacher or other members of the school staff.

8 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational  
9 support employees" means employees whose job functions are  
10 neither administrative nor instructional, yet whose work  
11 supports the educational process.

12 (a) Other professional staff or  
13 nonadministrative/noninstructional employees are staff members  
14 who perform professional job functions which are  
15 nonadministrative/noninstructional in nature and who are not  
16 otherwise classified in this section. Included in this  
17 classification are employees such as doctors, nurses,  
18 attorneys, certified public accountants, and others  
19 appropriate to the classification.

20 (b) Technicians are individuals whose occupations  
21 require a combination of knowledge and manual skill which can  
22 be obtained through about 2 years of post-high school  
23 education, such as is offered in many technical institutes and  
24 community colleges, or through equivalent on-the-job training.

25 (c) Clerical/secretarial workers are individuals whose  
26 job requires skills and training in clerical-type work,  
27 including activities such as preparing, transcribing,  
28 systematizing, or preserving written communications and  
29 reports or operating equipment performing those functions.  
30 Included in this classification are secretaries, bookkeepers,  
31 messengers, and office machine operators.

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1           (d) Skilled crafts workers are individuals who perform  
 2 jobs which require special manual skill and a thorough and  
 3 comprehensive knowledge of the processes involved in the work  
 4 which is acquired through on-the-job training and experience  
 5 or through apprenticeship or other formal training programs.  
 6 Lead workers for the various skilled crafts areas shall be  
 7 included in this classification.

8           (e) Service workers are staff members performing a  
 9 service for which there are no formal qualifications,  
 10 including those responsible for: cleaning the buildings,  
 11 school plants, or supporting facilities; maintenance and  
 12 operation of such equipment as heating and ventilation  
 13 systems; preserving the security of school property; and  
 14 keeping the school plant safe for occupancy and use. Lead  
 15 workers in the various service areas shall be included in this  
 16 broad classification.

17           (7) MANAGERS.--"Managers" includes those staff members  
 18 who perform managerial and supervisory functions while usually  
 19 also performing general operations functions. Managers may be  
 20 either instructional or noninstructional in their  
 21 responsibility. They may direct employees' work, plan the work  
 22 schedule, control the flow and distribution of work or  
 23 materials, train employees, handle complaints, authorize  
 24 payments, and appraise productivity and efficiency of  
 25 employees. This classification includes coordinators and  
 26 supervisors working under the general direction of those staff  
 27 identified as district-based instructional or noninstructional  
 28 administrators.

29           Section 683. Part II of chapter 1012, Florida  
 30 Statutes, shall be entitled "K-20 Personnel Issues" and shall  
 31 consist of ss. 1012.05-1012.07.

1           Section 684. Section 1012.05, Florida Statutes, is  
2 created to read:

3           1012.05 Teacher recruitment and retention.--

4           (1) The Department of Education, in cooperation with  
5 teacher organizations, district personnel offices, and  
6 schools, colleges, and departments of education in public and  
7 nonpublic postsecondary educational institutions, shall  
8 concentrate on the recruitment of qualified teachers.

9           (2) The Department of Education shall:

10           (a) Develop and implement a system for posting  
11 teaching vacancies and establish a database of teacher  
12 applicants that is accessible within and outside the state.

13           (b) Advertise in major newspapers, national  
14 professional publications, and other professional publications  
15 and in schools of education.

16           (c) Utilize state and nationwide toll-free numbers.

17           (d) Conduct periodic communications with district  
18 personnel directors regarding applicants.

19           (e) Provide district access to the applicant database  
20 by computer or telephone.

21           (f) Develop and distribute promotional materials  
22 related to teaching as a career.

23           (g) Publish and distribute information pertaining to  
24 employment opportunities, application procedures, teacher  
25 certification, and teacher salaries.

26           (h) Provide information related to certification  
27 procedures.

28           (i) Develop and sponsor the Florida Future Educator of  
29 America Program throughout the state.

30           (j) Develop, in consultation with school district  
31 staff including, but not limited to, district school

1 superintendents, district school board members, and district  
2 human resources personnel, a long-range plan for educator  
3 recruitment and retention.

4 (k) Identify best practices for retaining high-quality  
5 teachers.

6 (l) Develop, in consultation with Workforce Florida,  
7 Inc., and the Agency for Workforce Innovation, created  
8 pursuant to ss. 445.004 and 20.50, respectively, a plan for  
9 accessing and identifying available resources in the state's  
10 workforce system for the purpose of enhancing teacher  
11 recruitment and retention.

12 (3) The Department of Education, in cooperation with  
13 district personnel offices, shall sponsor a job fair in a  
14 central part of the state to match in-state educators and  
15 out-of-state educators with teaching opportunities in this  
16 state.

17 Section 685. Section 1012.06, Florida Statutes, is  
18 created to read:

19 1012.06 Temporary assignment of professional staff  
20 among K-20 system.--To facilitate economical and effective use  
21 of professional staff, school districts, public postsecondary  
22 educational institutions, and the Department of Education may  
23 enter into written agreements assigning employees among  
24 themselves. The purpose of the temporary assignment is to  
25 bring staff together within the state system of education,  
26 notwithstanding their current places of assignment or agencies  
27 of employment, who possess specific or unique knowledge or  
28 experience especially suited to solving specific problems,  
29 developing new programs, or providing technical assistance on  
30 specific tasks or programs.

31 (1) A person may be temporarily assigned for whatever

1 period of time is required for a specific task; however, no  
2 assignment may be for a period of more than 2 years.

3 (2) A person on temporary assignment shall be  
4 considered on temporary assignment duty to regular work  
5 assignments of the sending agency; shall be entitled to all  
6 benefits to which the person would otherwise be entitled,  
7 including compensation for injury or disability; shall receive  
8 the same salary and benefits as at the person's regular  
9 assignment; and shall remain an employee of the permanent  
10 employer for all purposes, except that the person shall be  
11 supervised by the agency to which assigned. Payment of such  
12 salary and benefits may be made by either agency as provided  
13 in the assignment agreement.

14 (3) Travel and per diem expenses incurred while a  
15 person is on temporary assignment shall be paid by the agency  
16 to which the person is assigned. Round-trip travel and moving  
17 expenses from the person's permanent location to the temporary  
18 assignment may be paid by either agency, as provided in the  
19 assignment agreement, for any assignment in excess of 3  
20 months. Notwithstanding s. 112.061 to the contrary, a person  
21 may be paid per diem expenses for any temporary assignment of  
22 3 months or less.

23 Section 686. Section 1012.07, Florida Statutes, is  
24 created to read:

25 1012.07 Identification of critical teacher shortage  
26 areas.--

27 (1) As used in ss. 1009.57, 1009.58, and 1009.59, the  
28 term "critical teacher shortage area" applies to mathematics,  
29 science, career education, and high priority location areas.  
30 The State Board of Education may identify career education  
31 programs having critical teacher shortages. The State Board of

1 Education shall adopt rules pursuant to ss. 120.536(1) and  
 2 120.54, necessary to annually identify other critical teacher  
 3 shortage areas and high priority location areas. The state  
 4 board shall also consider teacher characteristics such as  
 5 ethnic background, race, and sex in determining critical  
 6 teacher shortage areas. School grade levels may also be  
 7 designated critical teacher shortage areas. Individual  
 8 district school boards may identify other critical teacher  
 9 shortage areas. Such shortages must be certified to and  
 10 approved by the State Board of Education. High priority  
 11 location areas shall be in high-density, low-economic urban  
 12 schools and low-density, low-economic rural schools and shall  
 13 include schools which meet criteria which include, but are not  
 14 limited to, the percentage of free lunches, the percentage of  
 15 students under Chapter I of the Education Consolidation and  
 16 Improvement Act of 1981, and the faculty attrition rate.

17 (2) This section shall be implemented only to the  
 18 extent as specifically funded and authorized by law.

19 Section 687. Part III of chapter 1012, Florida  
 20 Statutes, shall be entitled "Public Schools; Personnel" and  
 21 shall consist of ss. 1012.21-1012.798.

22 Section 688. Part III.a. of chapter 1012, Florida  
 23 Statutes, shall be entitled "Department of Education, District  
 24 School Board, District School Superintendent, and School  
 25 Principal Duties; Public School Personnel" and shall consist  
 26 of ss. 1012.21-1012.28.

27 Section 689. Section 1012.21, Florida Statutes, is  
 28 created to read:

29 1012.21 Department of Education duties; K-12  
 30 personnel.--

31 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In



1 cooperation with the Florida Department of Law Enforcement,  
2 the Department of Education may periodically perform criminal  
3 history record checks on individuals who hold a certificate  
4 pursuant to s. 1012.56 or s. 1012.57.

5 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE  
6 EMPLOYMENT WAS TERMINATED.--

7 (a) The Department of Education shall establish a  
8 computer database containing the names of persons whose  
9 employment is terminated under s. 1012.33(1)(a) or (4)(c),  
10 which information shall be available to the district school  
11 superintendents and their designees.

12 (b) Each district school superintendent shall report  
13 to the Department of Education the name of any person  
14 terminated under s. 1012.33(1)(a) or (4)(c) within 10 working  
15 days after the date of final action by the district school  
16 board on the termination, and the department shall immediately  
17 enter the information in the computer records.

18 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE  
19 TO CHILD SUPPORT DELINQUENCY.--The Department of Education  
20 shall allow applicants for new or renewal certificates and  
21 renewal certificateholders to be screened by the Title IV-D  
22 child support agency pursuant to s. 409.2598 to assure  
23 compliance with an obligation for support, as defined in s.  
24 409.2554. The purpose of this section is to promote the  
25 public policy of this state as established in s. 409.2551.  
26 The department shall, when directed by the court, deny the  
27 application of any applicant found to have a delinquent  
28 support obligation. The department shall issue or reinstate  
29 the certificate without additional charge to the  
30 certificateholder when notified by the court that the  
31 certificateholder has complied with the terms of the court

1 order. The department shall not be held liable for any  
2 certificate denial or suspension resulting from the discharge  
3 of its duties under this section.

4 (4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a  
5 means of stimulating the professional improvement of personnel  
6 in service, the Department of Education may call conferences  
7 of personnel of the public schools on matters relating solely  
8 to education, which conferences, if held on a school day  
9 within the period of time covered by a contract, shall be  
10 attended with pay by all who may be designated in the call of  
11 the Department of Education, provided that the call of the  
12 Department of Education may indicate that attendance is  
13 optional, and that in any case of those absent from their  
14 usual duties during the time of the conference, only those  
15 actually in attendance at the conference shall be entitled to  
16 pay for time covered by the conference.

17 (5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The  
18 Department of Education shall, by rule, provide for a  
19 School-Related Employee of the Year Program. In addition to  
20 any other provision, the department shall include in such  
21 rules that:

22 (a) The program shall apply to school-related  
23 employees.

24 (b) The program shall be modeled after the Teacher of  
25 the Year Program.

26 (c) One school-related employee of the year shall be  
27 nominated by each district school board in the state.

28 (d) A selection process shall be instituted to select  
29 the school-related employee of the year so that the top five  
30 finalists receive awards under the program.

31 Section 690. Effective January 7, 2003, section

1 1012.22, Florida Statutes, is created, and effective upon this  
2 act becoming a law, paragraph (b) of subsection (1) of that  
3 section is created to read:

4 1012.22 Public school personnel; powers and duties of  
5 the district school board.--The district school board shall:

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

11 (a) Positions, qualifications, and appointments.--

12 1. The district school board shall act upon written  
13 recommendations submitted by the district school  
14 superintendent for positions to be filled, for minimum  
15 qualifications for personnel for the various positions, and  
16 for the persons nominated to fill such positions.

17 2. The district school board may reject for good cause  
18 any employee nominated.

19 3. If the third nomination by the district school  
20 superintendent for any position is rejected for good cause, if  
21 the district school superintendent fails to submit a  
22 nomination for initial employment within a reasonable time as  
23 prescribed by the district school board, or if the district  
24 school superintendent fails to submit a nomination for  
25 reemployment within the time prescribed by law, the district  
26 school board may proceed on its own motion to fill such  
27 position.

28 4. The district school board's decision to reject a  
29 person's nomination does not give that person a right of  
30 action to sue over the rejection and may not be used as a  
31 cause of action by the nominated employee.

1           (b) Time to act on nominations.--The district school  
 2 board shall act not later than 3 weeks after the end of the  
 3 regular legislative session or May 31, whichever is later, on  
 4 the district school superintendent's nominations of  
 5 supervisors, principals, and members of the instructional  
 6 staff.

7           (c) Compensation and salary schedules.--

8           1. The district school board shall adopt a salary  
 9 schedule or salary schedules designed to furnish incentives  
 10 for improvement in training and for continued efficient  
 11 service to be used as a basis for paying all school employees  
 12 and fix and authorize the compensation of school employees on  
 13 the basis thereof.

14           2. A district school board, in determining the salary  
 15 schedule for instructional personnel, must base a portion of  
 16 each employee's compensation on performance demonstrated under  
 17 s. 1012.34, must consider the prior teaching experience of a  
 18 person who has been designated state teacher of the year by  
 19 any state in the United States, and must consider prior  
 20 professional experience in the field of education gained in  
 21 positions in addition to district level instructional and  
 22 administrative positions.

23           3. In developing the salary schedule, the district  
 24 school board shall seek input from parents, teachers, and  
 25 representatives of the business community.

26           4. The adopted district school board budget must  
 27 include a reserve to fully fund an additional 5 percent  
 28 supplement for school administrators and instructional  
 29 personnel. The district's performance-pay policy is subject to  
 30 negotiation as provided in chapter 447; however, the adopted  
 31 salary schedule must allow school administrators and

1 instructional personnel who demonstrate outstanding  
 2 performance, as measured under s. 1012.34, to earn a 5 percent  
 3 supplement in addition to their individual, negotiated salary.  
 4 The supplements shall be funded from the reserve funds adopted  
 5 in the salary schedule. The Commissioner of Education shall  
 6 determine whether the district school board's adopted salary  
 7 schedule complies with the requirement for performance-based  
 8 pay. If the district school board fails to comply with this  
 9 section, the commissioner shall withhold disbursements from  
 10 the Educational Enhancement Trust Fund to the district until  
 11 compliance is verified.

12 (d) Contracts and terms of service.--The district  
 13 school board shall provide written contracts for all regular  
 14 members of the instructional staff.

15 (e) Transfer and promotion.--The district school board  
 16 shall act on recommendations of the district school  
 17 superintendent regarding transfer and promotion of any  
 18 employee.

19 (f) Suspension, dismissal, and return to annual  
 20 contract status.--The district school board shall suspend,  
 21 dismiss, or return to annual contract members of the  
 22 instructional staff and other school employees; however, no  
 23 administrative assistant, supervisor, principal, teacher, or  
 24 other member of the instructional staff may be discharged,  
 25 removed, or returned to annual contract except as provided in  
 26 this chapter.

27 (g) Awards and incentives.--The district school board  
 28 shall provide for recognition of district employees, students,  
 29 school volunteers, and advisory committee members who have  
 30 contributed outstanding and meritorious service in their  
 31 fields or service areas. After considering recommendations of

1 the district school superintendent, the district school board  
 2 shall adopt rules establishing and regulating the meritorious  
 3 service awards necessary for the efficient operation of the  
 4 program. An award or incentive granted under this paragraph  
 5 may not be considered in determining the salary schedules  
 6 required by paragraph (c). Monetary awards shall be limited to  
 7 persons who propose procedures or ideas adopted by the board  
 8 which will result in eliminating or reducing district school  
 9 board expenditures or improving district or school center  
 10 operations. Nonmonetary awards shall include, but are not  
 11 limited to, certificates, plaques, medals, ribbons, and  
 12 photographs. The district school board may expend funds for  
 13 such recognition and awards. No award granted under this  
 14 paragraph shall exceed \$2,000 or 10 percent of the first  
 15 year's gross savings, whichever is greater.

16 (h) Planning time for teachers.--The district school  
 17 board may adopt rules to make provisions for teachers to have  
 18 time for lunch and some planning time when they will not be  
 19 directly responsible for the children, provided that some  
 20 adult supervision shall be furnished for the students during  
 21 such periods.

22 (i) Comprehensive program of staff development.--The  
 23 district school board shall establish a comprehensive program  
 24 of staff development.

25 (2) Adopt policies relating to personnel leave as  
 26 follows:

27 (a) Annual leave.--The district school board may adopt  
 28 rules that provide for the earning of annual leave by  
 29 employees, including educational support employees, who are  
 30 employed for 12 calendar months a year.

31 (b) Sick leave.--The district school board may adopt

1 rules relating to sick leave, in accordance with the  
2 provisions of this chapter.

3 (c) Illness-in-line-of-duty leave.--The district  
4 school board may adopt rules relating to  
5 illness-in-the-line-of-duty leave, in accordance with the  
6 provisions of this chapter.

7 (d) Sabbatical leave.--The district school board may  
8 adopt rules relating to sabbatical leave, in accordance with  
9 the provisions of this chapter.

10 Section 691. Section 1012.23, Florida Statutes, is  
11 created to read:

12 1012.23 School district personnel policies.--Except as  
13 otherwise provided by law or the State Constitution, district  
14 school boards may adopt rules governing personnel matters,  
15 including the assignment of duties and responsibilities for  
16 all district employees.

17 Section 692. Section 1012.24, Florida Statutes, is  
18 created to read:

19 1012.24 Employment and compensation of instructional  
20 personnel during specific emergencies.--In the event of an  
21 epidemic, strike, mass walkout, substantial numbers of teacher  
22 resignations, or other urgent condition, a district school  
23 board upon recommendation of the district school  
24 superintendent may find and declare that an emergency exists  
25 because there is not a sufficient number of certified teachers  
26 to continue the normal operation of the schools within the  
27 district. In said event the district school board may upon  
28 recommendation of the district school superintendent employ,  
29 contract with, and compensate for instructional services  
30 rendered any person who shall be deemed qualified by  
31 regulations of the district school board. In such event, a

1 state certificate to teach shall not be required for such  
2 employment, contract, or compensation.

3 Section 693. Section 1012.25, Florida Statutes, is  
4 created to read:

5 1012.25 School officers to turn over money and  
6 property to successors.--Every school officer shall turn over  
7 to his or her successor or successors in office, on retiring,  
8 all books, papers, documents, records, funds, money, and  
9 property of whatever kind which the officer may have acquired,  
10 received, and held by virtue of his or her office and shall  
11 take full receipt for them from his or her successor and shall  
12 make in correct form all reports required by the state. No  
13 school officer who receives any salary or compensation for his  
14 or her services shall be entitled to be paid or compensated  
15 for the last month served until the provisions of this section  
16 have been fully observed. Any person violating the provisions  
17 of this section shall forfeit his or her compensation for the  
18 last month served and commits a misdemeanor of the second  
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20 Section 694. Section 1012.26, Florida Statutes, is  
21 created to read:

22 1012.26 Legal services for employees; reimbursement  
23 for judgments in civil actions.--Each district school board  
24 may provide legal services for officers and employees of the  
25 school board who are charged with civil or criminal actions  
26 arising out of and in the course of the performance of  
27 assigned duties and responsibilities. The district school  
28 board shall provide for reimbursement of reasonable expenses  
29 for legal services for officers and employees of school boards  
30 who are charged with civil or criminal actions arising out of  
31 and in the course of the performance of assigned duties and



1 responsibilities upon successful defense by the employee or  
 2 officer. However, in any case in which the officer or employee  
 3 pleads guilty or nolo contendere or is found guilty of any  
 4 such action, the officer or employee shall reimburse the  
 5 district school board for any legal services which the school  
 6 board may have supplied pursuant to this section. A district  
 7 school board may also reimburse an officer or employee of the  
 8 school board for any judgment which may be entered against him  
 9 or her in a civil action arising out of and in the course of  
 10 the performance of his or her assigned duties and  
 11 responsibilities. Each expenditure by a district school board  
 12 for legal defense of an officer or employee, or for  
 13 reimbursement pursuant to this section, shall be made at a  
 14 public meeting with notice pursuant to s. 120.525(1). The  
 15 provision of such legal services or reimbursement under the  
 16 conditions described above is declared to be a district school  
 17 purpose for which district school funds may be expended.

18 Section 695. Section 1012.27, Florida Statutes, is  
 19 created to read:

20 1012.27 Public school personnel; powers and duties of  
 21 district school superintendent.--The district school  
 22 superintendent shall be responsible, as required herein, for  
 23 directing the work of the personnel, subject to the  
 24 requirements of this chapter, and in addition the district  
 25 school superintendent shall have the following duties:

26 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

27 (a) Recommend to the district school board duties and  
 28 responsibilities which need to be performed and positions  
 29 which need to be filled to make possible the development of an  
 30 adequate school program in the district.

31 (b) Recommend minimum qualifications of personnel for

1 these various positions, and nominate in writing persons to  
2 fill such positions.

3  
4 The district school superintendent's recommendations for  
5 filling instructional positions at the school level must  
6 consider nominations received from school principals of the  
7 respective schools. Before transferring a teacher who holds a  
8 professional teaching certificate from one school to another,  
9 the district school superintendent shall consult with the  
10 principal of the receiving school and allow the principal to  
11 review the teacher's records and interview the teacher. If, in  
12 the judgment of the principal, students would not benefit from  
13 the placement, an alternative placement may be sought.

14 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
15 recommend to the district school board for adoption a salary  
16 schedule or salary schedules. The district school  
17 superintendent must recommend a salary schedule for  
18 instructional personnel which bases a portion of each  
19 employee's compensation on performance demonstrated under s.  
20 1012.34. In developing the recommended salary schedule, the  
21 district school superintendent shall include input from  
22 parents, teachers, and representatives of the business  
23 community.

24 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the  
25 district school board terms for contracting with employees and  
26 prepare such contracts as are approved.

27 (4) TRANSFER AND PROMOTIONS.--Recommend employees for  
28 transfer and transfer any employee during any emergency and  
29 report the transfer to the district school board at its next  
30 regular meeting.

31 (5) SUSPENSION AND DISMISSAL.--Suspend members of the

1 instructional staff and other school employees during  
 2 emergencies for a period extending to and including the day of  
 3 the next regular or special meeting of the district school  
 4 board and notify the district school board immediately of such  
 5 suspension. When authorized to do so, serve notice on the  
 6 suspended member of the instructional staff of charges made  
 7 against him or her and of the date of hearing. Recommend  
 8 employees for dismissal under the terms prescribed herein.

9 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE  
 10 INSTRUCTION.--Direct or arrange for the proper direction and  
 11 improvement, under rules of the district school board, of the  
 12 work of all members of the instructional staff and other  
 13 employees of the district school system, supervise or arrange  
 14 under rules of the district school board for the supervision  
 15 of instruction in the district, and take such steps as are  
 16 necessary to bring about continuous improvement.

17 Section 696. Section 1012.28, Florida Statutes, is  
 18 created to read:

19 1012.28 Public school personnel; duties of school  
 20 principals.--

21 (1) Public school principals shall supervise public  
 22 school personnel as the district school board determines  
 23 necessary.

24 (2) The school principal is responsible for  
 25 recommending to the district school superintendent the  
 26 employment of instructional personnel to be assigned to the  
 27 school to which the principal is assigned.

28 (3) Each school principal is responsible for the  
 29 performance of all personnel employed by the district school  
 30 board and assigned to the school to which the principal is  
 31 assigned. The school principal shall faithfully and

1 effectively apply the personnel assessment system approved by  
2 the district school board pursuant to s. 1012.34.

3 (4) Each school principal shall assist the teachers  
4 within the school to use student assessment data, as measured  
5 by student learning gains pursuant to s. 1008.22, for  
6 self-evaluation.

7 (5) Each school principal shall perform such duties as  
8 may be assigned by the district school superintendent,  
9 pursuant to the rules of the district school board. Such rules  
10 shall include, but are not limited to, rules relating to  
11 administrative responsibility, instructional leadership in  
12 implementing the Sunshine State Standards and the overall  
13 educational program of the school to which the school  
14 principal is assigned, submission of personnel recommendations  
15 to the district school superintendent, administrative  
16 responsibility for records and reports, administration of  
17 corporal punishment, and student suspension.

18 (6) A school principal who fails to comply with this  
19 section shall be ineligible for any portion the performance  
20 pay policy incentive under s. 1012.22(1)(c).

21 Section 697. Part III.b. of chapter 1012, Florida  
22 Statutes, shall be entitled "Personnel Files, Qualifications,  
23 Contracts, Assessments for Public Schools" and shall consist  
24 of ss. 1012.31-1012.34.

25 Section 698. Section 1012.31, Florida Statutes, is  
26 created to read:

27 1012.31 Personnel files.--Public school system  
28 employee personnel files shall be maintained according to the  
29 following provisions:

30 (1)(a) Except for materials pertaining to work  
31 performance or such other matters that may be cause for

1 discipline, suspension, or dismissal under laws of this state,  
2 no derogatory materials relating to an employee's conduct,  
3 service, character, or personality shall be placed in the  
4 personnel file of such employee.

5 (b) No anonymous letter or anonymous materials shall  
6 be placed in the personnel file.

7 (2)(a) Materials relating to work performance,  
8 discipline, suspension, or dismissal must be reduced to  
9 writing and signed by a person competent to know the facts or  
10 make the judgment.

11 (b)1. No such materials may be placed in a personnel  
12 file unless they have been reduced to writing within 45 days,  
13 exclusive of the summer vacation period, of the school system  
14 administration becoming aware of the facts reflected in the  
15 materials.

16 2. Additional information related to such written  
17 materials previously placed in the file may be appended to  
18 such materials to clarify or amplify them as needed.

19 (c) A copy of such materials to be added to an  
20 employee's personnel file shall be provided to the employee  
21 either:

22 1. By certified mail, return receipt requested, to his  
23 or her address of record; or

24 2. By personal delivery. The employee's signature on a  
25 copy of the materials to be filed shall be proof that such  
26 materials were given to the employee, with the understanding  
27 that such signature merely signifies receipt and does not  
28 necessarily indicate agreement with its contents.

29 (d) An employee has the right to answer in writing any  
30 such materials in a personnel file on July 1, 1983, as well as  
31 any such materials filed thereafter, and the answer shall be

1 attached to the file copy. An employee has the right to  
 2 request that the district school superintendent or the  
 3 superintendent's designee make an informal inquiry regarding  
 4 material in the employee's personnel file which the employee  
 5 believes to be false. The official who makes the inquiry shall  
 6 append to the material a written report of his or her  
 7 findings.

8 (e) Upon request, an employee, or any person  
 9 designated in writing by the employee, shall be permitted to  
 10 examine the personnel file of such employee. The employee  
 11 shall be permitted conveniently to reproduce any materials in  
 12 the file, at a cost no greater than the fees prescribed in s.  
 13 119.07(1).

14 (f) The custodian of the record shall maintain a  
 15 record in the file of those persons reviewing the file each  
 16 time it is reviewed.

17 (3)(a) Public school system employee personnel files  
 18 are subject to the provisions of s. 119.07(1), except as  
 19 follows:

20 1. Any complaint and any material relating to the  
 21 investigation of a complaint against an employee shall be  
 22 confidential and exempt from the provisions of s. 119.07(1)  
 23 until the conclusion of the preliminary investigation or until  
 24 such time as the preliminary investigation ceases to be  
 25 active. If the preliminary investigation is concluded with  
 26 the finding that there is no probable cause to proceed further  
 27 and with no disciplinary action taken or charges filed, a  
 28 statement to that effect signed by the responsible  
 29 investigating official shall be attached to the complaint, and  
 30 the complaint and all such materials shall be open thereafter  
 31 to inspection pursuant to s. 119.07(1). If the preliminary

1 investigation is concluded with the finding that there is  
 2 probable cause to proceed further or with disciplinary action  
 3 taken or charges filed, the complaint and all such materials  
 4 shall be open thereafter to inspection pursuant to s.  
 5 119.07(1). If the preliminary investigation ceases to be  
 6 active, the complaint and all such materials shall be open  
 7 thereafter to inspection pursuant to s. 119.07(1). For the  
 8 purpose of this subsection, a preliminary investigation shall  
 9 be considered active as long as it is continuing with a  
 10 reasonable, good faith anticipation that an administrative  
 11 finding will be made in the foreseeable future. An  
 12 investigation shall be presumed to be inactive if no finding  
 13 relating to probable cause is made within 60 days after the  
 14 complaint is made.

15 2. An employee evaluation prepared pursuant to s.  
 16 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the  
 17 State Board of Education or district school board under the  
 18 authority of those sections shall be confidential and exempt  
 19 from the provisions of s. 119.07(1) until the end of the  
 20 school year immediately following the school year in which the  
 21 evaluation was made. No evaluation prepared before July 1,  
 22 1983, shall be made public pursuant to this section.

23 3. No material derogatory to an employee shall be open  
 24 to inspection until 10 days after the employee has been  
 25 notified pursuant to paragraph (2)(c).

26 4. The payroll deduction records of an employee shall  
 27 be confidential and exempt from the provisions of s.  
 28 119.07(1).

29 5. Employee medical records, including psychiatric and  
 30 psychological records, shall be confidential and exempt from  
 31 the provisions of s. 119.07(1); however, at any hearing

1 relative to the competency or performance of an employee, the  
2 administrative law judge, hearing officer, or panel shall have  
3 access to such records.

4 (b) Notwithstanding other provisions of this  
5 subsection, all aspects of the personnel file of each employee  
6 shall be open to inspection at all times by district school  
7 board members, the district school superintendent, and the  
8 principal, or their respective designees, in the exercise of  
9 their respective duties.

10 (c) Notwithstanding other provisions of this  
11 subsection, all aspects of the personnel file of each employee  
12 shall be made available to law enforcement personnel in the  
13 conduct of a lawful criminal investigation.

14 (4) The term "personnel file," as used in this  
15 section, means all records, information, data, or materials  
16 maintained by a public school system, in any form or retrieval  
17 system whatsoever, with respect to any of its employees, which  
18 is uniquely applicable to that employee whether maintained in  
19 one or more locations.

20 Section 699. Section 1012.32, Florida Statutes, is  
21 created to read:

22 1012.32 Qualifications of personnel.--

23 (1) To be eligible for appointment in any position in  
24 any district school system, a person shall be of good moral  
25 character; shall have attained the age of 18 years, if he or  
26 she is to be employed in an instructional capacity; and shall,  
27 when required by law, hold a certificate or license issued  
28 under rules of the State Board of Education or the Department  
29 of Children and Family Services, except when employed pursuant  
30 to s. 1012.55 or under the emergency provisions of s. 1012.24.  
31 Previous residence in this state shall not be required in any



1 school of the state as a prerequisite for any person holding a  
2 valid Florida certificate or license to serve in an  
3 instructional capacity.

4 (2)(a) Instructional and noninstructional personnel  
5 who are hired to fill positions requiring direct contact with  
6 students in any district school system or university lab  
7 school shall, upon employment, file a complete set of  
8 fingerprints taken by an authorized law enforcement officer or  
9 an employee of the school or district who is trained to take  
10 fingerprints. These fingerprints shall be submitted to the  
11 Department of Law Enforcement for state processing and to the  
12 Federal Bureau of Investigation for federal processing. The  
13 new employees shall be on probationary status pending  
14 fingerprint processing and determination of compliance with  
15 standards of good moral character. Employees found through  
16 fingerprint processing to have been convicted of a crime  
17 involving moral turpitude shall not be employed in any  
18 position requiring direct contact with students. Probationary  
19 employees terminated because of their criminal record shall  
20 have the right to appeal such decisions. The cost of the  
21 fingerprint processing may be borne by the district school  
22 board or the employee.

23 (b) Personnel who have been fingerprinted or screened  
24 pursuant to this subsection and who have not been unemployed  
25 for more than 90 days shall not be required to be  
26 refingerprinted or rescreened in order to comply with the  
27 requirements of this subsection.

28 Section 700. Section 1012.33, Florida Statutes, is  
29 created to read:

30 1012.33 Contracts with instructional staff,  
31 supervisors, and school principals.--

1           (1)(a) Each person employed as a member of the  
 2 instructional staff in any district school system shall be  
 3 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
 4 employed pursuant to s. 1012.39 and shall be entitled to and  
 5 shall receive a written contract as specified in chapter 230.  
 6 All such contracts, except continuing contracts as specified  
 7 in subsection (4), shall contain provisions for dismissal  
 8 during the term of the contract only for just cause. Just  
 9 cause includes, but is not limited to, the following  
 10 instances, as defined by rule of the State Board of Education:  
 11 misconduct in office, incompetency, gross insubordination,  
 12 willful neglect of duty, or conviction of a crime involving  
 13 moral turpitude.

14           (b) A supervisor or school principal shall be properly  
 15 certified and shall receive a written contract as specified in  
 16 chapter 1001. Such contract may be for an initial period not  
 17 to exceed 3 years, subject to annual review and renewal. The  
 18 first 97 days of an initial contract is a probationary period.  
 19 During the probationary period, the employee may be dismissed  
 20 without cause or may resign from the contractual position  
 21 without breach of contract. After the first 3 years, the  
 22 contract may be renewed for a period not to exceed 3 years and  
 23 shall contain provisions for dismissal during the term of the  
 24 contract only for just cause, in addition to such other  
 25 provisions as are prescribed by the district school board.

26           (2) Any person so employed on the basis of a written  
 27 offer of a specific position by a duly authorized agent of the  
 28 district school board for a stated term of service at a  
 29 specified salary, and who accepted such offer by telegram or  
 30 letter or by signing the regular contract form, who violates  
 31 the terms of such contract or agreement by leaving his or her

1 position without first being released from his or her contract  
 2 or agreement by the district school board of the district in  
 3 which the person is employed shall be subject to the  
 4 jurisdiction of the Education Practices Commission. The  
 5 district school board shall take official action on such  
 6 violation and shall furnish a copy of its official minutes to  
 7 the Commissioner of Education.

8 (3)(a) Each district school board shall provide a  
 9 professional service contract as prescribed herein. Each  
 10 member of the instructional staff who completed the following  
 11 requirements prior to July 1, 1984, shall be entitled to and  
 12 shall be issued a continuing contract in the form prescribed  
 13 by rules of the state board pursuant to s. 231.36, Florida  
 14 Statutes (1981). Each member of the instructional staff who  
 15 completes the following requirements on or after July 1, 1984,  
 16 shall be entitled to and shall be issued a professional  
 17 service contract in the form prescribed by rules of the state  
 18 board as provided herein:

19 1. The member must hold a professional certificate as  
 20 prescribed by s. 1012.56 and rules of the State Board of  
 21 Education.

22 2. The member must have completed 3 years of  
 23 probationary service in the district during a period not in  
 24 excess of 5 successive years, except for leave duly authorized  
 25 and granted.

26 3. The member must have been recommended by the  
 27 district school superintendent for such contract and  
 28 reappointed by the district school board based on successful  
 29 performance of duties and demonstration of professional  
 30 competence.

31 4. For any person newly employed as a member of the

1 instructional staff after June 30, 1997, the initial annual  
2 contract shall include a 97-day probationary period during  
3 which time the employee's contract may be terminated without  
4 cause or the employee may resign without breach of contract.

5 (b) The professional service contract shall be  
6 effective at the beginning of the school fiscal year following  
7 the completion of all requirements therefor.

8 (c) The period of service provided herein may be  
9 extended to 4 years when prescribed by the district school  
10 board and agreed to in writing by the employee at the time of  
11 reappointment.

12 (d) A district school board may issue a continuing  
13 contract prior to July 1, 1984, and may issue a professional  
14 service contract subsequent to July 1, 1984, to any employee  
15 who has previously held a professional service contract or  
16 continuing contract in the same or another district within  
17 this state. Any employee who holds a continuing contract may,  
18 but is not required to, exchange such continuing contract for  
19 a professional service contract in the same district.

20 (e) A professional service contract shall be renewed  
21 each year unless the district school superintendent, after  
22 receiving the recommendations required by s. 1012.34, charges  
23 the employee with unsatisfactory performance and notifies the  
24 employee of performance deficiencies as required by s.  
25 1012.34. An employee who holds a professional service contract  
26 on July 1, 1997, is subject to the procedures set forth in  
27 paragraph (f) during the term of the existing professional  
28 service contract. The employee is subject to the procedures  
29 set forth in s. 1012.34(3)(d) upon the next renewal of the  
30 professional service contract; however, if the employee is  
31 notified of performance deficiencies before the next contract

1 renewal date, the procedures of s. 1012.34(3)(d) do not apply  
 2 until the procedures set forth in paragraph (f) have been  
 3 exhausted and the professional service contract is  
 4 subsequently renewed.

5 (f) The district school superintendent shall notify an  
 6 employee who holds a professional service contract on July 1,  
 7 1997, in writing, no later than 6 weeks prior to the end of  
 8 the postschool conference period, of performance deficiencies  
 9 which may result in termination of employment, if not  
 10 corrected during the subsequent year of employment (which  
 11 shall be granted for an additional year in accordance with the  
 12 provisions in subsection (1)). Except as otherwise hereinafter  
 13 provided, this action shall not be subject to the provisions  
 14 of chapter 120, but the following procedures shall apply:

15 1. On receiving notice of unsatisfactory performance,  
 16 the employee, on request, shall be accorded an opportunity to  
 17 meet with the district school superintendent, or his or her  
 18 designee, for an informal review of the determination of  
 19 unsatisfactory performance.

20 2. An employee notified of unsatisfactory performance  
 21 may request an opportunity to be considered for a transfer to  
 22 another appropriate position, with a different supervising  
 23 administrator, for the subsequent year of employment.

24 3. During the subsequent year, the employee shall be  
 25 provided assistance and inservice training opportunities to  
 26 help correct the noted performance deficiencies. The employee  
 27 shall also be evaluated periodically so that he or she will be  
 28 kept apprised of progress achieved.

29 4. Not later than 6 weeks prior to the close of the  
 30 postschool conference period of the subsequent year, the  
 31 district school superintendent, after receiving and reviewing

1 the recommendation required by s. 1012.34, shall notify the  
 2 employee, in writing, whether the performance deficiencies  
 3 have been corrected. If so, a new professional service  
 4 contract shall be issued to the employee. If the performance  
 5 deficiencies have not been corrected, the district school  
 6 superintendent may notify the district school board and the  
 7 employee, in writing, that the employee shall not be issued a  
 8 new professional service contract; however, if the  
 9 recommendation of the district school superintendent is not to  
 10 issue a new professional service contract, and if the employee  
 11 wishes to contest such recommendation, the employee will have  
 12 15 days from receipt of the district school superintendent's  
 13 recommendation to demand, in writing, a hearing. In such  
 14 hearing, the employee may raise as an issue, among other  
 15 things, the sufficiency of the district school  
 16 superintendent's charges of unsatisfactory performance. Such  
 17 hearing shall be conducted at the district school board's  
 18 election in accordance with one of the following procedures:

19       a. A direct hearing conducted by the district school  
 20 board within 60 days of receipt of the written appeal. The  
 21 hearing shall be conducted in accordance with the provisions  
 22 of ss. 120.569 and 120.57. A majority vote of the membership  
 23 of the district school board shall be required to sustain the  
 24 district school superintendent's recommendation. The  
 25 determination of the district school board shall be final as  
 26 to the sufficiency or insufficiency of the grounds for  
 27 termination of employment; or

28       b. A hearing conducted by an administrative law judge  
 29 assigned by the Division of Administrative Hearings of the  
 30 Department of Management Services. The hearing shall be  
 31 conducted within 60 days of receipt of the written appeal in

1 accordance with chapter 120. The recommendation of the  
 2 administrative law judge shall be made to the district school  
 3 board. A majority vote of the membership of the district  
 4 school board shall be required to sustain or change the  
 5 administrative law judge's recommendation. The determination  
 6 of the district school board shall be final as to the  
 7 sufficiency or insufficiency of the grounds for termination of  
 8 employment.

9       (g) Beginning July 1, 2001, for each employee who  
 10 enters into a written contract, pursuant to this section, in a  
 11 school district in which the employee was not employed as of  
 12 June 30, 2001, for purposes of pay, a district school board  
 13 must recognize and accept each year of full-time teaching  
 14 service for which the employee received a satisfactory  
 15 performance evaluation. Instructional personnel employed  
 16 pursuant to s. 121.091(9)(b)3. are exempt from the provisions  
 17 of this paragraph.

18       (4)(a) An employee who had continuing contract status  
 19 prior to July 1, 1984, shall be entitled to retain such  
 20 contract and all rights arising therefrom as prescribed by  
 21 rules of the State Board of Education adopted pursuant to s.  
 22 231.36, Florida Statutes (1981), unless the employee  
 23 voluntarily relinquishes his or her continuing contract.

24       (b) Any member of the district administrative or  
 25 supervisory staff and any member of the instructional staff,  
 26 including any school principal, who is under continuing  
 27 contract may be dismissed or may be returned to annual  
 28 contract status for another 3 years in the discretion of the  
 29 district school board, at the end of the school year, when a  
 30 recommendation to that effect is submitted in writing to the  
 31 district school board on or before April 1 of any school year,

1 giving good and sufficient reasons therefor, by the district  
 2 school superintendent, by the school principal if his or her  
 3 contract is not under consideration, or by a majority of the  
 4 district school board. The employee whose contract is under  
 5 consideration shall be duly notified in writing by the party  
 6 or parties preferring the charges at least 5 days prior to the  
 7 filing of the written recommendation with the district school  
 8 board, and such notice shall include a copy of the charges and  
 9 the recommendation to the district school board. The district  
 10 school board shall proceed to take appropriate action. Any  
 11 decision adverse to the employee shall be made by a majority  
 12 vote of the full membership of the district school board. Any  
 13 such decision adverse to the employee may be appealed by the  
 14 employee pursuant to s. 120.68.

15 (c) Any member of the district administrative or  
 16 supervisory staff and any member of the instructional staff,  
 17 including any school principal, who is under continuing  
 18 contract may be suspended or dismissed at any time during the  
 19 school year; however, the charges against him or her must be  
 20 based on immorality, misconduct in office, incompetency, gross  
 21 insubordination, willful neglect of duty, drunkenness, or  
 22 conviction of a crime involving moral turpitude, as these  
 23 terms are defined by rule of the State Board of Education.  
 24 Whenever such charges are made against any such employee of  
 25 the district school board, the district school board may  
 26 suspend such person without pay; but, if the charges are not  
 27 sustained, he or she shall be immediately reinstated, and his  
 28 or her back salary shall be paid. In cases of suspension by  
 29 the district school board or by the district school  
 30 superintendent, the district school board shall determine upon  
 31 the evidence submitted whether the charges have been sustained



1 and, if the charges are sustained, shall determine either to  
 2 dismiss the employee or fix the terms under which he or she  
 3 may be reinstated. If such charges are sustained by a majority  
 4 vote of the full membership of the district school board and  
 5 such employee is discharged, his or her contract of employment  
 6 shall be thereby canceled. Any such decision adverse to the  
 7 employee may be appealed by the employee pursuant to s.  
 8 120.68, provided such appeal is filed within 30 days after the  
 9 decision of the district school board.

10 (5) Should a district school board have to choose from  
 11 among its personnel who are on continuing contracts or  
 12 professional service contracts as to which should be retained,  
 13 such decisions shall be made pursuant to the terms of a  
 14 collectively bargained agreement, when one exists. If no such  
 15 agreement exists, the district school board shall prescribe  
 16 rules to handle reductions in workforce.

17 (6)(a) Any member of the instructional staff,  
 18 excluding an employee specified in subsection (4), may be  
 19 suspended or dismissed at any time during the term of the  
 20 contract for just cause as provided in paragraph (1)(a). The  
 21 district school board must notify the employee in writing  
 22 whenever charges are made against the employee and may suspend  
 23 such person without pay; but, if the charges are not  
 24 sustained, the employee shall be immediately reinstated, and  
 25 his or her back salary shall be paid. If the employee wishes  
 26 to contest the charges, the employee must, within 15 days  
 27 after receipt of the written notice, submit a written request  
 28 for a hearing. Such hearing shall be conducted at the district  
 29 school board's election in accordance with one of the  
 30 following procedures:

31 1. A direct hearing conducted by the district school

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1 board within 60 days after receipt of the written appeal. The  
 2 hearing shall be conducted in accordance with the provisions  
 3 of ss. 120.569 and 120.57. A majority vote of the membership  
 4 of the district school board shall be required to sustain the  
 5 district school superintendent's recommendation. The  
 6 determination of the district school board shall be final as  
 7 to the sufficiency or insufficiency of the grounds for  
 8 termination of employment; or

9       2. A hearing conducted by an administrative law judge  
 10 assigned by the Division of Administrative Hearings of the  
 11 Department of Management Services. The hearing shall be  
 12 conducted within 60 days after receipt of the written appeal  
 13 in accordance with chapter 120. The recommendation of the  
 14 administrative law judge shall be made to the district school  
 15 board. A majority vote of the membership of the district  
 16 school board shall be required to sustain or change the  
 17 administrative law judge's recommendation. The determination  
 18 of the district school board shall be final as to the  
 19 sufficiency or insufficiency of the grounds for termination of  
 20 employment.

21  
 22 Any such decision adverse to the employee may be appealed by  
 23 the employee pursuant to s. 120.68, provided such appeal is  
 24 filed within 30 days after the decision of the district school  
 25 board.

26       (b) Any member of the district administrative or  
 27 supervisory staff, including any principal but excluding an  
 28 employee specified in subsection (4), may be suspended or  
 29 dismissed at any time during the term of the contract;  
 30 however, the charges against him or her must be based on  
 31 immorality, misconduct in office, incompetency, gross

1 insubordination, willful neglect of duty, drunkenness, or  
 2 conviction of any crime involving moral turpitude, as these  
 3 terms are defined by rule of the State Board of Education.  
 4 Whenever such charges are made against any such employee of  
 5 the district school board, the district school board may  
 6 suspend the employee without pay; but, if the charges are not  
 7 sustained, he or she shall be immediately reinstated, and his  
 8 or her back salary shall be paid. In cases of suspension by  
 9 the district school board or by the district school  
 10 superintendent, the district school board shall determine upon  
 11 the evidence submitted whether the charges have been sustained  
 12 and, if the charges are sustained, shall determine either to  
 13 dismiss the employee or fix the terms under which he or she  
 14 may be reinstated. If such charges are sustained by a  
 15 majority vote of the full membership of the district school  
 16 board and such employee is discharged, his or her contract of  
 17 employment shall be thereby canceled. Any such decision  
 18 adverse to the employee may be appealed by him or her pursuant  
 19 to s. 120.68, provided such appeal is filed within 30 days  
 20 after the decision of the district school board.

21 (7) The district school board of any given district  
 22 shall grant continuing service credit for time spent  
 23 performing duties as a member of the Legislature to any  
 24 district employee who possesses a professional service  
 25 contract, multiyear contract, or continuing contract.

26 (8) Notwithstanding any other provision of law, any  
 27 member who has retired may interrupt retirement and be  
 28 reemployed in any public school. Any member so reemployed by  
 29 the same district from which he or she retired may be employed  
 30 on a probationary contractual basis as provided in subsection  
 31 (1); however, no regular retirement employee shall be eligible

1 to renew membership under a retirement system created by  
2 chapter 121 or chapter 238.

3 Section 701. Section 1012.34, Florida Statutes, is  
4 created to read:

5 1012.34 Assessment procedures and criteria.--

6 (1) For the purpose of improving the quality of  
7 instructional, administrative, and supervisory services in the  
8 public schools of the state, the district school  
9 superintendent shall establish procedures for assessing the  
10 performance of duties and responsibilities of all  
11 instructional, administrative, and supervisory personnel  
12 employed by the school district. The Department of Education  
13 must approve each district's instructional personnel  
14 assessment system.

15 (2) The following conditions must be considered in the  
16 design of the district's instructional personnel assessment  
17 system:

18 (a) The system must be designed to support district  
19 and school level improvement plans.

20 (b) The system must provide appropriate instruments,  
21 procedures, and criteria for continuous quality improvement of  
22 the professional skills of instructional personnel.

23 (c) The system must include a mechanism to give  
24 parents an opportunity to provide input into employee  
25 performance assessments when appropriate.

26 (d) In addition to addressing generic teaching  
27 competencies, districts must determine those teaching fields  
28 for which special procedures and criteria will be developed.

29 (e) Each district school board may establish a peer  
30 assistance process. The plan may provide a mechanism for  
31 assistance of persons who are placed on performance probation

1 as well as offer assistance to other employees who request it.

2 (f) The district school board shall provide training  
3 programs that are based upon guidelines provided by the  
4 Department of Education to ensure that all individuals with  
5 evaluation responsibilities understand the proper use of the  
6 assessment criteria and procedures.

7 (3) The assessment procedure for instructional  
8 personnel and school administrators must be primarily based on  
9 the performance of students assigned to their classrooms or  
10 schools, as appropriate. The procedures must comply with, but  
11 are not limited to, the following requirements:

12 (a) An assessment must be conducted for each employee  
13 at least once a year. The assessment must be based upon sound  
14 educational principles and contemporary research in effective  
15 educational practices. The assessment must primarily use data  
16 and indicators of improvement in student performance assessed  
17 annually as specified in s. 1008.22 and may consider results  
18 of peer reviews in evaluating the employee's performance.  
19 Student performance must be measured by state assessments  
20 required under s. 1008.22 and by local assessments for  
21 subjects and grade levels not measured by the state assessment  
22 program. The assessment criteria must include, but are not  
23 limited to, indicators that relate to the following:

- 24 1. Performance of students.
- 25 2. Ability to maintain appropriate discipline.
- 26 3. Knowledge of subject matter. The district school  
27 board shall make special provisions for evaluating teachers  
28 who are assigned to teach out-of-field.
- 29 4. Ability to plan and deliver instruction, including  
30 the use of technology in the classroom.
- 31 5. Ability to evaluate instructional needs.

1           6. Ability to establish and maintain a positive  
2 collaborative relationship with students' families to increase  
3 student achievement.

4           7. Other professional competencies, responsibilities,  
5 and requirements as established by rules of the State Board of  
6 Education and policies of the district school board.

7           (b) All personnel must be fully informed of the  
8 criteria and procedures associated with the assessment process  
9 before the assessment takes place.

10          (c) The individual responsible for supervising the  
11 employee must assess the employee's performance. The evaluator  
12 must submit a written report of the assessment to the district  
13 school superintendent for the purpose of reviewing the  
14 employee's contract. The evaluator must submit the written  
15 report to the employee no later than 10 days after the  
16 assessment takes place. The evaluator must discuss the written  
17 report of assessment with the employee. The employee shall  
18 have the right to initiate a written response to the  
19 assessment, and the response shall become a permanent  
20 attachment to his or her personnel file.

21          (d) If an employee is not performing his or her duties  
22 in a satisfactory manner, the evaluator shall notify the  
23 employee in writing of such determination. The notice must  
24 describe such unsatisfactory performance and include notice of  
25 the following procedural requirements:

26           1. Upon delivery of a notice of unsatisfactory  
27 performance, the evaluator must confer with the employee, make  
28 recommendations with respect to specific areas of  
29 unsatisfactory performance, and provide assistance in helping  
30 to correct deficiencies within a prescribed period of time.

31           2.a. If the employee holds a professional service

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1 contract as provided in s. 1012.33, the employee shall be  
 2 placed on performance probation and governed by the provisions  
 3 of this section for 90 calendar days following the receipt of  
 4 the notice of unsatisfactory performance to demonstrate  
 5 corrective action. School holidays and school vacation periods  
 6 are not counted when calculating the 90-calendar-day period.  
 7 During the 90 calendar days, the employee who holds a  
 8 professional service contract must be evaluated periodically  
 9 and apprised of progress achieved and must be provided  
 10 assistance and inservice training opportunities to help  
 11 correct the noted performance deficiencies. At any time during  
 12 the 90 calendar days, the employee who holds a professional  
 13 service contract may request a transfer to another appropriate  
 14 position with a different supervising administrator; however,  
 15 a transfer does not extend the period for correcting  
 16 performance deficiencies.

17 b. Within 14 days after the close of the 90 calendar  
 18 days, the evaluator must assess whether the performance  
 19 deficiencies have been corrected and forward a recommendation  
 20 to the district school superintendent. Within 14 days after  
 21 receiving the evaluator's recommendation, the district school  
 22 superintendent must notify the employee who holds a  
 23 professional service contract in writing whether the  
 24 performance deficiencies have been satisfactorily corrected  
 25 and whether the district school superintendent will recommend  
 26 that the district school board continue or terminate his or  
 27 her employment contract. If the employee wishes to contest the  
 28 district school superintendent's recommendation, the employee  
 29 must, within 15 days after receipt of the district school  
 30 superintendent's recommendation, submit a written request for  
 31 a hearing. The hearing shall be conducted at the district

1 school board's election in accordance with one of the  
2 following procedures:

3 (I) A direct hearing conducted by the district school  
4 board within 60 days after receipt of the written appeal. The  
5 hearing shall be conducted in accordance with the provisions  
6 of ss. 120.569 and 120.57. A majority vote of the membership  
7 of the district school board shall be required to sustain the  
8 district school superintendent's recommendation. The  
9 determination of the district school board shall be final as  
10 to the sufficiency or insufficiency of the grounds for  
11 termination of employment; or

12 (II) A hearing conducted by an administrative law  
13 judge assigned by the Division of Administrative Hearings of  
14 the Department of Management Services. The hearing shall be  
15 conducted within 60 days after receipt of the written appeal  
16 in accordance with chapter 120. The recommendation of the  
17 administrative law judge shall be made to the district school  
18 board. A majority vote of the membership of the district  
19 school board shall be required to sustain or change the  
20 administrative law judge's recommendation. The determination  
21 of the district school board shall be final as to the  
22 sufficiency or insufficiency of the grounds for termination of  
23 employment.

24 (4) The district school superintendent shall notify  
25 the department of any instructional personnel who receive two  
26 consecutive unsatisfactory evaluations and who have been given  
27 written notice by the district that their employment is being  
28 terminated or is not being renewed or that the district school  
29 board intends to terminate, or not renew, their employment.  
30 The department shall conduct an investigation to determine  
31 whether action shall be taken against the certificateholder



1 pursuant to s. 1012.795(1)(b).

2 (5) The district school superintendent shall develop a  
3 mechanism for evaluating the effective use of assessment  
4 criteria and evaluation procedures by administrators who are  
5 assigned responsibility for evaluating the performance of  
6 instructional personnel. The use of the assessment and  
7 evaluation procedures shall be considered as part of the  
8 annual assessment of the administrator's performance. The  
9 system must include a mechanism to give parents and teachers  
10 an opportunity to provide input into the administrator's  
11 performance assessment, when appropriate.

12 (6) Nothing in this section shall be construed to  
13 grant a probationary employee a right to continued employment  
14 beyond the term of his or her contract.

15 (7) The district school board shall establish a  
16 procedure annually reviewing instructional personnel  
17 assessment systems to determine compliance with this section.  
18 All substantial revisions to an approved system must be  
19 reviewed and approved by the district school board before  
20 being used to assess instructional personnel. Upon request by  
21 a school district, the department shall provide assistance in  
22 developing, improving, or reviewing an assessment system.

23 (8) The State Board of Education shall adopt rules  
24 pursuant to ss. 120.536(1) and 120.54, that establish uniform  
25 guidelines for the submission, review, and approval of  
26 district procedures for the annual assessment of instructional  
27 personnel and that include criteria for evaluating  
28 professional performance.

29 Section 702. Part III.c. of chapter 1012, Florida  
30 Statutes, shall be entitled "Personnel, Instructional and  
31 Noninstructional; Authorization; Requirements" and shall

1 consist of ss. 1012.35-1012.46.

2 Section 703. Section 1012.35, Florida Statutes, is  
3 created to read:

4 1012.35 Substitute teachers.--Each district school  
5 board shall adopt rules prescribing the compensation of, and  
6 the procedure for employment of, substitute teachers. Such  
7 procedure for employment shall include, but is not limited to,  
8 the filing of a complete set of fingerprints as required in s.  
9 1012.32.

10 Section 704. Section 1012.36, Florida Statutes, is  
11 created to read:

12 1012.36 Part-time teachers.--

13 (1) District school boards may hire certified and  
14 qualified personnel as provided in ss. 1012.39 and 1012.57 to  
15 teach a specified number of periods, which may be less than a  
16 full school day or less than a full school year.

17 (2) Assigned additional school duties and salaries  
18 shall be given in direct ratio to the number of periods  
19 taught. Other benefits shall be provided by district school  
20 board rule or, if applicable, pursuant to chapter 447.

21 Section 705. Section 1012.37, Florida Statutes, is  
22 created to read:

23 1012.37 Education paraprofessionals.--A district  
24 school board may appoint education paraprofessionals to assist  
25 members of the instructional staff in carrying out their  
26 duties and responsibilities. An education paraprofessional  
27 shall not be required to hold a teaching certificate. An  
28 education paraprofessional, while rendering services under the  
29 supervision of a certified teacher, shall be accorded the same  
30 protection of laws as that accorded the certified teacher.  
31 Paid education paraprofessionals employed by a district school

1 board shall be entitled to the same rights as those accorded  
2 noninstructional employees of the district school board.

3 Section 706. Section 1012.38, Florida Statutes, is  
4 created to read:

5 1012.38 Education paraprofessional career  
6 development.--

7 (1)(a) Each school district may adopt a program for  
8 the career development of education paraprofessionals. The  
9 purpose of the program is to provide to education  
10 paraprofessionals a system of career development which is  
11 based upon education and training advancement, and to furnish  
12 economic incentives to encourage excellence among education  
13 paraprofessionals.

14 (b) The adoption of each program is subject to chapter  
15 447, and the implementation of a program is contingent upon  
16 the agreement and ratification of the program by both the  
17 employer and employees under s. 447.309.

18 (2) A district education paraprofessional career  
19 development program must include voluntary participation by  
20 paraprofessionals in five career development levels. The  
21 district school board shall adopt a procedure for verifying  
22 the competency levels of all persons who participate in the  
23 career development program and a procedure to determine the  
24 outcomes and results of the program and impact on student  
25 performance.

26 (3)(a) Level I.--To qualify for Level I, the person  
27 must meet:

28 1. The health requirement established for certified  
29 personnel.

30 2. The age requirements for certified personnel.

31 3. The local school district requirements for

1 employment.

2 (b) Level II.--To qualify for Level II, the person

3 must:

4 1. Have earned a high school diploma or the

5 equivalent.

6 2. Possess a clear understanding of state and district

7 rules and policies relevant to paraprofessionals.

8 3. Possess knowledge of all state and district

9 instructional practices and policies relevant to

10 paraprofessionals.

11 4. Have maintained satisfactory job performance of

12 appropriate skills and competencies for 1 year.

13 (c) Level III.--To qualify for Level III, the person

14 must:

15 1. Have completed 30 college semester hours or the

16 equivalent inservice hours.

17 2. Possess a clear understanding of state and district

18 rules and policies relevant to paraprofessionals.

19 3. Possess knowledge of all state and district

20 instructional practices and policies relevant to

21 paraprofessionals.

22 4. Have maintained satisfactory job performance of

23 appropriate skills and competencies for 2 years.

24 (d) Level IV.--To qualify for Level IV, the person

25 must:

26 1. Have completed 60 college semester hours or the

27 equivalent inservice hours.

28 2. Possess a clear understanding of state and district

29 rules and policies relevant to paraprofessionals.

30 3. Possess knowledge of all state and district

31 instructional practices and policies relevant to

1 paraprofessionals.

2 4. Have maintained satisfactory job performance of  
3 appropriate skills and competencies for 2 years.

4 (e) Level V.--To qualify for Level V, the person must:

5 1. Have completed coursework to earn a bachelor of  
6 arts or bachelor of science degree from an accredited  
7 institution pursuant to s. 1012.56(2)(c).

8 2. Possess a clear understanding of state and district  
9 rules and policies relevant to paraprofessionals.

10 3. Possess knowledge of all state and district  
11 instructional practices and policies relevant to  
12 paraprofessionals.

13 4. Have maintained satisfactory job performance of  
14 appropriate skills and competencies for 2 years.

15 (4) Paraprofessionals may not:

16 (a) Establish instructional objectives;

17 (b) Make decisions regarding the relevancy of certain  
18 activities or procedures to the attainment of instructional  
19 objectives;

20 (c) Make decisions regarding the appropriateness of  
21 certain teaching materials for accomplishing instructional  
22 objectives; or

23 (d) Make judgments regarding the attainment of  
24 instructional objectives unless these judgments are based upon  
25 clear and objective criteria, such as specific achievement  
26 standards on a true-false test.

27 Section 707. Section 1012.39, Florida Statutes, is  
28 created to read:

29 1012.39 Employment of substitute teachers, teachers of  
30 adult education, nondegreed teachers of career education, and  
31 career specialists; students performing clinical field

1 experience.--

2 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
3 1012.57, or any other provision of law or rule to the  
4 contrary, each district school board shall establish the  
5 minimal qualifications for:

6 (a) Substitute teachers to be employed pursuant to s.  
7 1012.35. The qualifications shall require the filing of a  
8 complete set of fingerprints in the same manner as required by  
9 s. 1012.32.

10 (b) Part-time and full-time teachers in adult  
11 education programs. The qualifications shall require the  
12 filing of a complete set of fingerprints in the same manner as  
13 required by s. 1012.32. Faculty employed solely to conduct  
14 postsecondary instruction may be exempted from this  
15 requirement.

16 (c) Part-time and full-time nondegreed teachers of  
17 career and technical programs. Qualifications shall be  
18 established for agriculture, business, health occupations,  
19 family and consumer sciences, industrial, marketing, career  
20 specialist, and public service education teachers, based  
21 primarily on successful occupational experience rather than  
22 academic training. The qualifications for such teachers shall  
23 require:

24 1. The filing of a complete set of fingerprints in the  
25 same manner as required by s. 1012.32. Faculty employed solely  
26 to conduct postsecondary instruction may be exempted from this  
27 requirement.

28 2. Documentation of education and successful  
29 occupational experience including documentation of:

30 a. A high school diploma or the equivalent.

31 b. Completion of 6 years of full-time successful

1 occupational experience or the equivalent of part-time  
2 experience in the teaching specialization area. Alternate  
3 means of determining successful occupational experience may be  
4 established by the district school board.

5 c. Completion of career education training conducted  
6 through the local school district inservice master plan.

7 d. For full-time teachers, completion of professional  
8 education training in teaching methods, course construction,  
9 lesson planning and evaluation, and teaching special needs  
10 students. This training may be completed through coursework  
11 from an accredited or approved institution or an approved  
12 district teacher education program.

13 e. Demonstration of successful teaching performance.

14 (2) Substitute, adult education, and nondegreed career  
15 education teachers who are employed pursuant to this section  
16 shall have the same rights and protection of laws as certified  
17 teachers.

18 (3) A student who is enrolled in a state-approved  
19 teacher preparation program in a postsecondary educational  
20 institution that is approved by rules of the State Board of  
21 Education and who is jointly assigned by the postsecondary  
22 educational institution and a district school board to perform  
23 a clinical field experience under the direction of a regularly  
24 employed and certified educator shall, while serving such  
25 supervised clinical field experience, be accorded the same  
26 protection of law as that accorded to the certified educator  
27 except for the right to bargain collectively as an employee of  
28 the district school board.

29 Section 708. Section 1012.40, Florida Statutes, is  
30 created to read:

31 1012.40 Educational support employees.--

1           (1) As used in this section:

2           (a) "Educational support employee" means any person  
3 employed by a district school system who is employed as a  
4 teacher assistant, an education paraprofessional, a member of  
5 the transportation department, a member of the operations  
6 department, a member of the maintenance department, a member  
7 of food service, a secretary, or a clerical employee, or any  
8 other person who by virtue of his or her position of  
9 employment is not required to be certified by the Department  
10 of Education or district school board pursuant to s. 1012.39.

11 This section does not apply to persons employed in  
12 confidential or management positions. This section applies to  
13 all employees who are not temporary or casual and whose duties  
14 require 20 or more hours in each normal working week.

15           (b) "Employee" means any person employed as an  
16 educational support employee.

17           (2)(a) Each educational support employee shall be  
18 employed on probationary status for a period to be determined  
19 through the appropriate collective bargaining agreement or by  
20 district school board rule in cases where a collective  
21 bargaining agreement does not exist.

22           (b) Upon successful completion of the probationary  
23 period by the employee, the employee's status shall continue  
24 from year to year unless the district school superintendent  
25 terminates the employee for reasons stated in the collective  
26 bargaining agreement, or in district school board rule in  
27 cases where a collective bargaining agreement does not exist,  
28 or reduces the number of employees on a districtwide basis for  
29 financial reasons.

30           (c) In the event a district school superintendent  
31 seeks termination of an employee, the district school board



1 may suspend the employee with or without pay. The employee  
 2 shall receive written notice and shall have the opportunity to  
 3 formally appeal the termination. The appeals process shall be  
 4 determined by the appropriate collective bargaining process or  
 5 by district school board rule in the event there is no  
 6 collective bargaining agreement.

7 Section 709. Section 1012.41, Florida Statutes, is  
 8 created to read:

9 1012.41 Employment of directors of career and  
 10 technical education.--In order to receive state funding, each  
 11 district school board that employs at least 15 full-time  
 12 equivalent career and technical teachers must employ a  
 13 director of career and technical education who meets the  
 14 certification requirements established by the State Board of  
 15 Education. The directors shall be directly accountable to the  
 16 district school superintendent, or his or her designee, for  
 17 the planning and implementation of career and technical  
 18 programs. Two or more district school boards may employ a  
 19 single director.

20 Section 710. Section 1012.42, Florida Statutes, is  
 21 created to read:

22 1012.42 Teacher teaching out-of-field.--

23 (1) ASSISTANCE.--Each district school board shall  
 24 adopt and implement a plan to assist any teacher teaching  
 25 out-of-field, and priority consideration in professional  
 26 development activities shall be given to teachers who are  
 27 teaching out-of-field. The district school board shall require  
 28 that such teachers participate in a certification or staff  
 29 development program designed to provide the teacher with the  
 30 competencies required for the assigned duties. The  
 31 board-approved assistance plan must include duties of

1 administrative personnel and other instructional personnel to  
 2 provide students with instructional services. Each district  
 3 school board shall contact its regional workforce board,  
 4 created pursuant to s. 445.007, to identify resources that may  
 5 assist teachers who are teaching out-of-field and who are  
 6 pursuing certification.

7       (2) NOTIFICATION REQUIREMENTS.--When a teacher in a  
 8 district school system is assigned teaching duties in a class  
 9 dealing with subject matter that is outside the field in which  
 10 the teacher is certified, outside the field that was the  
 11 applicant's minor field of study, or outside the field in  
 12 which the applicant has demonstrated sufficient subject area  
 13 expertise, as determined by district school board policy in  
 14 the subject area to be taught, the parents of all students in  
 15 the class shall be notified in writing of such assignment.

16       Section 711. Section 1012.43, Florida Statutes, is  
 17 created to read:

18       1012.43 Career and technical teachers.--

19       (1) Career and technical teachers and other teachers  
 20 who qualify for certificates on the basis of nonacademic  
 21 preparation shall be entitled to all the contractual rights  
 22 and privileges now granted to other instructional personnel  
 23 holding equivalent certificates.

24       (2) A holder of a certificate based on nonacademic  
 25 preparation which entitled him or her to employment to teach  
 26 classes in career and technical or adult education shall not  
 27 be assigned to teach in a regular academic field of the  
 28 kindergarten through grade 12 school program.

29       Section 712. Section 1012.44, Florida Statutes, is  
 30 created to read:

31       1012.44 Qualifications for certain persons providing

1 speech-language services.--The State Board of Education shall  
 2 adopt rules for speech-language services to school districts  
 3 that qualify for the sparsity supplement as described in s.  
 4 1011.62(6). These services may be provided by baccalaureate  
 5 degree level persons for a period of 3 years. The rules shall  
 6 authorize the delivery of speech-language services by  
 7 baccalaureate degree level persons under the direction of a  
 8 certified speech-language pathologist with a master's degree  
 9 or higher. By October 1, 2003, these rules shall be reviewed  
 10 by the State Board of Education.

11 Section 713. Section 1012.45, Florida Statutes, is  
 12 created to read:

13 1012.45 School bus drivers; requirements and duties.--

14 (1) Each school bus driver must be of good moral  
 15 character, of good vision and hearing, able-bodied, free from  
 16 communicable disease, mentally alert, and sufficiently strong  
 17 physically to handle the bus with ease, and he or she must  
 18 possess other qualifications prescribed by the Commissioner of  
 19 Education, including those qualifications described in 49  
 20 C.F.R. s. 391, relating to physical qualifications and  
 21 examinations and 49 C.F.R. part 40 and part 382, relating to  
 22 controlled substance and alcohol use and testing, and he or  
 23 she must hold a valid commercial driver's license with a  
 24 passenger endorsement.

25 (2) Each school bus driver has the authority and  
 26 responsibility to control students during the time students  
 27 are on the school bus pursuant to s. 1006.10.

28 (3) The State Board of Education shall adopt rules  
 29 outlining requirements that school bus drivers must meet  
 30 before they are employed by district school boards.

31 (4) Each district school board may provide a school

1 bus driver training program and may make this program  
2 available to private school bus drivers by contract.

3 Section 714. Section 1012.46, Florida Statutes, is  
4 created to read:

5 1012.46 Athletic trainers.--

6 (1) School districts may establish and implement an  
7 athletic injuries prevention and treatment program. Central to  
8 this program should be the employment and availability of  
9 persons trained in the prevention and treatment of physical  
10 injuries which may occur during athletic activities. The  
11 program should reflect opportunities for progressive  
12 advancement and compensation in employment as provided in  
13 subsection (2) and meet certain other minimum standards  
14 developed by the Department of Education. The goal of the  
15 Legislature is to have school districts employ and have  
16 available a full-time teacher athletic trainer in each high  
17 school in the state.

18 (2) To the extent practicable, a school district  
19 program should include the following employment classification  
20 and advancement scheme:

21 (a) First responder.--To qualify as a first responder,  
22 a person must possess a professional, temporary, part-time,  
23 adjunct, or substitute certificate pursuant to s. 1012.56, be  
24 certified in cardiopulmonary resuscitation, first aid, and  
25 have 15 semester hours in courses such as care and prevention  
26 of athletic injuries, anatomy, physiology, nutrition,  
27 counseling, and other similar courses approved by the  
28 Commissioner of Education. This person may only administer  
29 first aid and similar care.

30 (b) Teacher athletic trainer.--To qualify as a teacher  
31 athletic trainer, a person must possess a professional,

1 temporary, part-time, adjunct, or substitute certificate  
2 pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be  
3 licensed as required by part XIII of chapter 468.

4 Section 715. Part III.d. of chapter 1012, Florida  
5 Statutes, shall be entitled "Educator Certification for Public  
6 Schools; Renewal; Duties" and shall consist of ss.  
7 1012.51-1012.595.

8 Section 716. Section 1012.51, Florida Statutes, is  
9 created to read:

10 1012.51 Legislative intent; declaration.--It is the  
11 intent and purpose of the Legislature that the practice of  
12 teaching in the public school system and its related services,  
13 including administering and supervisory services, shall be  
14 designated as professional services. Teaching is hereby  
15 declared to be a profession in Florida, with similar rights,  
16 responsibilities, and privileges accorded other legally  
17 recognized professions.

18 Section 717. Section 1012.52, Florida Statutes, is  
19 created to read:

20 1012.52 Teacher quality; legislative findings.--

21 (1) The Legislature intends to implement a  
22 comprehensive approach to increase students' academic  
23 achievement and improve teaching quality. The Legislature  
24 recognizes that professional educators play an important role  
25 in shaping the future of this state and the nation by  
26 developing the knowledge and skills of our future workforce  
27 and laying the foundation for good citizenship and full  
28 participation in community and civic life. The Legislature  
29 also recognizes its role in meeting the state's educational  
30 priorities so as to provide opportunity for all students to  
31 achieve at the levels set by the Sunshine State Standards.

1           (2) The Legislature further finds that effective  
2 educators are able to do the following:

3           (a) Write and speak in a logical and understandable  
4 style, using appropriate grammar and sentence structure, and  
5 demonstrate a command of standard English, enunciation,  
6 clarity of oral directions, and pace and precision in  
7 speaking.

8           (b) Read, comprehend, and interpret professional and  
9 other written material.

10           (c) Compute, think logically, and solve problems.

11           (d) Recognize signs of students' difficulty with the  
12 reading and computational process and apply appropriate  
13 measures to improve students' reading and computational  
14 performance.

15           (e) Recognize patterns of physical, social, emotional,  
16 and intellectual development in students, including  
17 exceptional students in the regular classroom.

18           (f) Recognize and demonstrate awareness of the  
19 educational needs of students who have limited proficiency in  
20 English and employ appropriate teaching strategies.

21           (g) Use and integrate appropriate technology in  
22 teaching and learning processes and in managing, evaluating,  
23 and improving instruction.

24           (h) Use assessment and other diagnostic strategies to  
25 assist the continuous development and acquisition of knowledge  
26 and understanding of the learner.

27           (i) Use teaching and learning strategies that include  
28 consideration of each student's learning styles, needs, and  
29 background.

30           (j) Demonstrate the ability to maintain a positive,  
31 collaborative relationship with students' families to increase

1 student achievement.

2 (k) Recognize signs of tendency toward violence and  
3 severe emotional distress in students and apply techniques of  
4 crisis intervention.

5 (l) Recognize signs of alcohol and drug abuse in  
6 students and know how to appropriately work with such students  
7 and seek assistance designed to prevent future abuse.

8 (m) Recognize the physical and behavioral indicators  
9 of child abuse and neglect and know rights and  
10 responsibilities regarding reporting.

11 (n) Demonstrate the ability to maintain a positive  
12 environment in the classroom while achieving order and  
13 discipline.

14 (o) Demonstrate the ability to grade student  
15 performance effectively.

16 (p) Demonstrate knowledge and understanding of the  
17 value of, and strategies for, promoting parental involvement  
18 in education.

19 Section 718. Section 1012.53, Florida Statutes, is  
20 created to read:

21 1012.53 Duties of instructional personnel.--

22 (1) The primary duty of instructional personnel is to  
23 work diligently and faithfully to help students meet or exceed  
24 annual learning goals, to meet state and local achievement  
25 requirements, and to master the skills required to graduate  
26 from high school prepared for postsecondary education and  
27 work. This duty applies to instructional personnel whether  
28 they teach or function in a support role.

29 (2) Members of the instructional staff of the public  
30 schools shall perform duties prescribed by rules of the  
31 district school board. The rules shall include, but are not

1 limited to, rules relating to a teacher's duty to help  
 2 students master challenging standards and meet all state and  
 3 local requirements for achievement; teaching efficiently and  
 4 faithfully, using prescribed materials and methods, including  
 5 technology-based instruction; recordkeeping; and fulfilling  
 6 the terms of any contract, unless released from the contract  
 7 by the district school board.

8           Section 719. Section 1012.54, Florida Statutes, is  
 9 created to read:

10           1012.54 Purpose of instructional personnel  
 11 certification.--It is the intent of the Legislature that  
 12 school personnel certified in this state possess the  
 13 credentials, knowledge, and skills necessary to allow the  
 14 opportunity for a high-quality education in the public  
 15 schools. The purpose of school personnel certification is to  
 16 protect the educational interests of students, parents, and  
 17 the public at large by assuring that teachers in this state  
 18 are professionally qualified. In fulfillment of its duty to  
 19 the citizens of this state, the Legislature has established  
 20 certification requirements to assure that educational  
 21 personnel in public schools possess appropriate skills in  
 22 reading, writing, and mathematics, and adequate pedagogical  
 23 knowledge, including the use of technology to enhance student  
 24 learning, and relevant subject matter competence so as to  
 25 demonstrate an acceptable level of professional performance.  
 26 Further, the Legislature has established a certificate renewal  
 27 process which promotes the continuing professional improvement  
 28 of school personnel, thereby enhancing public education in all  
 29 areas of the state.

30           Section 720. Section 1012.55, Florida Statutes, is  
 31 created to read:



1           1012.55 Positions for which certificates required.--  
2           (1) The State Board of Education shall classify school  
3 services, designate the certification subject areas, establish  
4 competencies, including the use of technology to enhance  
5 student learning, and certification requirements for all  
6 school-based personnel, and adopt rules in accordance with  
7 which the professional, temporary, and part-time certificates  
8 shall be issued by the Department of Education to applicants  
9 who meet the standards prescribed by such rules for their  
10 class of service. Each person employed or occupying a position  
11 as school supervisor, school principal, teacher, library media  
12 specialist, school counselor, athletic coach, or other  
13 position in which the employee serves in an instructional  
14 capacity, in any public school of any district of this state  
15 shall hold the certificate required by law and by rules of the  
16 State Board of Education in fulfilling the requirements of the  
17 law for the type of service rendered. However, the state board  
18 shall adopt rules authorizing district school boards to employ  
19 selected noncertificated personnel to provide instructional  
20 services in the individuals' fields of specialty or to assist  
21 instructional staff members as education paraprofessionals.

22           (2) Each person who is employed and renders service as  
23 an athletic coach in any public school in any district of this  
24 state shall hold a valid temporary or professional certificate  
25 or an athletic coaching certificate. The athletic coaching  
26 certificate may be used for either part-time or full-time  
27 positions. The provisions of this subsection do not apply to  
28 any athletic coach who voluntarily renders service and who is  
29 not employed by any public school district of this state.

30           (3) Each person employed as a school nurse shall hold  
31 a license to practice nursing in the state, and each person

1 employed as a school physician shall hold a license to  
2 practice medicine in the state.

3 (4) A commissioned or noncommissioned military officer  
4 who is an instructor of junior reserve officer training shall  
5 be exempt from requirements for teacher certification, except  
6 for the filing of fingerprints pursuant to s. 1012.32, if he  
7 or she meets the following qualifications:

8 (a) Is retired from active military duty, pursuant to  
9 chapter 102 of Title 10, U.S.C.

10 (b) Satisfies criteria established by the appropriate  
11 military service for certification by the service as a junior  
12 reserve officer training instructor.

13 (c) Has an exemplary military record.

14  
15 If such instructor is assigned instructional duties other than  
16 junior reserve officer training, he or she shall hold the  
17 certificate required by law and rules of the state board for  
18 the type of service rendered.

19 Section 721. Effective July 1, 2002, section 1012.56,  
20 Florida Statutes, is created to read:

21 1012.56 Educator certification requirements.--

22 (1) APPLICATION.--Each person seeking certification  
23 pursuant to this chapter shall submit a completed application  
24 containing the applicant's social security number to the  
25 Department of Education and remit the fee required pursuant to  
26 s. 1012.59 and rules of the State Board of Education. Pursuant  
27 to the federal Personal Responsibility and Work Opportunity  
28 Reconciliation Act of 1996, each party is required to provide  
29 his or her social security number in accordance with this  
30 section. Disclosure of social security numbers obtained  
31 through this requirement shall be limited to the purpose of

1 administration of the Title IV-D program of the Social  
2 Security Act for child support enforcement. Pursuant to s.  
3 120.60, the department shall issue within 90 calendar days  
4 after the stamped receipted date of the completed application:

5 (a) A certificate covering the classification, level,  
6 and area for which the applicant is deemed qualified; or

7 (b) An official statement of status of eligibility.

8 The statement of status of eligibility must advise the  
9 applicant of any qualifications that must be completed to  
10 qualify for certification. Each statement of status of  
11 eligibility is valid for 2 years after its date of issuance,  
12 except as provided in paragraph (2)(d). A statement of status  
13 of eligibility may be reissued for one additional 2-year  
14 period if application is made while the initial statement of  
15 status of eligibility is valid or within 1 year after the  
16 initial statement expires, and if the certification subject  
17 area is authorized to be issued by the state board at the time  
18 the application requesting a reissued statement of status of  
19 eligibility is received.

20 (2) ELIGIBILITY CRITERIA.--To be eligible to seek  
21 certification pursuant to this chapter, a person must:

22 (a) Be at least 18 years of age.

23 (b) File a written statement, under oath, that the  
24 applicant subscribes to and will uphold the principles  
25 incorporated in the Constitution of the United States and the  
26 Constitution of the State of Florida.

27 (c) Document receipt of a bachelor's or higher degree  
28 from an accredited institution of higher learning, or a  
29 nonaccredited institution of higher learning that the  
30 Department of Education has identified as having a quality  
31 program resulting in a bachelor's degree, or higher. Each

1 applicant seeking initial certification must have attained at  
 2 least a 2.5 overall grade point average on a 4.0 scale in the  
 3 applicant's major field of study. The applicant may document  
 4 the required education by submitting official transcripts from  
 5 institutions of higher education or by authorizing the direct  
 6 submission of such official transcripts through established  
 7 electronic network systems. The bachelor's or higher degree  
 8 may not be required in areas approved in rule by the State  
 9 Board of Education as nondegreed areas.

10 (d) Submit to a fingerprint check from the Department  
 11 of Law Enforcement and the Federal Bureau of Investigation  
 12 pursuant to s. 1012.32. If the fingerprint reports indicate a  
 13 criminal history or if the applicant acknowledges a criminal  
 14 history, the applicant's records shall be referred to the  
 15 Bureau of Educator Standards for review and determination of  
 16 eligibility for certification. If the applicant fails to  
 17 provide the necessary documentation requested by the Bureau of  
 18 Educator Standards within 90 days after the date of the  
 19 receipt of the certified mail request, the statement of  
 20 eligibility and pending application shall become invalid.

21 (e) Be of good moral character.

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

24 (g) Demonstrate mastery of general knowledge, pursuant  
 25 to subsection (3).

26 (h) Demonstrate mastery of subject area knowledge,  
 27 pursuant to subsection (4).

28 (i) Demonstrate mastery of professional preparation  
 29 and education competence, pursuant to subsection (5).

30 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of  
 31 demonstrating mastery of general knowledge are:

1           (a) Achievement of passing scores on basic skills  
2 examination required by state board rule;

3           (b) Achievement of passing scores on the College Level  
4 Academic Skills Test earned prior to July 1, 2002;

5           (c) A valid standard teaching certificate issued by  
6 another state that requires an examination of mastery of  
7 general knowledge;

8           (d) A valid standard teaching certificate issued by  
9 another state and valid certificate issued by the National  
10 Board for Professional Teaching Standards; or

11           (e) A valid standard teaching certificate issued by  
12 another state and documentation of 2 years of continuous  
13 successful full-time teaching or administrative experience  
14 during the 5-year period immediately preceding the date of  
15 application for certification.

16           (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable  
17 means of demonstrating mastery of subject area knowledge are:

18           (a) Achievement of passing scores on subject area  
19 examinations required by state board rule;

20           (b) Completion of the subject area specialization  
21 requirements specified in state board rule and verification of  
22 the attainment of the essential subject matter competencies by  
23 the district school superintendent of the employing school  
24 district or chief administrative officer of the employing  
25 state-supported or private school for a subject area for which  
26 a subject area examination has not been developed and required  
27 by state board rule;

28           (c) Completion of the graduate level subject area  
29 specialization requirements specified in state board rule for  
30 a subject coverage requiring a master's or higher degree and  
31 achievement of a passing score on the subject area examination

1 specified in state board rule;

2 (d) A valid standard teaching certificate issued by  
3 another state that requires an examination of mastery of  
4 subject area knowledge;

5 (e) A valid standard teaching certificate issued by  
6 another state and valid certificate issued by the National  
7 Board for Professional Teaching Standards; or

8 (f) A valid standard teaching certificate issued by  
9 another state and documentation of 2 years of continuous  
10 successful full-time teaching or administrative experience  
11 during the 5-year period immediately preceding the date of  
12 application for certification.

13 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
14 COMPETENCE.--Acceptable means of demonstrating mastery of  
15 professional preparation and education competence are:

16 (a) Completion of an approved teacher preparation  
17 program at a postsecondary educational institution within this  
18 state and achievement of a passing score on the professional  
19 education competency examination required by state board rule;

20 (b) Completion of a teacher preparation program at a  
21 postsecondary educational institution outside Florida and  
22 achievement of a passing score on the professional education  
23 competency examination required by state board rule;

24 (c) A valid standard teaching certificate issued by  
25 another state that requires an examination of mastery of  
26 professional education competence;

27 (d) A valid standard teaching certificate issued by  
28 another state and valid certificate issued by the National  
29 Board for Professional Teaching Standards;

30 (e) A valid standard teaching certificate issued by  
31 another state and documentation of 2 years of continuous

1 successful full-time teaching or administrative experience  
2 during the 5-year period immediately preceding the date of  
3 application for certification;

4 (f) Completion of professional preparation courses as  
5 specified in state board rule, successful completion of a  
6 professional education competence demonstration program  
7 pursuant to paragraph (7)(b), and achievement of a passing  
8 score on the professional education competency examination  
9 required by state board rule; or

10 (g) Successful completion of a professional  
11 preparation alternative certification and education competency  
12 program, outlined in paragraph (7)(a).

13 (6) TYPES AND TERMS OF CERTIFICATION.--

14 (a) The Department of Education shall issue a  
15 professional certificate for a period not to exceed 5 years to  
16 any applicant who meets all the requirements outlined in  
17 subsection (2).

18 (b) The department shall issue a temporary certificate  
19 to any applicant who completes the requirements outlined in  
20 paragraphs (2)(a)-(f) and completes the subject area content  
21 requirements specified in state board rule or demonstrates  
22 mastery of subject area knowledge pursuant to subsection (4)  
23 and holds an accredited degree or a degree approved by the  
24 Department of Education at the level required for the subject  
25 area specialization in state board rule.

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

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Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

(7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.--

(a) The Department of Education shall develop and each school district must provide a cohesive competency-based professional preparation alternative certification program by which members of a school district's instructional staff may



1 satisfy the mastery of professional preparation and education  
2 competence requirements specified in this subsection and rules  
3 of the State Board of Education. Participants must hold a  
4 state-issued temporary certificate. A school district shall  
5 provide a competency-based alternative certification  
6 preparation program developed by the Department of Education  
7 or developed by the district and approved by the Department of  
8 Education. The program shall include the following components:

9       1. A minimum period of initial preparation prior to  
10 assuming duties as the teacher of record.

11       2. An option for collaboration between school  
12 districts and other supporting agencies for implementation.

13       3. Experienced peer mentors.

14       4. An assessment that provides for:

15       a. An initial evaluation of each educator's  
16 competencies to determine an appropriate individualized  
17 professional development plan.

18       b. A postevaluation to assure successful completion of  
19 the program.

20       5. Professional education preparation content  
21 knowledge that includes, but is not limited to, the following:

22       a. Requirements specified in state board rule for  
23 professional preparation.

24       b. The educator-accomplished practices approved by the  
25 state board.

26       c. A variety of data indicators for student progress.

27       d. Methodologies, including technology-based  
28 methodologies, for teaching subject content that supports the  
29 Sunshine State Standards for students.

30       e. Techniques for effective classroom management.

31       f. Techniques and strategies for operationalizing the

1 role of the teacher in assuring a safe learning environment  
2 for students.

3 g. Methodologies for assuring the ability of all  
4 students to read, write, and compute.

5 6. Required achievement of passing scores on the  
6 professional education competency examination required by  
7 state board rule.

8 (b) Each school district must and a state supported  
9 public school or a private school may develop and maintain a  
10 system by which members of the instructional staff may  
11 demonstrate mastery of professional education competence as  
12 required by law. Each program must be based on classroom  
13 application and instructional performance and must include a  
14 performance evaluation plan for documenting the demonstration  
15 of required professional education competence.

16 (8) EXAMINATIONS.--

17 (a) The Commissioner of Education, with the approval  
18 of the State Board of Education, may contract for developing,  
19 printing, administering, scoring, and appropriate analysis of  
20 the written examinations required.

21 (b) The State Board of Education shall, by rule,  
22 specify the examination scores that are required for the  
23 issuance of a professional certificate and temporary  
24 certificate. Such rules must define generic subject area  
25 competencies and must establish uniform evaluation guidelines.

26 (c) The State Board of Education shall designate the  
27 certification areas for subject area examinations. All  
28 required examinations may be taken prior to graduation.

29 (d) If an applicant takes an examination developed by  
30 this state and does not achieve the score necessary for  
31 certification, the applicant may review his or her completed

1 examination and bring to the attention of the department any  
2 errors that would result in a passing score.

3 (e) For any examination developed by this state, the  
4 Department of Education and the State Board of Education shall  
5 maintain confidentiality of the examination, developmental  
6 materials, and workpapers, which are exempt from s. 119.07(1).

7 (f) The examinations used for demonstration of mastery  
8 of general knowledge, professional education competence, and  
9 subject area knowledge shall be aligned with student standards  
10 approved by the state board. The delivery system for these  
11 examinations shall provide for overall efficiency,  
12 user-friendly application, reasonable accessibility to  
13 prospective teachers, and prompt attainment of examination  
14 results. The examination of competency for demonstration of  
15 subject area knowledge shall be sufficiently comprehensive to  
16 assess subject matter expertise for individuals who have  
17 acquired subject knowledge either through college credit or by  
18 other means.

19 (g) All examination instruments, including  
20 developmental materials and workpapers directly related  
21 thereto, which are prepared, prescribed, or administered  
22 pursuant to this section shall be confidential and exempt from  
23 the provisions of s. 119.07(1) and from s. 1001.52. Provisions  
24 governing access to, maintenance of, and destruction of such  
25 instruments and related materials shall be prescribed by rules  
26 of the State Board of Education.

27 (9) NONCITIZENS.--

28 (a) The State Board of Education may adopt rules for  
29 issuing certificates to noncitizens who are needed to teach  
30 and who are legally admitted to the United States through the  
31 United States Immigration and Naturalization Service. The

1 filing of a written oath to uphold the principles of the  
2 Constitution of the United States and the Constitution of the  
3 State of Florida, required under paragraph (2)(b), does not  
4 apply to individuals assigned to teach on an exchange basis.

5 (b) A certificate may not be issued to a citizen of a  
6 nation controlled by forces that are antagonistic to  
7 democratic forms of government, except to an individual who  
8 has been legally admitted to the United States through the  
9 United States Immigration and Naturalization Service.

10 (10) DENIAL OF CERTIFICATE.--

11 (a) The Department of Education may deny an applicant  
12 a certificate if the department possesses evidence  
13 satisfactory to it that the applicant has committed an act or  
14 acts, or that a situation exists, for which the Education  
15 Practices Commission would be authorized to revoke a teaching  
16 certificate.

17 (b) The decision of the department is subject to  
18 review by the Education Practices Commission upon the filing  
19 of a written request from the applicant within 20 days after  
20 receipt of the notice of denial.

21 (11) STATE BOARD RULES.--The State Board of Education  
22 shall adopt rules pursuant to ss. 120.536 and 120.54, as  
23 necessary to implement this section.

24 (12) PRIOR APPLICATION.--Persons who apply for  
25 certification are governed by the law and rules in effect at  
26 the time of application for issuance of the initial  
27 certificate, provided that continuity of certificates is  
28 maintained.

29 (13) PERSONNEL RECORDS.--The Department of Education  
30 shall maintain a complete statement of the academic  
31 preparation, professional training, and teaching experience of

1 each person to whom a certificate is issued. The applicant or  
2 the district school superintendent shall furnish the  
3 information using a format or forms provided by the  
4 department.

5 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of  
6 Education may make decisions regarding an applicant's  
7 certification under extenuating circumstances not otherwise  
8 provided for in statute or by rule. However, an applicant for  
9 certification approved by the commissioner must possess the  
10 credentials, knowledge, and skills necessary to provide  
11 quality education in the public schools.

12 (15) COMPARISON OF ROUTES TO A PROFESSIONAL  
13 CERTIFICATE.--Beginning with the 2003-2004 school year, the  
14 Department of Education shall conduct a longitudinal study to  
15 compare performance of certificateholders who are employed in  
16 Florida school districts. The study shall compare a sampling  
17 of educators who have qualified for a professional certificate  
18 since July 1, 2002, based on the following:

19 (a) Graduation from a state-approved teacher  
20 preparation program.

21 (b) Completion of a state-approved professional  
22 preparation and education competency program.

23 (c) A valid standard teaching certificate issued by a  
24 state other than Florida.

25  
26 The department comparisons shall be made to determine if there  
27 is any significant difference in the performance of these  
28 groups of teachers, as measured by their students' achievement  
29 levels and learning gains as measured by s. 1008.22.

30 Section 722. Section 1012.565, Florida Statutes, is  
31 created to read:

1           1012.565 Educator certification for blind and visually  
2 impaired students.--As a part of the certification process,  
3 teachers certified in the education of blind and visually  
4 impaired students shall be required to demonstrate competence  
5 in reading, writing, and teaching braille pursuant to  
6 standards adopted by the Department of Education, comparable  
7 to the braille reading and writing standards adopted by the  
8 National Library Service for the Blind and Physically  
9 Handicapped, Library of Congress, Washington, D.C. The  
10 department shall ensure that teachers of students with visual  
11 impairments have access to inservice instruction for the  
12 purpose of updating their braille skill competence.

13           Section 723. Section 1012.57, Florida Statutes, is  
14 created to read:

15           1012.57 Certification of adjunct educators.--

16           (1) Notwithstanding the provisions of ss. 1012.32,  
17 1012.55, and 1012.56, or any other provision of law or rule to  
18 the contrary, district school boards may issue an adjunct  
19 teaching certificate to any applicant who fulfills the  
20 requirements of s. 1012.56(2)(a)-(f) and who has expertise in  
21 the subject area to be taught. An applicant shall be  
22 considered to have expertise in the subject area to be taught  
23 if the applicant has at least a minor in the subject area or  
24 demonstrates sufficient subject area mastery as determined by  
25 district school board policy. The adjunct teaching certificate  
26 shall be used for part-time teaching positions. The intent of  
27 this provision is to allow school districts to tap the wealth  
28 of talent and expertise represented in Florida's citizens who  
29 may wish to teach part-time in a Florida public school by  
30 permitting school districts to issue adjunct certificates.  
31 Adjunct certificateholders should be used as a strategy to

1 reduce the teacher shortage; thus, adjunct certificateholders  
 2 should supplement a school's instructional staff, not supplant  
 3 it. Each school principal shall assign an experienced peer  
 4 mentor to assist the adjunct teaching certificateholder during  
 5 the certificateholder's first year of teaching, and an adjunct  
 6 certificateholder may participate in a district's new teacher  
 7 training program. District school boards shall provide the  
 8 adjunct teaching certificateholder an orientation in classroom  
 9 management prior to assigning the certificateholder to a  
 10 school. Each adjunct teaching certificate is valid for 5  
 11 school years and is renewable if:

12       (a) The applicant completes a minimum of 60 inservice  
 13 points or 3 semester hours of college credit. The earned  
 14 credits must include instruction in classroom management,  
 15 district school board procedures, school culture, and other  
 16 activities that enhance the professional teaching skills of  
 17 the certificateholder.

18       (b) The applicant has received satisfactory  
 19 performance evaluations during each year of teaching under  
 20 adjunct teaching certification.

21       (2) Individuals who are certified and employed  
 22 pursuant to this section shall have the same rights and  
 23 protection of laws as teachers certified pursuant to s.  
 24 1012.56.

25       Section 724. Section 1012.575, Florida Statutes, is  
 26 created to read:

27       1012.575 Alternative preparation programs for  
 28 certified teachers to add additional coverage.--A district  
 29 school board may design alternative teacher preparation  
 30 programs to enable persons already certificated to add an  
 31 additional coverage to their certificates. Each alternative

1 teacher preparation program shall be reviewed and approved by  
 2 the Department of Education to assure that persons who  
 3 complete the program are competent in the necessary areas of  
 4 subject matter specialization. Two or more school districts  
 5 may jointly participate in an alternative preparation program  
 6 for teachers.

7 Section 725. Section 1012.58, Florida Statutes, is  
 8 created to read:

9 1012.58 Transition to Teaching Program.--

10 (1) LEGISLATIVE INTENT.--The Transition to Teaching  
 11 Program is created to encourage and assist midcareer  
 12 professionals who want to become teachers.

13 (2) GRANTS; ELIGIBLE APPLICANTS.--

14 (a) The Commissioner of Education shall design the  
 15 process for receiving and evaluating grant proposals in  
 16 accordance with state and federal appropriations guidelines.  
 17 Grants may be awarded only to the extent that funding is  
 18 provided.

19 (b) The Commissioner of Education shall request  
 20 proposals from eligible applicants to participate in the  
 21 program. Each application must:

22 1. Describe the target group of career-changing  
 23 professionals upon which the applicant will focus in carrying  
 24 out its program, including a description of the  
 25 characteristics of the target group that shows how the  
 26 knowledge and experience of its members are likely to improve  
 27 their ability to become effective teachers.

28 2. Describe how the applicant will identify and  
 29 recruit program participants.

30 3. Describe how the applicant will ensure that program  
 31 participants are placed and teach in eligible school districts



1 in this state.

2 4. Describe the teacher support services that program  
3 participants will receive throughout at least their first year  
4 of teaching.

5 5. Describe how the applicant will collaborate with  
6 other institutions, agencies, or organizations to recruit,  
7 train, place, and support program participants, including  
8 evidence of the commitment of those institutions, agencies, or  
9 organizations to the applicant's program.

10 (c) The Commissioner of Education must require an  
11 evaluation process to measure the progress and effectiveness  
12 of the program. This evaluation must include:

13 1. The program's goals and objectives.

14 2. The performance indicators that the applicant will  
15 use to measure the program's progress.

16 3. The outcome measures that will be used to determine  
17 the program's effectiveness.

18 4. An assurance that the applicant will provide the  
19 commissioner with information the commissioner finds necessary  
20 to determine the overall effectiveness of the programs.

21 (3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

22 (a) An applicant shall estimate the funds required for  
23 the proposed program. All funds provided for a program must be  
24 used as authorized in federal guidelines.

25 (b) Eligible applicants are encouraged to implement  
26 the program using the following components:

27 1. Recruiting program participants, including  
28 informing them of opportunities under the program and putting  
29 them in contact with other institutions, agencies, or  
30 organizations that will train, place, and support them in the  
31 teaching profession.

1           2. Assisting providers of teacher training to tailor  
2 their training to meet the particular needs of professionals  
3 who are changing their careers to teaching.

4           3. Placement activities, including identifying  
5 eligible local education agencies with a need for the skills  
6 and characteristics of the newly trained program participants  
7 and assisting those participants to obtain employment in those  
8 school districts.

9           4. Post-placement support activities for program  
10 participants.

11           (4) ELIGIBLE PARTICIPANTS; REQUIREMENTS FOR GRANT  
12 REPAYMENT.--

13           (a) Each participant who receives a grant from the  
14 program to pursue a teacher preparation program must agree to  
15 teach in an eligible school district in this state for at  
16 least 3 years after certification. To be eligible, a school  
17 district must meet the requirements established in regulations  
18 that implement the Omnibus Appropriations Bill of 2000.

19           (b) The commissioner shall establish conditions under  
20 which a participant must repay all or a portion of the  
21 training stipend if the participant fails to complete his or  
22 her service obligation.

23           Section 726. Section 1012.585, Florida Statutes, is  
24 created to read:

25           1012.585 Process for renewal of professional  
26 certificates.--

27           (1)(a) District school boards in this state shall  
28 renew state-issued professional certificates as follows:

29           1. Each district school board shall renew state-issued  
30 professional certificates for individuals who hold a  
31 professional certificate by this state and are employed by

1 that district pursuant to criteria established in subsections  
2 (2), (3), and (4) and rules of the State Board of Education.

3       2. The employing school district may charge the  
4 individual an application fee not to exceed the amount charged  
5 by the Department of Education for such services, including  
6 associated late renewal fees. Each district school board  
7 shall transmit monthly to the department a fee in an amount  
8 established by the State Board of Education for each renewed  
9 certificate. The fee shall not exceed the actual cost for  
10 maintenance and operation of the statewide certification  
11 database and for the actual costs incurred in printing and  
12 mailing such renewed certificates. As defined in current rules  
13 of the state board, the department shall contribute a portion  
14 of such fee for purposes of funding the Educator Recovery  
15 Network established in s. 1012.798. The department shall  
16 deposit all funds into the Educational Certification Trust  
17 Fund for use as specified in s. 1012.59.

18       (b) The department shall renew state-issued  
19 professional certificates for individuals who are not employed  
20 by a district school board of this state pursuant to criteria  
21 established in subsections (2), (3), and (4) and requirements  
22 specified in rules of the state board.

23       (2)(a) All professional certificates, except a  
24 nonrenewable professional certificate, shall be renewable for  
25 successive periods not to exceed 5 years after the date of  
26 submission of documentation of completion of the requirements  
27 for renewal provided in subsection (3). Only one renewal may  
28 be granted during each 5-year validity period of a  
29 professional certificate.

30       (b) A teacher with national certification from the  
31 National Board for Professional Teaching Standards is deemed

1 to meet state renewal requirements for the life of the  
2 teacher's national certificate in the subject shown on the  
3 national certificate.

4 (c) If the renewal application form is not received by  
5 the department or by the employing school district before the  
6 expiration of the professional certificate, the application  
7 form, application fee, and a late fee must be submitted before  
8 July 1 of the year following expiration of the certificate in  
9 order to renew the professional certificate.

10 (d) The State Board of Education shall adopt rules to  
11 allow a 1-year extension of the validity period of a  
12 professional certificate in the event of serious illness,  
13 injury, or other extraordinary extenuating circumstances of  
14 the applicant. The department shall grant such 1-year  
15 extension upon written request by the applicant or by the  
16 district school superintendent or the governing authority of a  
17 university lab school, state-supported school, or private  
18 school that employs the applicant.

19 (3) For the renewal of a professional certificate, the  
20 following requirements must be met:

21 (a) The applicant must earn a minimum of 6 college  
22 credits or 120 inservice points or a combination thereof. For  
23 each area of specialization to be retained on a certificate,  
24 the applicant must earn at least 3 of the required credit  
25 hours or equivalent inservice points in the specialization  
26 area. Education in "clinical educator" training pursuant to s.  
27 1004.04(5)(b) and credits or points that provide training in  
28 the area of exceptional student education, normal child  
29 development, and the disorders of development may be applied  
30 toward any specialization area. Credits or points that provide  
31 training in the areas of drug abuse, child abuse and neglect,

1 strategies in teaching students having limited proficiency in  
 2 English, or dropout prevention, or training in areas  
 3 identified in the educational goals and performance standards  
 4 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied  
 5 toward any specialization area. Credits or points earned  
 6 through approved summer institutes may be applied toward the  
 7 fulfillment of these requirements. Inservice points may also  
 8 be earned by participation in professional growth components  
 9 approved by the State Board of Education and specified  
 10 pursuant to s. 1012.98 in the district's approved master plan  
 11 for inservice educational training, including, but not limited  
 12 to, serving as a trainer in an approved teacher training  
 13 activity, serving on an instructional materials committee or a  
 14 state board or commission that deals with educational issues,  
 15 or serving on an advisory council created pursuant to s.  
 16 229.58.

17 (b) In lieu of college course credit or inservice  
 18 points, the applicant may renew a specialization area by  
 19 passage of a state board approved subject area test.

20 (c) If an applicant wishes to retain more than two  
 21 specialization areas on the certificate, the applicant shall  
 22 be permitted two successive validity periods for renewal of  
 23 all specialization areas, but must earn no fewer than 6  
 24 college course credit hours or the equivalent in any one  
 25 validity period.

26 (d) The State Board of Education shall adopt rules for  
 27 the expanded use of training for renewal of the professional  
 28 certificate for educators who are required to complete  
 29 training in teaching students of limited English proficiency  
 30 as follows:

31 1. A teacher who holds a professional certificate may

1 use college credits or inservice points completed in  
 2 English-for-Speakers-of-Other-Languages training in excess of  
 3 6 semester hours during one certificate-validity period toward  
 4 renewal of the professional certificate during the subsequent  
 5 validity periods.

6 2. A teacher who holds a temporary certificate may use  
 7 college credits or inservice points completed in  
 8 English-for-Speakers-of-Other-Languages training toward  
 9 renewal of the teacher's first professional certificate. Such  
 10 training must not have been included within the degree  
 11 program, and the teacher's temporary and professional  
 12 certificates must be issued for consecutive school years.

13 (4) When any person who holds a valid temporary  
 14 certificate or professional certificate is called into or  
 15 volunteers for actual wartime service or required peacetime  
 16 military service training, the certificate shall be renewed  
 17 for a period of time equal to the time spent in military  
 18 service if the person makes proper application and presents  
 19 substantiating evidence to the department or the employing  
 20 school district regarding such military service.

21 (5) The State Board of Education shall adopt rules to  
 22 allow the reinstatement of expired professional certificates.  
 23 The department may reinstate an expired professional  
 24 certificate if the certificateholder:

25 (a) Submits an application for reinstatement of the  
 26 expired certificate.

27 (b) Documents completion of 6 college credits during  
 28 the 5 years immediately preceding reinstatement of the expired  
 29 certificate, completion of 120 inservice points, or a  
 30 combination thereof, in an area specified in paragraph (3)(a).

31 (c) During the 5 years immediately preceding

1 reinstatement of the certificate, achieves a passing score on  
2 the subject area test for each subject to be shown on the  
3 reinstated certificate.

4  
5 The requirements of this subsection may not be satisfied by  
6 subject area tests or college credits completed for issuance  
7 of the certificate that has expired.

8 Section 727. Section 1012.59, Florida Statutes, is  
9 created to read:

10 1012.59 Certification fees.--

11 (1) The State Board of Education, by rule, shall  
12 establish separate fees for applications, examinations,  
13 certification, certification renewal, late renewal,  
14 recordmaking, and recordkeeping, and may establish procedures  
15 for scheduling and administering an examination upon an  
16 applicant's request. Each fee shall be based on department  
17 estimates of the revenue required to implement the provisions  
18 of law with respect to certification of school personnel. The  
19 application fee shall be nonrefundable. Each examination fee  
20 shall be sufficient to cover the actual cost of developing and  
21 administering the examination, but shall not exceed \$100 for  
22 an examination.

23 (2) The proceeds from the collection of certification  
24 fees, fines, penalties, and costs levied pursuant to this  
25 chapter shall be remitted by the Department of Education to  
26 the Treasurer for deposit into a separate fund to be known as  
27 the "Educational Certification and Service Trust Fund" and  
28 disbursed for the payment of expenses incurred by the  
29 Educational Practices Commission and in the printing of forms  
30 and bulletins and the issuing of certificates, upon vouchers  
31 approved by the department.

1 Section 728. Section 1012.595, Florida Statutes, is  
2 created to read:

3 1012.595 Saving clause.--Each applicant who was issued  
4 a certificate by the Department of Education prior to June 25,  
5 1986, shall be entitled to hold such certificate. Henceforth,  
6 such certificate shall be renewed in accordance with the  
7 provisions of chapter 86-156, Laws of Florida. No judicial or  
8 administrative proceeding against a holder of a certificate  
9 shall be abated as a result of this chapter.

10 Section 729. Part III.e. of chapter 1012, Florida  
11 Statutes, shall be entitled "Leave, Retirement, Workers'  
12 Compensation in Public Schools" and shall consist of ss.  
13 1012.61-1012.695.

14 Section 730. Section 1012.61, Florida Statutes, is  
15 created to read:

16 1012.61 Sick leave.--

17 (1) ELIGIBILITY.--Any member of the instructional  
18 staff or any other employee of a district school system  
19 employed on a full-time basis in the public schools of the  
20 state who is unable to perform his or her duty in the school  
21 on account of personal sickness, accident disability, or  
22 extended personal illness, or because of illness or death of  
23 father, mother, brother, sister, husband, wife, child, other  
24 close relative, or member of his or her own household, and  
25 consequently has to be absent from his or her work shall be  
26 granted leave of absence for sickness by the district school  
27 superintendent or by someone designated in writing by the  
28 district school superintendent to do so.

29 (2) PROVISIONS GOVERNING SICK LEAVE.--The following  
30 provisions shall govern sick leave:

31 (a) Extent of leave.--



1           1. Each member of the instructional staff employed on  
2 a full-time basis is entitled to 4 days of sick leave as of  
3 the first day of employment of each contract year and shall  
4 thereafter earn 1 day of sick leave for each month of  
5 employment, which shall be credited to the member at the end  
6 of that month and which may not be used before it is earned  
7 and credited to the member. Each other employee shall be  
8 credited with 4 days of sick leave at the end of the first  
9 month of employment of each contract year and shall thereafter  
10 be credited for 1 day of sick leave for each month of  
11 employment, which shall be credited to the employee at the end  
12 of the month and which may not be used before it is earned and  
13 credited to the employee. However, each member of the  
14 instructional staff and each other employee is entitled to  
15 earn no more than 1 day of sick leave times the number of  
16 months of employment during the year of employment. If the  
17 employee terminates his or her employment and has not accrued  
18 the 4 days of sick leave available to him or her, the district  
19 school board may withhold the average daily amount for the  
20 days of sick leave used but unearned by the employee. Such  
21 leave may be taken only when necessary because of sickness as  
22 prescribed in this section. The sick leave shall be  
23 cumulative from year to year. There shall be no limit on the  
24 number of days of sick leave which a member of the  
25 instructional staff or an educational support employee may  
26 accrue, except that at least one-half of this cumulative leave  
27 must be established within the district granting such leave.

28           2. A district school board may establish policies and  
29 prescribe standards to permit an employee to be absent 6 days  
30 each school year for personal reasons. However, such absences  
31 for personal reasons must be charged only to accrued sick

1 leave, and leave for personal reasons is noncumulative.

2 3. District school boards may adopt rules permitting  
3 the annual payment for accumulated sick leave that is earned  
4 for that year and that is unused at the end of the school  
5 year, based on the daily rate of pay of the employee  
6 multiplied by up to 80 percent. Days for which such payment  
7 is received shall be deducted from the accumulated leave  
8 balance. Such annual payment may apply only to instructional  
9 staff and educational support employees.

10 4. A district school board may establish policies to  
11 provide terminal pay for accumulated sick leave to  
12 instructional staff and educational support employees of the  
13 district school board. If termination of employment is by  
14 death of the employee, any terminal pay to which the employee  
15 may have been entitled may be made to his or her beneficiary.  
16 However, such terminal pay may not exceed an amount determined  
17 as follows:

18 a. During the first 3 years of service, the daily rate  
19 of pay multiplied by 35 percent times the number of days of  
20 accumulated sick leave.

21 b. During the next 3 years of service, the daily rate  
22 of pay multiplied by 40 percent times the number of days of  
23 accumulated sick leave.

24 c. During the next 3 years of service, the daily rate  
25 of pay multiplied by 45 percent times the number of days of  
26 accumulated sick leave.

27 d. During the next 3 years of service, the daily rate  
28 of pay multiplied by 50 percent times the number of days of  
29 accumulated sick leave.

30 e. During and after the 13th year of service, the  
31 daily rate of pay multiplied by 100 percent times the number

1 of days of accumulated sick leave.

2 5. A district school board may establish policies to  
3 provide terminal pay for accumulated sick leave to any  
4 full-time employee of the district school board other than  
5 instructional staff or educational support employees as  
6 defined in this section. If termination of the employee is by  
7 death of the employee, any terminal pay to which the employee  
8 may have been entitled may be made to the employee's  
9 beneficiary.

10 a. Terminal pay may not exceed one-fourth of all  
11 unused sick leave accumulated on or after July 1, 2001, and  
12 may not exceed a maximum of 60 days of actual payment. This  
13 limit does not impair any contractual agreement established  
14 before July 1, 2001; however, a previously established  
15 contract renewed on or after July 1, 2001, constitutes a new  
16 contract.

17 b. For unused sick leave accumulated before July 1,  
18 2001, terminal payment shall be made pursuant to a district  
19 school board's policies, contracts, or rules that are in  
20 effect on June 30, 2001.

21 c. If an employee has an accumulated sick leave  
22 balance of 60 days of actual payment or more prior to July 1,  
23 2001, sick leave earned after that date may not be accumulated  
24 for terminal pay purposes until the accumulated leave balance  
25 for leave earned before July 1, 2001, is less than 60 days.

26 (b) Claim must be filed.--Any district school board  
27 employee who finds it necessary to be absent from his or her  
28 duties because of illness, as defined in this section, shall  
29 notify his or her immediate supervisor, if possible, before  
30 the beginning of the workday on which the employee must be  
31 absent or during that day, except for emergency reasons

1 recognized by the district school board as valid. Any  
 2 district school board employee shall, before claiming and  
 3 receiving compensation for the time absent from his or her  
 4 duties while absent because of sick leave as prescribed in  
 5 this section, make and file within 5 working days following  
 6 his or her return from such absence with the district school  
 7 superintendent of the district in which he or she is so  
 8 employed a written certificate which shall set forth the day  
 9 or days absent, that such absence was necessary, and that the  
 10 employee is entitled or not entitled to receive pay for such  
 11 absence in accordance with the provisions of this section;  
 12 however, the district school board of any district may adopt  
 13 rules under which the district school superintendent may  
 14 require a certificate of illness from a licensed physician or  
 15 from the county health officer.

16 (c) Compensation.--Any employee having unused sick  
 17 leave credit shall receive full-time compensation for the time  
 18 justifiably absent on sick leave, but no compensation may be  
 19 allowed beyond that which may be provided in subsection (4).

20 (d) Expenditure authorized.--District school boards  
 21 may expend public funds for payment to employees on account of  
 22 sickness. The expending and excluding of such funds shall be  
 23 in compliance with rules adopted by the Department of  
 24 Management Services pursuant to chapter 650.

25 (e) Use by family member.--Each district school system  
 26 must provide a policy under which a district employee may  
 27 authorize his or her spouse, child, parent, or sibling who is  
 28 also a district employee to use sick leave that has accrued to  
 29 the authorizing employee. In developing the policy, the  
 30 district school board must provide that the recipient may not  
 31 use the donated sick leave until all of his or her sick leave

1 has been depleted, excluding sick leave from a sick leave  
 2 pool, if the recipient participates in a sick leave pool.  
 3 Donated sick leave under this paragraph shall have no terminal  
 4 value as provided in s. 1012.61(2).

5 (3) SICK LEAVE POOL.--Notwithstanding any other  
 6 provision of this section, a district school board, based upon  
 7 the maintenance of reliable and accurate records by the  
 8 district school system showing the amount of sick leave which  
 9 has been accumulated and is unused by employees in accordance  
 10 with this section, may, by rule or collective bargaining  
 11 agreement, establish one or more plans allowing participating  
 12 full-time employees of a district school system to pool sick  
 13 leave accrued and allowing any sick leave thus pooled to be  
 14 disbursed to any participating employee who is in need of sick  
 15 leave in excess of that amount he or she has personally  
 16 accrued. Such rules or agreements shall include, but not be  
 17 limited to, the following provisions:

18 (a) Participation in any sick leave pool shall at all  
 19 times be voluntary on the part of employees.

20 (b) Any full-time employee shall be eligible for  
 21 participation in any sick leave pool after 1 year of  
 22 employment with the district school system, provided the  
 23 employee has accrued a minimum amount of unused sick leave  
 24 which shall be established by rule and provided, further, a  
 25 sick leave pool is established that allows participation by  
 26 that particular employee.

27 (c) Any sick leave pooled pursuant to this section  
 28 shall be removed from the personally accumulated sick leave  
 29 balance of the employee donating such leave.

30 (d) Participating employees shall make equal  
 31 contributions to the sick leave pool. There shall be

1 established a maximum amount of sick leave which may be  
 2 contributed by an employee to the pool. After the initial  
 3 contribution which an employee makes upon electing to  
 4 participate, no further contributions shall be required except  
 5 as may be necessary to replenish the pool. Any such further  
 6 contribution shall be equally required of all employees  
 7 participating in the pool.

8 (e) Any sick leave time drawn from the pool by a  
 9 participating employee must be used for said employee's  
 10 personal illness, accident, or injury.

11 (f) A participating employee is not eligible to use  
 12 sick leave from the pool until all of his or her sick leave  
 13 has been depleted, unless otherwise agreed to in a collective  
 14 bargaining agreement. There shall be established a maximum  
 15 number of days for which an employee may draw sick leave from  
 16 the sick leave pool.

17 (g) A participating employee who uses sick leave from  
 18 the pool is not required to recontribute such sick leave to  
 19 the pool, except as otherwise provided in this section.

20 (h) A participating employee who chooses to no longer  
 21 participate in the sick leave pool is not eligible to withdraw  
 22 any sick leave already contributed to the pool.

23 (i) Alleged abuse of the use of the sick leave pool  
 24 shall be investigated and, on a finding of wrongdoing, the  
 25 employee shall repay all of the sick leave credits drawn from  
 26 the sick leave pool and be subject to such other disciplinary  
 27 action as determined by the district school board to be  
 28 appropriate. Rules adopted for the administration of this  
 29 program shall provide for the investigation of the use of sick  
 30 leave utilized by the participating employee in the sick leave  
 31 pool.

1 Section 731. Section 1012.62, Florida Statutes, is  
2 created to read:

3 1012.62 Transfer of sick leave and annual leave.--In  
4 implementing the provisions of ss. 1001.42(4)(n) and  
5 402.22(1)(d), educational personnel in Department of Children  
6 and Family Services residential care facilities who are  
7 employed by a district school board may request, and the  
8 district school board shall accept, a lump-sum transfer of  
9 accumulated sick leave for such personnel to the maximum  
10 allowed by policies of the district school board,  
11 notwithstanding the provisions of s. 110.122. Educational  
12 personnel in Department of Children and Family Services  
13 residential care facilities who are employed by a district  
14 school board under the provisions of s. 402.22(1)(d) may  
15 request, and the district school board shall accept, a  
16 lump-sum transfer of accumulated annual leave for each person  
17 employed by the district school board in a position in the  
18 district eligible to accrue vacation leave under policies of  
19 the district school board.

20 Section 732. Section 1012.63, Florida Statutes, is  
21 created to read:

22 1012.63 Illness-in-line-of-duty leave.--Any district  
23 school board employee shall be entitled to  
24 illness-in-line-of-duty leave when he or she has to be absent  
25 from his or her duties because of a personal injury received  
26 in the discharge of duty or because of illness from any  
27 contagious or infectious disease contracted in school work.  
28 The following requirements shall be observed:

29 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the  
30 district school board employee shall be authorized for a total  
31 of not to exceed 10 school days during any school year for

1 illness contracted, or injury incurred, from the causes  
 2 prescribed above. However, in the case of sickness or injury  
 3 occurring under such circumstances as in the opinion of the  
 4 district school board warrant it, additional emergency sick  
 5 leave may be granted out of local funds for such term and  
 6 under such conditions as the district school board deems  
 7 proper. The district school board may carry insurance to  
 8 safeguard the district school board against excessive payments  
 9 during any year.

10 (2) CLAIMS.--Any district school board employee who  
 11 has any claim for compensation while absent because of illness  
 12 contracted or injury incurred as prescribed herein shall file  
 13 a claim in the manner prescribed in s. 1012.61(2)(b) within 5  
 14 working days following the employee's return from such  
 15 absence. The school board of the district in which such person  
 16 is employed shall approve the claims and authorize the payment  
 17 thereof if the district school board is satisfied that the  
 18 claim correctly states the facts and that the claim is  
 19 entitled to payment in accordance with the provisions of this  
 20 section.

21 Section 733. Section 1012.64, Florida Statutes, is  
 22 created to read:

23 1012.64 Sabbatical leave.--

24 (1) Any member of the instructional staff of any  
 25 school district may be granted sabbatical leave for a period  
 26 not to exceed 1 year. A person who receives such leave may be  
 27 paid one-half of his or her ordinary salary during the period  
 28 of such leave, or in accordance with negotiated agreement or  
 29 district school board policy, and shall receive full benefits  
 30 during such period. A person compensated under this section  
 31 may not be compensated for other employment during the period



1 of sabbatical leave so that he or she would receive combined  
2 compensation in excess of his or her ordinary salary.

3 (2) Funds, not to exceed 25 percent, of the district's  
4 allocation for inservice training under s. 1011.62(3) or other  
5 district funds may be expended in order to fulfill the  
6 provisions of this section, provided that the district  
7 allocates \$5 of district funds for each \$1 of state inservice  
8 training funds expended under this subsection.

9 (3) Each district school board shall adopt rules to  
10 implement this section.

11 Section 734. Section 1012.65, Florida Statutes, is  
12 created to read:

13 1012.65 Terminal pay for accrued vacation leave.--A  
14 district school board may establish policies to provide for a  
15 lump-sum payment for accrued vacation leave to an employee of  
16 the district school board upon termination of employment or  
17 upon retirement, or to the employee's beneficiary if service  
18 is terminated by death. Effective July 1, 2001, terminal pay  
19 for accrued vacation leave may not exceed a maximum of 60 days  
20 of actual payment. This limit does not impair any contractual  
21 agreement established before July 1, 2001. For unused vacation  
22 leave accumulated before July 1, 2001, terminal payment shall  
23 be made pursuant to the district school board's policies,  
24 contracts, or rules that are in effect on June 30, 2001.

25 Section 735. Section 1012.66, Florida Statutes, is  
26 created to read:

27 1012.66 Provisions for leaves of absence.--All leaves  
28 of absence for all district school board employees, except  
29 those leaves prescribed by law, shall be granted with or  
30 without compensation pursuant to rules adopted by the district  
31 school board. Such leaves authorized by the district school

1 board shall include, but are not limited to, professional  
2 leave and extended professional leave, personal leave,  
3 military leave granted in compliance with chapter 115, and  
4 maternity leave.

5 Section 736. Section 1012.67, Florida Statutes, is  
6 created to read:

7 1012.67 Absence without leave.--Any district school  
8 board employee who is willfully absent from duty without leave  
9 shall forfeit compensation for the time of such absence, and  
10 his or her employment shall be subject to termination by the  
11 district school board.

12 Section 737. Section 1012.68, Florida Statutes, is  
13 created to read:

14 1012.68 Records of absences.--The administrator of  
15 each designated organizational unit shall see that both the  
16 days present and the days absent for each employee are  
17 reported to the district school superintendent at least once  
18 each month in the manner prescribed for that purpose. This  
19 report shall include the exact dates of, and the reasons for,  
20 each absence. Each district school superintendent shall  
21 establish procedures to ensure maintenance of the complete  
22 records of all such absences.

23 Section 738. Section 1012.685, Florida Statutes, is  
24 created to read:

25 1012.685 Retirement; annuities authorized.--  
26 (1) District school boards may purchase annuities for  
27 all school personnel with 25 or more years of creditable  
28 service who have reached age 50 and have applied for  
29 retirement under the Florida Retirement System or who have  
30 reached age 55 and have applied for retirement under plan E of  
31 the Teachers' Retirement System. No such annuity shall provide

1 for more than the total difference in retirement income  
2 between the retirement benefit based on average monthly  
3 compensation and creditable service as of the member's early  
4 retirement date and the early retirement benefit.

5 (2) District school boards may purchase annuities for  
6 members of the Florida Retirement System who have out-of-state  
7 teaching service in another state or country which is  
8 documented as valid by the appropriate district school board.  
9 Such annuities may be based on no more than 5 years of  
10 out-of-state teaching service and may equal, but not exceed,  
11 the benefits that would be payable under the Florida  
12 Retirement System if credit for out-of-state teaching was  
13 authorized under that system.

14 (3) District school boards may invest funds, purchase  
15 annuities, or provide local supplemental retirement programs  
16 for purposes of providing annuities for school personnel.

17 (4) All retirement annuities shall comply with s. 14,  
18 Art. X of the State Constitution.

19 Section 739. Section 1012.69, Florida Statutes, is  
20 created to read:

21 1012.69 Provisions relating to Workers' Compensation  
22 Law.--Nothing contained in this chapter shall supersede any of  
23 the provisions of the Workers' Compensation Law; provided,  
24 however, that where amounts payable under the provisions of  
25 the education code, for injuries, accidents, or other  
26 disabilities which would entitle an employee to compensation  
27 under the provisions of the Workers' Compensation Law exceed  
28 the amounts payable under the compensation law, payments shall  
29 be made, as provided in the education code, for the difference  
30 between the amount paid under the Workers' Compensation Law  
31 and the amount due under the provisions of the education code.

1 Section 740. Section 1012.695, Florida Statutes, is  
2 created to read:

3 1012.695 Local civil service system laws not  
4 superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not  
5 be construed to supersede or modify any local law establishing  
6 a civil service system covering employees of any school  
7 district.

8 Section 741. Part III.f. of chapter 1012, Florida  
9 Statutes, shall be entitled "Educator Benefits; Liability  
10 Protection; Awards in Public Schools" and shall consist of ss.  
11 1012.71-1012.77.

12 Section 742. Section 1012.71, Florida Statutes, is  
13 created to read:

14 1012.71 The Florida Teachers Lead Program Stipend.--

15 (1) Funding for the Florida Teachers Lead Program  
16 Stipend shall be as determined by the Legislature in the  
17 General Appropriations Act. Funds appropriated for the Florida  
18 Teachers Lead Program Stipend are provided to purchase  
19 classroom materials and supplies used in the instruction of  
20 students in kindergarten through grade 12 of the public school  
21 system. From the funds appropriated, the Commissioner of  
22 Education shall calculate an amount for each school district  
23 by prorating the total of each school district's share of the  
24 total K-12 unweighted FTE student enrollment.

25 (2) From the funds allocated to each district, the  
26 district school board shall calculate an identical amount for  
27 each classroom teacher which is his or her proportionate share  
28 of the amount allocated to the district for the total number  
29 of teachers in the district. The district school board shall  
30 provide the funds no later than September 30 of each year  
31 directly to each teacher as a stipend to purchase, on behalf

1 of the school district, classroom materials and supplies to be  
 2 used in the instruction of students assigned to the teacher.  
 3 Each teacher shall have sole discretion regarding which  
 4 classroom materials and supplies best meet the needs of the  
 5 students, when they are needed, and where they are acquired.  
 6 The funds expended by individual teachers shall not be subject  
 7 to state or local competitive bidding requirements.  
 8 Disbursement of Florida Teachers Lead Program Stipend funds  
 9 directly to each teacher shall complete the school district's  
 10 expenditure of these funds.

11       (3) Each teacher shall sign a statement acknowledging  
 12 receipt of the funds, agreeing to keep receipts to show the  
 13 expenditure of the funds used to purchase classroom materials  
 14 and supplies for use in the instruction of the students  
 15 assigned to them, and agreeing to return any unused funds by  
 16 the end of the regular school year. The statement to be signed  
 17 and dated by each teacher for receipt of the Florida Teachers  
 18 Lead Program Stipend shall include the wording: "I, ...(Name  
 19 of teacher)..., am employed by the .... County District School  
 20 Board as a full-time classroom teacher. I acknowledge that  
 21 Florida Teachers Lead Program Stipend funds are appropriated  
 22 by the Legislature for the sole purpose of purchasing  
 23 classroom materials and supplies to be used in the instruction  
 24 of students assigned to me. In accepting custody of these  
 25 funds, I agree to keep receipts for all expenditures. I  
 26 understand that if I do not keep receipts showing these funds  
 27 were spent to purchase classroom materials and supplies for  
 28 use with my students, it will be my personal responsibility to  
 29 pay any federal taxes due on these funds. I also agree to  
 30 return any unused funds to the district school board at the  
 31 end of the regular school year for deposit into the School

1 Advisory Council account of the school at which I was employed  
2 at the time of the receipt of the funds."

3 (4) Florida Teachers Lead Program Stipend funds shall  
4 be provided to each teacher in addition to any other funds  
5 appropriated for public school operations.

6 (5) Any unused funds which are returned to the  
7 district school board shall be deposited into the School  
8 Advisory Council account of the school at which the teacher  
9 returning the funds was employed at the time of the receipt of  
10 the funds.

11 (6) For purposes of this section, the term "classroom  
12 teacher" includes certified teachers employed on or before  
13 September 1 of each year whose full-time job responsibility is  
14 the classroom instruction of students in kindergarten through  
15 grade 12, and full-time media specialists and guidance  
16 counselors who serve students in kindergarten through grade  
17 12. Only school district personnel employed in these positions  
18 are eligible for the classroom materials and supply stipend  
19 from funds appropriated to implement the provisions of this  
20 section.

21 Section 743. Section 1012.72, Florida Statutes, is  
22 created to read:

23 1012.72 Excellent Teaching Program.--

24 (1) The Legislature recognizes that teachers play a  
25 critical role in preparing students to achieve the high levels  
26 of academic performance expected by the Sunshine State  
27 Standards. The Legislature further recognizes the importance  
28 of identifying and rewarding teaching excellence and of  
29 encouraging good teachers to become excellent teachers. The  
30 Legislature finds that the National Board of Professional  
31 Teaching Standards (NBPTS) has established high and rigorous

1 standards for accomplished teaching and has developed a  
 2 national voluntary system for assessing and certifying  
 3 teachers who demonstrate teaching excellence by meeting those  
 4 standards. It is therefore the Legislature's intent to provide  
 5 incentives for teachers to seek NBPTS certification and to  
 6 reward teachers who demonstrate teaching excellence by  
 7 attaining NBPTS certification and sharing their expertise with  
 8 other teachers.

9       (2) The Excellent Teaching Program is created to  
 10 provide monetary incentives and bonuses for teaching  
 11 excellence. The Department of Education shall distribute to  
 12 each school district or to the NBPTS an amount as prescribed  
 13 annually by the Legislature for the Excellent Teaching  
 14 Program. For purposes of this section, the Florida School for  
 15 the Deaf and the Blind shall be considered a school district.  
 16 Unless otherwise provided in the General Appropriations Act,  
 17 each distribution shall be the sum of the amounts earned for  
 18 the following incentives and bonuses:

19       (a) A fee subsidy to be paid by the Department of  
 20 Education to the NBPTS on behalf of each individual who is an  
 21 employee of a district school board or a public school within  
 22 the school district, who is certified by the district to have  
 23 demonstrated satisfactory teaching performance pursuant to s.  
 24 1012.34 and who satisfies the prerequisites for participating  
 25 in the NBPTS certification program, and who agrees, in  
 26 writing, to pay 10 percent of the NBPTS participation fee and  
 27 to participate in the NBPTS certification program during the  
 28 school year for which the fee subsidy is provided. The fee  
 29 subsidy for each eligible participant shall be an amount equal  
 30 to 90 percent of the fee charged for participating in the  
 31 NBPTS certification program. The fee subsidy is a one-time

1 award and may not be duplicated for any individual.

2 (b) A portfolio-preparation incentive of \$150 paid by  
3 the Department of Education to each teacher employed by a  
4 district school board or a public school within a school  
5 district who is participating in the NBPTS certification  
6 program. The portfolio-preparation incentive is a one-time  
7 award paid during the school year for which the NBPTS fee  
8 subsidy is provided.

9 (c) An annual bonus equal to 10 percent of the prior  
10 fiscal year's statewide average salary for classroom teachers  
11 to be distributed to the school district to be paid to each  
12 individual who holds NBPTS certification and is employed by  
13 the district school board or by a public school within the  
14 school district. The district school board shall distribute  
15 the annual bonus to each individual who meets the requirements  
16 of this paragraph and who is certified annually by the  
17 district to have demonstrated satisfactory teaching  
18 performance pursuant to s. 1012.34. The annual bonus may be  
19 paid as a single payment or divided into not more than three  
20 payments.

21 (d) An annual bonus equal to 10 percent of the prior  
22 fiscal year's statewide average salary for classroom teachers  
23 to be distributed to the school district to be paid to each  
24 individual who meets the requirements of paragraph (c) and  
25 agrees, in writing, to provide the equivalent of 12 workdays  
26 of mentoring and related services to public school teachers  
27 within the state who do not hold NBPTS certification. The  
28 district school board shall distribute the annual bonus in a  
29 single payment following the completion of all required  
30 mentoring and related services for the year. It is not the  
31 intent of the Legislature to remove excellent teachers from



1 their assigned classrooms; therefore, credit may not be  
 2 granted by a school district or public school for mentoring or  
 3 related services provided during student contact time during  
 4 the 196 days of required service for the school year.

5  
 6 A teacher for whom the state pays the certification fee and  
 7 who does not complete the certification program or does not  
 8 teach in a public school of this state for at least 1 year  
 9 after completing the certification program must repay the  
 10 amount of the certification fee to the state. However, a  
 11 teacher who completes the certification program but fails to  
 12 be awarded NBPTS certification is not required to repay the  
 13 amount of the certification fee if the teacher meets the  
 14 1-year teaching requirement. Repayment is not required of a  
 15 teacher who does not complete the certification program or  
 16 fails to fulfill the teaching requirement because of the  
 17 teacher's death or disability or because of other extenuating  
 18 circumstances as determined by the State Board of Education.

19 (3)(a) In addition to any other remedy available under  
 20 the law, any person who is a recipient of a certification fee  
 21 subsidy paid to the NBPTS and who is an employee of the state  
 22 or any of its political subdivisions is considered to have  
 23 consented, as a condition of employment, to the voluntary or  
 24 involuntary withholding of wages to repay to the state the  
 25 amount of such a certification fee subsidy awarded under this  
 26 section. Any such employee who defaults on the repayment of  
 27 such a certification fee subsidy must, within 60 days after  
 28 service of a notice of default by the Department of Education  
 29 to the employee, establish a repayment schedule which must be  
 30 agreed to by the department and the employee, for repaying the  
 31 defaulted sum through payroll deductions. The department may

1 not require the employee to pay more than 10 percent of the  
 2 employee's pay per pay period under such a repayment schedule  
 3 or plan. If the employee fails to establish a repayment  
 4 schedule within the specified period of time or fails to meet  
 5 the terms and conditions of the agreed upon or approved  
 6 repayment schedule as authorized by this subsection, the  
 7 employee has breached an essential condition of employment and  
 8 is considered to have consented to the involuntary withholding  
 9 of wages or salary for the repayment of the certification fee  
 10 subsidy.

11 (b) A person who is employed by the state, or any of  
 12 its political subdivisions, may not be dismissed for having  
 13 defaulted on the repayment of the certification fee subsidy to  
 14 the state.

15 (4) The State Board of Education may adopt rules  
 16 pursuant to ss. 120.536 and 120.54 as necessary to implement  
 17 the provisions for payment of the fee subsidies, incentives,  
 18 and bonuses and for the repayment of defaulted certification  
 19 fee subsidies under this section.

20 (5) The Excellent Teaching Program Trust Fund shall be  
 21 administered by the Department of Education pursuant to s.  
 22 1010.72.

23 Section 744. Section 1012.73, Florida Statutes, is  
 24 created to read:

25 1012.73 Florida Mentor Teacher School Pilot Program.--

26 (1) The Legislature recognizes that high-quality  
 27 teachers are essential to assuring excellence and increasing  
 28 the achievement levels of all students. The purpose of this  
 29 section is to provide a model to reform and improve the  
 30 current structure of the teaching profession. There is created  
 31 a Florida Mentor Teacher School Pilot Program to attract,

1 retain, and motivate high-quality teachers. The commissioner  
 2 shall select a combination of elementary, middle, and high  
 3 schools representing small, medium, and large districts. Each  
 4 approved school shall receive an equivalent grant based upon  
 5 the number of schools selected by the commissioner and the  
 6 amount of the legislative appropriation. Each mentor teacher  
 7 school program shall be approved based on criteria specified  
 8 by the commissioner.

9       (2) The goals of the Florida Mentor Teacher School  
 10 Pilot Program are to:

11       (a) Provide teachers with multiple career paths,  
 12 beginning as education paraprofessionals and rising to  
 13 associate teachers, teachers, lead teachers, and mentor  
 14 teachers. The five levels must have highly differentiated  
 15 duties. The mentor teacher shall have a reduced teaching  
 16 schedule that permits weekly instruction to all students under  
 17 the mentor teacher's supervision while also allowing for  
 18 demonstration lessons, coaching, facilitating curriculum  
 19 development, and providing staff development for other  
 20 teachers at the school.

21       (b) Establish broad salary ranges to provide  
 22 flexibility and to reward performance and to negotiate  
 23 salaries to attract teachers to hard-to-staff schools and  
 24 subjects. Advancement shall be determined by academic  
 25 achievement, examination, demonstration, and student learning  
 26 gains data. Each mentor teacher shall be eligible for a total  
 27 annual salary incentive of up to twice the average district  
 28 classroom teacher's salary. Fifty percent of the mentor  
 29 teacher salary incentive shall be based on increased student  
 30 achievement of students assigned to the supervision of the  
 31 mentor teacher.

1           (c) Provide ongoing professional development for  
 2 teachers to learn and grow professionally that includes a  
 3 daily block of time for associate teachers, teachers, and lead  
 4 teachers to reflect and plan and to interact with the mentor  
 5 teacher.

6           (d) Provide all eligible teachers with the opportunity  
 7 for national certification.

8           (e) Provide for a specified organizational pattern,  
 9 such as clusters or teams of teachers for grade levels or  
 10 subject areas comprised of associate teachers, teachers, and  
 11 lead teachers who are supported by education paraprofessional  
 12 learning guides and directed by a mentor teacher.

13           (3) The five teacher career development positions and  
 14 minimum requirements are:

15           (a) Education paraprofessional learning guide.--An  
 16 education paraprofessional learning guide must hold an  
 17 associate degree from a postsecondary educational institution  
 18 and must demonstrate appropriate writing, speaking, and  
 19 computation skills.

20           (b) Associate teacher.--An associate teacher must hold  
 21 a bachelor's degree from a postsecondary educational  
 22 institution and a valid Florida teaching certificate as  
 23 provided by s. 1012.56.

24           (c) Teacher.--A teacher must hold a bachelor's degree  
 25 or higher from a postsecondary educational institution and a  
 26 valid Florida teaching certificate, have a minimum of 3 years'  
 27 full-time teaching experience, document satisfactory teaching  
 28 performance, and document evidence of positive student  
 29 learning gains, when data become available.

30           (d) Lead teacher.--A lead teacher must hold a  
 31 bachelor's degree or higher from a postsecondary educational

1 institution and a valid Florida professional teaching  
2 certificate, have a minimum of 3 years' full-time teaching  
3 experience, document exemplary teaching performance, and  
4 document evidence of significant positive student learning  
5 gains, when data become available. A lead teacher shall  
6 provide intensive support for associate teachers and teachers.

7 (e) Mentor teacher.--A mentor teacher must:

8 1. Hold a bachelor's degree or higher from a  
9 postsecondary educational institution and a valid Florida  
10 professional teaching certificate.

11 2. Have a minimum of 5 years' full-time teaching  
12 experience.

13 3. Document exemplary teaching performance.

14 4. Document evidence of significant positive student  
15 learning gains, when data become available.

16 5. Hold a valid National Board for Professional  
17 Teaching Standards certificate; have been selected as a  
18 school, district, or state teacher of the year; or hold an  
19 equivalent status as determined by the commissioner.

20 6. Demonstrate expertise as a staff developer.

21 (4) The State Board of Education may adopt rules,  
22 pursuant to ss. 120.536(1) and 120.54, for the implementation  
23 of this section and approval of the mentor teacher school  
24 program.

25 (5) This section shall be implemented to the extent  
26 specifically funded in the General Appropriations Act.

27 Section 745. Section 1012.74, Florida Statutes, is  
28 created to read:

29 1012.74 Florida educators professional liability  
30 insurance protection.--

31 (1) The Legislature intends that all the teachers in

1 this state be protected from liability for monetary damages  
2 and the cost of defense of actions resulting from claims made  
3 against them arising out of occurrences in the course of  
4 activities in their professional capacity.

5 (2)(a) Educator professional liability coverage for  
6 all instructional personnel, as defined by s. 1012.01(2), who  
7 are full-time personnel, as defined by the district school  
8 board policy, shall be provided by specific appropriations  
9 under the General Appropriations Act.

10 (b) Educator professional liability coverage shall be  
11 extended at cost to all instructional personnel, as defined by  
12 s. 1012.01(3), who are part-time personnel, as defined by the  
13 district school board policy, and choose to participate in the  
14 state-provided program.

15 (c) Educator professional liability coverage shall be  
16 extended at cost to all administrative personnel, as defined  
17 by s. 1012.01(2), who choose to participate in the  
18 state-provided program.

19 (3) The Department of Education shall administer the  
20 educator liability program. The insurance carrier providing  
21 any portion of educator professional liability coverage under  
22 the program which is procured with state funds must be  
23 selected by a competitive process. The amount of the  
24 appropriation for purchase of liability insurance remaining  
25 after liability insurance is provided shall revert to general  
26 revenue unallocated.

27 Section 746. Section 1012.75, Florida Statutes, is  
28 created to read:

29 1012.75 Liability of teacher or principal; excessive  
30 force.--

31 (1) Except in the case of excessive force or cruel and

1 unusual punishment, a teacher or other member of the  
 2 instructional staff, a principal or the principal's designated  
 3 representative, or a bus driver shall not be civilly or  
 4 criminally liable for any action carried out in conformity  
 5 with State Board of Education and district school board rules  
 6 regarding the control, discipline, suspension, and expulsion  
 7 of students, including, but not limited to, any exercise of  
 8 authority under s. 1003.32 or s. 1006.09.

9       (2) The State Board of Education shall adopt rules  
 10 that outline administrative standards for the use of  
 11 reasonable force by school personnel to maintain a safe and  
 12 orderly learning environment. Such standards shall be  
 13 distributed to each school in the state and shall provide  
 14 guidance to school personnel in receiving the limitations on  
 15 liability specified in this section.

16       Section 747. Section 1012.77, Florida Statutes, is  
 17 created to read:

18       1012.77 Christa McAuliffe Ambassador for Education  
 19 Program.--

20       (1) The Legislature recognizes that Florida continues  
 21 to face teacher shortages and that fewer young people consider  
 22 teaching as a career. It is the intent of the Legislature to  
 23 promote the positive and rewarding aspects of being a teacher,  
 24 to encourage more individuals to become teachers, and to  
 25 provide annual sabbatical support for outstanding Florida  
 26 teachers to serve as goodwill ambassadors for education. The  
 27 Legislature further wishes to honor the memory of Christa  
 28 McAuliffe, who epitomized the challenge and inspiration that  
 29 teaching can be.

30       (2) The Christa McAuliffe Ambassador for Education  
 31 Program is established to provide salary, travel, and other

1 related expenses annually for an outstanding Florida teacher  
2 to promote the positive aspects of teaching as a career. The  
3 goals of the program are to:

4 (a) Enhance the stature of teachers and the teaching  
5 profession.

6 (b) Promote the importance of quality education and  
7 teaching for our future.

8 (c) Inspire and attract talented people to become  
9 teachers.

10 (d) Provide information regarding Florida's  
11 scholarship and loan programs related to teaching.

12 (e) Promote the teaching profession within community  
13 and business groups.

14 (f) Provide information to retired military personnel  
15 and other individuals who might consider teaching as a second  
16 career.

17 (g) Work with and represent the Department of  
18 Education, as needed.

19 (h) Work with and encourage the efforts of school and  
20 district teachers of the year.

21 (i) Support the activities of the Florida Future  
22 Educator of America Program.

23 (j) Represent Florida teachers at business, trade,  
24 education, and other conferences and meetings.

25 (k) Promote the teaching profession in other ways  
26 related to the teaching responsibilities, background  
27 experiences, and aspirations of the Ambassador for Education.

28 (3) The Teacher of the Year shall serve as the  
29 Ambassador for Education. If the Teacher of the Year is  
30 unable to serve as the Ambassador for Education, the first  
31 runner-up shall serve in his or her place. The Department of



1 Education shall establish application and selection procedures  
 2 for determining an annual teacher of the year. Applications  
 3 and selection criteria shall be developed and distributed  
 4 annually by the Department of Education to all school  
 5 districts. The Commissioner of Education shall establish a  
 6 selection committee which assures representation from teacher  
 7 organizations, administrators, and parents to select the  
 8 Teacher of the Year and Ambassador for Education from among  
 9 the district teachers of the year.

10 (4)(a) The Commissioner of Education shall pay an  
 11 annual salary, fringe benefits, travel costs, and other costs  
 12 associated with administering the program.

13 (b) The Ambassador for Education shall serve for 1  
 14 year, from July 1 to June 30, and shall be assured of  
 15 returning to his or her teaching position upon completion of  
 16 the program. The ambassador will not have a break in  
 17 creditable or continuous service or employment for the period  
 18 of time in which he or she participates in the program.

19 Section 748. Part III.g. of chapter 1012, Florida  
 20 Statutes, shall be entitled "Personnel Discipline and  
 21 Assistance in Public Schools" and shall consist of ss.  
 22 1012.79-1012.798.

23 Section 749. Section 1012.79, Florida Statutes, is  
 24 created to read:

25 1012.79 Education Practices Commission;  
 26 organization.--

27 (1) The Education Practices Commission consists of 17  
 28 members, including 7 teachers, 5 administrators, and 5 lay  
 29 citizens (of whom 2 shall be former district school board  
 30 members), appointed by the State Board of Education from  
 31 nominations by the Commissioner of Education and subject to

1 Senate confirmation. Prior to making nominations, the  
 2 commissioner shall consult with the teaching and other  
 3 involved associations in the state. In making nominations, the  
 4 commissioner shall attempt to achieve equal geographical  
 5 representation, as closely as possible.

6 (a) A teacher member, in order to be qualified for  
 7 appointment:

- 8 1. Must be certified to teach in the state.
- 9 2. Must be a resident of the state.
- 10 3. Must have practiced the profession in this state  
 11 for at least 5 years immediately preceding the appointment.

12 (b) A school administrator member, in order to be  
 13 qualified for appointment:

- 14 1. Must have an endorsement on the educator  
 15 certificate in the area of school administration or  
 16 supervision.
- 17 2. Must be a resident of the state.
- 18 3. Must have practiced the profession as an  
 19 administrator for at least 5 years immediately preceding the  
 20 appointment.

21 (c) The lay members must be residents of the state.

22 (2) Members of the commission shall serve for 4-year  
 23 staggered terms. No commission member may serve more than 8  
 24 years.

25 (3) The State Board of Education may remove any member  
 26 from the commission for misconduct or malfeasance in office,  
 27 incapacity, or neglect of duty.

28 (4) From among its members, the commission shall elect  
 29 a chair who shall preside over meetings of the commission and  
 30 perform other duties directed by the commission or required by  
 31 its duly adopted rules or operating procedures. School

1 districts shall be reimbursed for substitute teachers required  
 2 to replace commission members, when they are carrying out  
 3 their official duties, at a rate established by the school  
 4 district for substitute teachers. The department may  
 5 reimburse local school districts for substitutes.

6 (5) The commission, by a vote of three-fourths of the  
 7 membership, shall employ an executive director, who shall be  
 8 exempt from career service. The executive director may be  
 9 dismissed by a majority vote of the membership.

10 (6)(a) The commission shall be assigned to the  
 11 Department of Education for administrative purposes. The  
 12 commission, in the performance of its powers and duties, shall  
 13 not be subject to control, supervision, or direction by the  
 14 Department of Education.

15 (b) The property, personnel, and appropriations  
 16 related to the specified authority, powers, duties, and  
 17 responsibilities of the commission shall be provided to the  
 18 commission by the Department of Education.

19 (7) The duties and responsibilities of the commission  
 20 are to:

21 (a) Interpret and apply the standards of professional  
 22 practice established by the State Board of Education.

23 (b) Revoke or suspend a certificate or take other  
 24 appropriate action as provided in ss. 1012.56 and 1012.796.

25 (c) Report to and meet with the State Board of  
 26 Education at least once each year.

27 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54  
 28 to implement provisions of law conferring duties upon it.

29 (8)(a) The commission shall, from time to time,  
 30 designate members of the commission to serve on panels for the  
 31 purpose of reviewing and issuing final orders upon cases

1 presented to the commission. A case concerning a complaint  
 2 against a teacher shall be reviewed and a final order thereon  
 3 shall be entered by a panel composed of seven commission  
 4 members, four of whom shall be teachers. A case concerning a  
 5 complaint against an administrator shall be reviewed and a  
 6 final order thereon shall be entered by a panel composed of  
 7 seven commission members, four of whom shall be  
 8 administrators.

9 (b) A majority of a quorum of a panel of the  
 10 commission shall have final agency authority in all cases  
 11 involving the revocation, suspension, or other disciplining of  
 12 certificates of teachers and school administrators. A majority  
 13 of the membership of the panel shall constitute a quorum. The  
 14 district school board shall retain the authority to discipline  
 15 teachers and administrators pursuant to law.

16 (9) The commission shall make such expenditures as may  
 17 be necessary in exercising its authority and powers and  
 18 carrying out its duties and responsibilities, including  
 19 expenditures for personal services, general counsel or access  
 20 to counsel, and rent at the seat of government and elsewhere;  
 21 for books of reference, periodicals, furniture, equipment, and  
 22 supplies; and for printing and binding. The expenditures of  
 23 the commission shall be subject to the powers and duties of  
 24 the Department of Banking and Finance as provided in s. 17.03.

25 (10) The commission shall be financed from the  
 26 following: certification fees; fines, penalties, and costs  
 27 collected pursuant to s. 1012.796(9); and general revenue.

28 Section 750. Section 1012.795, Florida Statutes, is  
 29 created to read:

30 1012.795 Education Practices Commission; authority to  
 31 discipline.--

1           (1) The Education Practices Commission may suspend the  
 2 educator certificate of any person as defined in s. 1012.01(2)  
 3 or (3) for a period of time not to exceed 3 years, thereby  
 4 denying that person the right to teach for that period of  
 5 time, after which the holder may return to teaching as  
 6 provided in subsection (4); may revoke the educator  
 7 certificate of any person, thereby denying that person the  
 8 right to teach for a period of time not to exceed 10 years,  
 9 with reinstatement subject to the provisions of subsection  
 10 (4); may revoke permanently the educator certificate of any  
 11 person; may suspend the educator certificate, upon order of  
 12 the court, of any person found to have a delinquent child  
 13 support obligation; or may impose any other penalty provided  
 14 by law, provided it can be shown that the person:

15           (a) Obtained the educator certificate by fraudulent  
 16 means.

17           (b) Has proved to be incompetent to teach or to  
 18 perform duties as an employee of the public school system or  
 19 to teach in or to operate a private school.

20           (c) Has been guilty of gross immorality or an act  
 21 involving moral turpitude.

22           (d) Has had an educator certificate revoked in another  
 23 state.

24           (e) Has been convicted of a misdemeanor, felony, or  
 25 any other criminal charge, other than a minor traffic  
 26 violation.

27           (f) Upon investigation, has been found guilty of  
 28 personal conduct which seriously reduces that person's  
 29 effectiveness as an employee of the district school board.

30           (g) Has breached a contract, as provided in s.  
 31 1012.33(2).

1           (h) Has been the subject of a court order directing  
2 the Education Practices Commission to suspend the certificate  
3 as a result of a delinquent child support obligation.

4           (i) Has violated the Principles of Professional  
5 Conduct for the Education Profession prescribed by State Board  
6 of Education rules.

7           (j) Has otherwise violated the provisions of law, the  
8 penalty for which is the revocation of the educator  
9 certificate.

10           (k) Has violated any order of the Education Practices  
11 Commission.

12           (2) The plea of guilty in any court, the decision of  
13 guilty by any court, the forfeiture by the teaching  
14 certificateholder of a bond in any court of law, or the  
15 written acknowledgment, duly witnessed, of offenses listed in  
16 subsection (1) to the district school superintendent or a duly  
17 appointed representative or to the district school board shall  
18 be prima facie proof of grounds for revocation of the  
19 certificate as listed in subsection (1) in the absence of  
20 proof by the certificateholder that the plea of guilty,  
21 forfeiture of bond, or admission of guilt was caused by  
22 threats, coercion, or fraudulent means.

23           (3) The revocation by the Education Practices  
24 Commission of an educator certificate of any person  
25 automatically revokes any and all Florida educator  
26 certificates held by that person.

27           (4)(a) An educator certificate which has been  
28 suspended under this section is automatically reinstated at  
29 the end of the suspension period, provided the certificate did  
30 not expire during the period of suspension. If the  
31 certificate expired during the period of suspension, the

1 holder of the former certificate may secure a new certificate  
 2 by making application therefor and by meeting the  
 3 certification requirements of the state board current at the  
 4 time of the application for the new certificate. An educator  
 5 certificate suspended pursuant to a court order for a  
 6 delinquent child support obligation may only be reinstated  
 7 upon notice from the court that the party has complied with  
 8 the terms of the court order.

9       (b) A person whose educator certificate has been  
 10 revoked under this section may apply for a new certificate at  
 11 the expiration of that period of ineligibility fixed by the  
 12 Education Practices Commission by making application therefor  
 13 and by meeting the certification requirements of the state  
 14 board current at the time of the application for the new  
 15 certificate.

16       (5) Each district school superintendent and the  
 17 governing authority of each university lab school,  
 18 state-supported school, or private school shall report to the  
 19 department the name of any person certified pursuant to this  
 20 chapter or employed and qualified pursuant to s. 1012.39:

21       (a) Who has been convicted of, or who has pled nolo  
 22 contendere to, a misdemeanor, felony, or any other criminal  
 23 charge, other than a minor traffic infraction;

24       (b) Who that official has reason to believe has  
 25 committed or is found to have committed any act which would be  
 26 a ground for revocation or suspension under subsection (1); or

27       (c) Who has been dismissed or severed from employment  
 28 because of conduct involving any immoral, unnatural, or  
 29 lascivious act.

30       (6)(a) When an individual violates the provisions of a  
 31 settlement agreement enforced by a final order of the

1 Education Practices Commission, an order to show cause may be  
 2 issued by the clerk of the commission. The order shall require  
 3 the individual to appear before the commission to show cause  
 4 why further penalties should not be levied against the  
 5 individual's certificate pursuant to the authority provided to  
 6 the Education Practices Commission in subsection (1). The  
 7 Education Practices Commission may fashion further penalties  
 8 under the authority of subsection (1) as deemed appropriate  
 9 when the show cause order is responded to by the individual.

10 (b) The Education Practices Commission shall issue a  
 11 final order revoking an individual's Florida educator's  
 12 certificate for a minimum of 1 year under the following  
 13 circumstances:

14 1. If the individual:

15 a. Has been found to have violated the provisions of  
 16 this section, such that the Education Practices Commission has  
 17 the authority to discipline the individual's Florida  
 18 educator's certificate on two separate occasions;

19 b. Has twice entered into a settlement agreement  
 20 enforced by a final order of the Education Practices  
 21 Commission; or

22 c. Has been found to have violated the provisions of  
 23 this section, such that the Education Practices Commission has  
 24 the authority to discipline the individual's Florida  
 25 educator's certificate on one occasion and entered into a  
 26 settlement agreement enforced by a final order of the  
 27 Education Practices Commission on one occasion; and

28 2. A third finding of probable cause and a finding  
 29 that the allegations are proven or admitted to is subsequently  
 30 found by the Commissioner of Education.

31



1 If, in the third instance, the individual enters into a  
 2 settlement agreement with the Department of Education, that  
 3 agreement shall also include a penalty revoking that  
 4 individual's Florida educator's certificate for a minimum of 1  
 5 year.

6 Section 751. Section 1012.796, Florida Statutes, is  
 7 created to read:

8 1012.796 Complaints against teachers and  
 9 administrators; procedure; penalties.--

10 (1)(a) The Department of Education shall cause to be  
 11 investigated expeditiously any complaint filed before it or  
 12 otherwise called to its attention which, if legally  
 13 sufficient, contains grounds for the revocation or suspension  
 14 of a certificate or any other appropriate penalty as set forth  
 15 in subsection (7). The complaint is legally sufficient if it  
 16 contains the ultimate facts which show a violation has  
 17 occurred as provided in s. 1012.795. The department may  
 18 investigate or continue to investigate and take appropriate  
 19 action in a complaint even though the original complainant  
 20 withdraws the complaint or otherwise indicates a desire not to  
 21 cause it to be investigated or prosecuted to completion. The  
 22 department may investigate or continue to investigate and take  
 23 action on a complaint filed against a person whose educator  
 24 certificate has expired if the act or acts which are the basis  
 25 for the complaint were allegedly committed while that person  
 26 possessed an educator certificate.

27 (b) When an investigation is undertaken, the  
 28 department shall notify the certificateholder and the district  
 29 school superintendent in the district in which the  
 30 certificateholder is employed and shall inform the  
 31 certificateholder of the substance of any complaint which has

1 been filed against that certificateholder, unless the  
2 department determines that such notification would be  
3 detrimental to the investigation, in which case the department  
4 may withhold notification.

5 (c) Each school district shall file in writing with  
6 the department all legally sufficient complaints within 30  
7 days after the date on which subject matter of the complaint  
8 comes to the attention of the school district. The school  
9 district shall include all information relating to the  
10 complaint which is known to the school district at the time of  
11 filing. Each district school board shall develop policies and  
12 procedures to comply with this reporting requirement. The  
13 district school board policies and procedures shall include  
14 appropriate penalties for all personnel of the district school  
15 board for nonreporting and procedures for promptly informing  
16 the district school superintendent of each legally sufficient  
17 complaint. The district school superintendent is charged with  
18 knowledge of these policies and procedures. If the district  
19 school superintendent has knowledge of a legally sufficient  
20 complaint and does not report the complaint, or fails to  
21 enforce the policies and procedures of the district school  
22 board, and fails to comply with the requirements of this  
23 subsection, in addition to other actions against  
24 certificateholders authorized by law, the district school  
25 superintendent shall be subject to penalties as specified in  
26 s. 1001.51(13). This paragraph does not limit or restrict the  
27 power and duty of the department to investigate complaints as  
28 provided in paragraphs (a) and (b), regardless of the school  
29 district's untimely filing, or failure to file, complaints and  
30 followup reports.

31 (2) The Commissioner of Education shall develop job

1 specifications for investigative personnel employed by the  
 2 department. Such specifications shall be substantially  
 3 equivalent to or greater than those job specifications of  
 4 investigative personnel employed by the Department of Business  
 5 and Professional Regulation. The department may contract with  
 6 the Department of Business and Professional Regulation for  
 7 investigations. No person who is responsible for conducting an  
 8 investigation of a teacher or administrator may prosecute the  
 9 same case. The department general counsel or members of that  
 10 staff may conduct prosecutions under this section.

11 (3) The department staff shall advise the commissioner  
 12 concerning the findings of the investigation. The department  
 13 general counsel or members of that staff shall review the  
 14 investigation and advise the commissioner concerning probable  
 15 cause or lack thereof. The determination of probable cause  
 16 shall be made by the commissioner. The commissioner shall  
 17 provide an opportunity for a conference, if requested, prior  
 18 to determining probable cause. The commissioner may enter  
 19 into deferred prosecution agreements in lieu of finding  
 20 probable cause when in his or her judgment such agreements  
 21 would be in the best interests of the department, the  
 22 certificateholder, and the public. Such deferred prosecution  
 23 agreements shall become effective when filed with the clerk of  
 24 the Education Practices Commission. However, a deferred  
 25 prosecution agreement shall not be entered into where there is  
 26 probable cause to believe that a felony or an act of moral  
 27 turpitude has occurred. Upon finding no probable cause, the  
 28 commissioner shall dismiss the complaint.

29 (4) The complaint and all information obtained  
 30 pursuant to the investigation by the department shall be  
 31 confidential and exempt from the provisions of s. 119.07(1)

1 until the conclusion of the preliminary investigation of the  
 2 complaint, until such time as the preliminary investigation  
 3 ceases to be active, or until such time as otherwise provided  
 4 by s. 1012.798(6). However, the complaint and all material  
 5 assembled during the investigation may be inspected and copied  
 6 by the certificateholder under investigation, or the  
 7 certificateholder's designee, after the investigation is  
 8 concluded, but prior to the determination of probable cause by  
 9 the commissioner. If the preliminary investigation is  
 10 concluded with the finding that there is no probable cause to  
 11 proceed, the complaint and information shall be open  
 12 thereafter to inspection pursuant to s. 119.07(1). If the  
 13 preliminary investigation is concluded with the finding that  
 14 there is probable cause to proceed and a complaint is filed  
 15 pursuant to subsection (6), the complaint and information  
 16 shall be open thereafter to inspection pursuant to s.  
 17 119.07(1). If the preliminary investigation ceases to be  
 18 active, the complaint and all such material shall be open  
 19 thereafter to inspection pursuant to s. 119.07(1), except as  
 20 otherwise provided pursuant to s. 1012.798(6). For the purpose  
 21 of this subsection, a preliminary investigation shall be  
 22 considered active as long as it is continuing with a  
 23 reasonable, good faith anticipation that an administrative  
 24 finding will be made in the foreseeable future.

25 (5) When deemed necessary to protect the health,  
 26 safety, and welfare of a minor student, the district school  
 27 superintendent in consultation with the school principal may,  
 28 and upon the request of the Commissioner of Education shall,  
 29 temporarily suspend a certificateholder from the  
 30 certificateholder's regularly assigned duties, with pay, and  
 31 reassign the suspended certificateholder to a position that

1 does not require direct contact with students in the district  
2 school system. Such suspension shall continue until the  
3 completion of the proceedings and the determination of  
4 sanctions, if any, pursuant to this section and s. 1012.795.

5 (6) Upon the finding of probable cause, the  
6 commissioner shall file a formal complaint and prosecute the  
7 complaint pursuant to the provisions of chapter 120. An  
8 administrative law judge shall be assigned by the Division of  
9 Administrative Hearings of the Department of Management  
10 Services to hear the complaint if there are disputed issues of  
11 material fact. The administrative law judge shall make  
12 recommendations in accordance with the provisions of  
13 subsection (7) to the appropriate Education Practices  
14 Commission panel which shall conduct a formal review of such  
15 recommendations and other pertinent information and issue a  
16 final order. The commission shall consult with its legal  
17 counsel prior to issuance of a final order.

18 (7) A panel of the commission shall enter a final  
19 order either dismissing the complaint or imposing one or more  
20 of the following penalties:

21 (a) Denial of an application for a teaching  
22 certificate or for an administrative or supervisory  
23 endorsement on a teaching certificate. The denial may provide  
24 that the applicant may not reapply for certification, and that  
25 the department may refuse to consider that applicant's  
26 application, for a specified period of time or permanently.

27 (b) Revocation or suspension of a certificate.

28 (c) Imposition of an administrative fine not to exceed  
29 \$2,000 for each count or separate offense.

30 (d) Placement of the teacher, administrator, or  
31 supervisor on probation for a period of time and subject to

1 such conditions as the commission may specify, including  
 2 requiring the certified teacher, administrator, or supervisor  
 3 to complete additional appropriate college courses or work  
 4 with another certified educator, with the administrative costs  
 5 of monitoring the probation assessed to the educator placed on  
 6 probation.

7 (e) Restriction of the authorized scope of practice of  
 8 the teacher, administrator, or supervisor.

9 (f) Reprimand of the teacher, administrator, or  
 10 supervisor in writing, with a copy to be placed in the  
 11 certification file of such person.

12 (g) Imposition of an administrative sanction, upon a  
 13 person whose teaching certificate has expired, for an act or  
 14 acts committed while that person possessed a teaching  
 15 certificate or an expired certificate subject to late renewal,  
 16 which sanction bars that person from applying for a new  
 17 certificate for a period of 10 years or less, or permanently.

18 (8) Violations of the provisions of probation shall  
 19 result in an order to show cause issued by the clerk of the  
 20 Education Practices Commission. Upon failure of the  
 21 probationer, at the time and place stated in the order, to  
 22 show cause satisfactorily to the Education Practices  
 23 Commission why a penalty for violating probation should not be  
 24 imposed, the Education Practices Commission shall impose  
 25 whatever penalty is appropriate as established in s.  
 26 1012.795(6). Any probation period will be tolled when an order  
 27 to show cause has been issued until the issue is resolved by  
 28 the Education Practices Commission.

29 (9) All moneys collected by, or awarded to, the  
 30 commission as fees, fines, penalties, or costs shall be  
 31 deposited into the Educational Certification and Service Trust

1 Fund pursuant to s. 1012.59.

2 Section 752. Section 1012.797, Florida Statutes, is  
3 created to read:

4 1012.797 Notification of district school  
5 superintendent of certain charges against or convictions of  
6 employees.--

7 (1) Notwithstanding the provisions of s. 985.04(4) or  
8 any other provision of law to the contrary, a law enforcement  
9 agency shall, within 48 hours, notify the appropriate district  
10 school superintendent of the name and address of any employee  
11 of the school district who is charged with a felony or with a  
12 misdemeanor involving the abuse of a minor child or the sale  
13 or possession of a controlled substance. The notification  
14 shall include the specific charge for which the employee of  
15 the school district was arrested. Such notification shall  
16 include other education providers such as the Florida School  
17 for the Deaf and the Blind, university lab schools, and  
18 private elementary and secondary schools.

19 (2) Except to the extent necessary to protect the  
20 health, safety, and welfare of other students, the information  
21 obtained by the district school superintendent pursuant to  
22 this section may be released only to appropriate school  
23 personnel or as otherwise provided by law.

24 Section 753. Section 1012.798, Florida Statutes, is  
25 created to read:

26 1012.798 Recovery network program for educators.--

27 (1) RECOVERY NETWORK ESTABLISHED.--There is created  
28 within the Department of Education, a recovery network program  
29 to assist educators who are impaired as a result of alcohol  
30 abuse, drug abuse, or a mental condition in obtaining  
31 treatment to permit their continued contribution to the

1 education profession. Any person who holds certification  
2 issued by the department pursuant to s. 1012.56 is eligible  
3 for the assistance.

4 (2) STAFF.--

5 (a) The department shall employ an administrator and  
6 staff as are necessary to be assigned exclusively to the  
7 recovery network program.

8 (b) The Commissioner of Education shall establish the  
9 criteria for and appoint the staff of the program.

10 (c) The department may contract with other  
11 professionals to implement this section.

12 (3) PURPOSE.--The recovery network program shall  
13 assist educators in obtaining treatment and services from  
14 approved treatment providers, but each impaired educator must  
15 pay for his or her treatment under terms and conditions agreed  
16 upon by the impaired educator and the treatment provider. A  
17 person who is admitted to the program must contract with the  
18 treatment provider and the program. The treatment contract  
19 must prescribe the type of treatment and the responsibilities  
20 of the impaired educator and of the provider and must provide  
21 that the impaired educator's progress will be monitored by the  
22 program.

23 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery  
24 network program shall locate, evaluate, and approve qualified  
25 treatment providers.

26 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION  
27 AND DEPARTMENT.--The recovery network program shall operate  
28 independently of, but may cooperate with, the Office of  
29 Professional Practices Services of the Department of Education  
30 and the Education Practices Commission. A person's  
31 participation in the program entitles the commissioner to



1 enter into a deferred prosecution agreement pursuant to s.  
 2 1012.796, or such participation may be considered a factor in  
 3 mitigation of or a condition of disciplinary action against  
 4 the person's certificate by the Education Practices Commission  
 5 pursuant to s. 1012.795.

6 (6) PARTICIPATION.--The recovery network program shall  
 7 operate independently of employee assistance programs operated  
 8 by local school districts, and the powers and duties of school  
 9 districts to make employment decisions, including disciplinary  
 10 decisions, is not affected except as provided in this section:

11 (a) A person who is not subject to investigation or  
 12 proceedings under ss. 1012.795 and 1012.796 may voluntarily  
 13 seek assistance through a local school district employee  
 14 assistance program for which he or she is eligible and through  
 15 the recovery network, regardless of action taken against him  
 16 or her by a school district. Voluntarily seeking assistance  
 17 alone does not subject a person to proceedings under ss.  
 18 1012.795 and 1012.796.

19 (b) A person who is subject to investigation or  
 20 proceedings under ss. 1012.795 and 1012.796 may be required to  
 21 participate in the program. The program may approve a local  
 22 employee assistance program as a treatment provider or as a  
 23 means of securing a treatment provider. The program and the  
 24 local school district shall cooperate so that the person may  
 25 obtain treatment without limiting the school district's  
 26 statutory powers and duties as an employer or the disciplinary  
 27 procedures under ss. 1012.795 and 1012.796.

28 (c) A person who has not previously been under  
 29 investigation by the department may be enrolled in a treatment  
 30 program by the recovery network after an investigation has  
 31 commenced, if the person:

- 1           1. Acknowledges his or her impairment.
- 2           2. Agrees to evaluation, as approved by the recovery
- 3 network.
- 4           3. Agrees to enroll in an appropriate treatment
- 5 program approved by the recovery network.
- 6           4. Executes releases for all medical and treatment
- 7 records regarding his or her impairment and participation in a
- 8 treatment program to the recovery network, pursuant to 42
- 9 U.S.C. s. 290dd-3 and the federal regulations adopted
- 10 thereunder.
- 11           5. Enters into a deferred prosecution agreement with
- 12 the commissioner, which provides that no prosecution shall be
- 13 instituted concerning the matters enumerated in the agreement
- 14 if the person is properly enrolled in the treatment program
- 15 and successfully completes the program as certified by the
- 16 recovery network. The commissioner is under no obligation to
- 17 enter into a deferred prosecution agreement with the educator
- 18 but may do so if he or she determines that it is in the best
- 19 interest of the educational program of the state.
- 20           6. Has not previously entered a substance abuse
- 21 program.
- 22           7. Is not being investigated for any action involving
- 23 commission of a felony or violent act against another person.
- 24           8. Has not had multiple arrests for minor drug use,
- 25 possession, or abuse of alcohol.
- 26           (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
- 27 DETERMINED.--If a complaint is made to the department against
- 28 a teacher or an administrator pursuant to s. 1012.796 and a
- 29 finding of no probable cause indicates that no concern other
- 30 than impairment exists, the department shall inform the person
- 31 of the availability of assistance provided by the recovery

1 network program.

2 (8) ADMISSION.--A person who is referred or who  
3 requests admission to the recovery network program shall be  
4 temporarily admitted pending a finding that he or she has:

5 (a) Acknowledged his or her impairment problem.

6 (b) Agreed to evaluation as approved by the recovery  
7 network program.

8 (c) Voluntarily enrolled in an appropriate treatment  
9 program approved by the recovery network program.

10 (d) Voluntarily sought agreement from the school  
11 district for temporary leave or limitations on the scope of  
12 employment if the temporary leave or limitations are included  
13 in the treatment provider's recommendations; or voluntarily  
14 agreed to pursue the alternative treatment recommended by the  
15 treatment provider if the school district does not approve  
16 such temporary leave or limitations on the scope of  
17 employment.

18 (e) Executed releases to the recovery network program  
19 for all medical and treatment records regarding his or her  
20 impairment and participation in a treatment program pursuant  
21 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted  
22 thereunder.

23 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved  
24 treatment provider must disclose to the recovery network  
25 program all information in its possession which relates to a  
26 person's impairment and participation in the treatment  
27 program. Information obtained under this subsection is  
28 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
29 of the State Constitution. This exemption is necessary to  
30 promote the rehabilitation of impaired educators and to  
31 protect the privacy of treatment program participants. The

1 failure to provide such information to the program is grounds  
2 for withdrawal of approval of a treatment provider. Medical  
3 records provided to the program may not be disclosed to any  
4 other person, except as authorized by law.

5 (10) DECLARATION OF INELIGIBILITY.--

6 (a) A person may be declared ineligible for further  
7 assistance from the recovery network program if he or she does  
8 not progress satisfactorily in a treatment program or leaves a  
9 prescribed program or course of treatment without the approval  
10 of the treatment provider.

11 (b) The determination of ineligibility must be made by  
12 the commissioner in cases referred to him or her by the  
13 program administrator. Before referring a case to the  
14 commissioner, the administrator must discuss the circumstances  
15 with the treatment provider. The commissioner may direct the  
16 Office of Professional Practices Services to investigate the  
17 case and provide a report.

18 (c) If a treatment contract with the program is a  
19 condition of a deferred prosecution agreement, and the  
20 commissioner determines that the person is ineligible for  
21 further assistance, the commissioner may agree to modify the  
22 terms and conditions of the deferred prosecution agreement or  
23 may issue an administrative complaint, pursuant to s.  
24 1012.796, alleging the charges regarding which prosecution was  
25 deferred. The person may dispute the determination as an  
26 affirmative defense to the administrative complaint by  
27 including with his or her request for hearing on the  
28 administrative complaint a written statement setting forth the  
29 facts and circumstances that show that the determination of  
30 ineligibility was erroneous. If administrative proceedings  
31 regarding the administrative complaint, pursuant to ss.

1 120.569 and 120.57, result in a finding that the determination  
 2 of ineligibility was erroneous, the person is eligible to  
 3 participate in the program. If the determination of  
 4 ineligibility was the only reason for setting aside the  
 5 deferred prosecution agreement and issuing the administrative  
 6 complaint and the administrative proceedings result in a  
 7 finding that the determination was erroneous, the complaint  
 8 shall be dismissed and the deferred prosecution agreement  
 9 reinstated without prejudice to the commissioner's right to  
 10 reissue the administrative complaint for other breaches of the  
 11 agreement.

12 (d) If a treatment contract with the program is a  
 13 condition of a final order of the Education Practices  
 14 Commission, the commissioner's determination of ineligibility  
 15 constitutes a finding of probable cause that the person failed  
 16 to comply with the final order. The commissioner shall issue  
 17 an administrative complaint, and the case shall proceed under  
 18 ss. 1012.795 and 1012.796, in the same manner as cases based  
 19 on a failure to comply with an order of the Education  
 20 Practices Commission.

21 (e) If the person voluntarily entered into a treatment  
 22 contract with the program, the commissioner shall issue a  
 23 written notice stating the reasons for the determination of  
 24 ineligibility. Within 20 days after the date of such notice,  
 25 the person may contest the determination of ineligibility  
 26 pursuant to ss. 120.569 and 120.57.

27 (11) MEDICAL RECORDS RELEASE.--Medical records  
 28 released pursuant to paragraph (8)(e) may be disclosed to the  
 29 commissioner, the Office of Professional Practices Services,  
 30 and the Education Practices Commission only as required for  
 31 purposes of this section, or as otherwise authorized by law.

1 Further disclosure or release of the medical records may not  
 2 be made except as authorized by law and in accordance with 42  
 3 U.S.C. s. 290dd-2 and the federal regulations adopted  
 4 thereunder. The medical records are confidential and exempt  
 5 from s. 119.07(1) and s. 24(a), Art. I of the State  
 6 Constitution.

7 (12) FEES.--The State Board of Education shall include  
 8 in the fees established pursuant to s. 1012.59 an amount  
 9 sufficient to implement the provisions of this section. The  
 10 State Board of Education shall by rule establish procedures  
 11 and additional standards for:

12 (a) Approving treatment providers, including  
 13 appropriate qualifications and experience, amount of  
 14 reasonable fees and charges, and quality and effectiveness of  
 15 treatment programs provided.

16 (b) Admitting eligible persons to the program.

17 (c) Evaluating impaired persons by the recovery  
 18 network program.

19 Section 754. Part IV of chapter 1012, Florida  
 20 Statutes, shall be entitled "Public Postsecondary Educational  
 21 Institutions; Personnel" and shall consist of ss.  
 22 1012.80-1012.97.

23 Section 755. Part IV.a. of chapter 1012, Florida  
 24 Statutes, shall be entitled "General Provisions" and shall  
 25 consist of ss. 1012.80-1012.801.

26 Section 756. Section 1012.80, Florida Statutes, is  
 27 created to read:

28 1012.80 Participation by employees in disruptive  
 29 activities at public postsecondary educational institutions;  
 30 penalties.--

31 (1) Any person who accepts the privilege extended by

1 the laws of this state of employment at any public  
 2 postsecondary educational institution shall, by so working at  
 3 such institution, be deemed to have given his or her consent  
 4 to the policies of that institution, the State Board of  
 5 Education, and the laws of this state. Such policies shall  
 6 include prohibition against disruptive activities at public  
 7 postsecondary educational institutions.

8 (2) After it has been determined that an employee of a  
 9 public postsecondary educational institution has participated  
 10 in disruptive activities, the institution may terminate the  
 11 contract of the employee, and thereafter such person shall not  
 12 be employed by any state public school or public postsecondary  
 13 educational institution.

14 Section 757. Effective upon this act becoming a law,  
 15 section 1012.801, Florida Statutes, is created to read:

16 1012.801 Employees of the Division of Colleges and  
 17 Universities.--Employees of the Division of Colleges and  
 18 Universities of the Department of Education who are  
 19 participating in the State University Optional Retirement  
 20 Program prior to June 30, 2002, shall be eligible to continue  
 21 such participation as long as they remain employees of the  
 22 Department of Education or a state university without a break  
 23 in continuous service.

24 Section 758. Part IV.b. of chapter 1012, Florida  
 25 Statutes, shall be entitled "Community Colleges; Personnel"  
 26 and shall consist of ss. 1012.81-1012.88.

27 Section 759. Section 1012.81, Florida Statutes, is  
 28 created to read:

29 1012.81 Personnel records.--Rules of the State Board  
 30 of Education shall prescribe the content and custody of  
 31 limited-access records which a community college may maintain

1 on its employees. Such records shall be limited to  
 2 information reflecting evaluations of employee performance and  
 3 shall be open to inspection only by the employee and by  
 4 officials of the college who are responsible for supervision  
 5 of the employee. Such limited-access employee records are  
 6 confidential and exempt from the provisions of s. 119.07(1).  
 7 Except as required for use by the president in the discharge  
 8 of his or her official responsibilities, the custodian of  
 9 limited-access employee records may release information from  
 10 such records only upon authorization in writing from the  
 11 employee or the president or upon order of a court of  
 12 competent jurisdiction.

13 Section 760. Section 1012.82, Florida Statutes, is  
 14 created to read:

15 1012.82 Teaching faculty; minimum teaching hours per  
 16 week.--Each full-time member of the teaching faculty at any  
 17 community college who is paid wholly from funds appropriated  
 18 from the community college program fund shall teach a minimum  
 19 of 15 classroom contact hours per week at such institution.  
 20 However, the required classroom contact hours per week may be  
 21 reduced upon approval of the president of the institution in  
 22 direct proportion to specific duties and responsibilities  
 23 assigned the faculty member by his or her departmental chair  
 24 or other appropriate college administrator. Such specific  
 25 duties may include specific research duties, specific duties  
 26 associated with developing television, video tape, or other  
 27 specifically assigned innovative teaching techniques or  
 28 devices, or assigned responsibility for off-campus student  
 29 internship or work-study programs. A "classroom contact hour"  
 30 consists of a regularly scheduled classroom activity of not  
 31 less than 50 minutes in a course of instruction which has been



1 approved by the community college board of trustees. Any  
 2 full-time faculty member who is paid partly from community  
 3 college program funds and partly from other funds or  
 4 appropriations shall teach a minimum number of classroom  
 5 contact hours per week in such proportion to 15 classroom  
 6 contact hours as his or her salary paid from community college  
 7 program funds bears to his or her total salary.

8 Section 761. Section 1012.83, Florida Statutes, is  
 9 created to read:

10 1012.83 Contracts with administrative and  
 11 instructional staff.--Each person employed in an  
 12 administrative or instructional capacity in a community  
 13 college shall be entitled to a contract as provided by rules  
 14 of the State Board of Education.

15 Section 762. Section 1012.84, Florida Statutes, is  
 16 created to read:

17 1012.84 Exemption from county civil service  
 18 commissions.--

19 (1) Any community college located in a county which  
 20 has either a budget commission or a civil service commission  
 21 is exempt from the regulation, supervision, and control of any  
 22 such commission.

23 (2) Any general or special law conflicting with this  
 24 section is repealed to the extent that said law conflicts with  
 25 this section.

26 Section 763. Section 1012.85, Florida Statutes, is  
 27 created to read:

28 1012.85 Payment of costs of civil actions against  
 29 officers, employees, or agents of community college board of  
 30 trustees.--

31 (1) Whenever any civil action has been brought against

1 any officer of the community college board of trustees,  
 2 including a board member, or any person employed by or agent  
 3 of the community college board of trustees, of any community  
 4 college for any act or omission arising out of and in the  
 5 course of the performance of his or her duties and  
 6 responsibilities, the community college board of trustees may  
 7 defray all costs of defending such action, including  
 8 reasonable attorney's fees and expenses together with costs of  
 9 appeal, if any, and may save harmless and protect such person  
 10 from any financial loss resulting therefrom; and the community  
 11 college board of trustees may be self-insured, to enter into  
 12 risk management programs, or to purchase insurance for  
 13 whatever coverage it may choose, or to have any combination  
 14 thereof, to cover all such losses and expenses. However, any  
 15 attorney's fees paid from public funds for any officer,  
 16 employee, or agent who is found to be personally liable by  
 17 virtue of acting outside the scope of his or her employment or  
 18 acting in bad faith, with malicious purpose, or in a manner  
 19 exhibiting wanton and willful disregard of human rights,  
 20 safety, or property may be recovered by the state, county,  
 21 municipality, or political subdivision in a civil action  
 22 against such officer, employee, or agent.

23 (2) Failure by a community college board of trustees  
 24 to perform any act authorized by this section shall not  
 25 constitute a cause of action against a community college or  
 26 its trustees, officers, employees, or agents.

27 Section 764. Section 1012.855, Florida Statutes, is  
 28 created to read:

29 1012.855 Employment of community college personnel;  
 30 discrimination in granting salary prohibited.--

31 (1)(a) Employment of all personnel in each community

1 college shall be upon recommendation of the president, subject  
 2 to rejection for cause by the community college board of  
 3 trustees; to the rules of the State Board of Education  
 4 relative to certification, tenure, leaves of absence of all  
 5 types, including sabbaticals, remuneration, and such other  
 6 conditions of employment as the State Board of Education deems  
 7 necessary and proper; and to policies of the community college  
 8 board of trustees not inconsistent with law.

9       (b) Any internal auditor employed by a community  
 10 college shall be hired by the community college board of  
 11 trustees and shall report directly to the board.

12       (2) Each community college board of trustees shall  
 13 undertake a program to eradicate any discrimination on the  
 14 basis of gender, race, or physical handicap in the granting of  
 15 salaries to employees.

16       Section 765. Section 1012.86, Florida Statutes, is  
 17 created to read:

18       1012.86 Community college employment equity  
 19 accountability program.--

20       (1) Each community college shall include in its annual  
 21 equity update a plan for increasing the representation of  
 22 women and minorities in senior-level administrative positions  
 23 and in full-time faculty positions, and for increasing the  
 24 representation of women and minorities who have attained  
 25 continuing-contract status. Positions shall be defined in the  
 26 personnel data element directory of the Department of  
 27 Education. The plan must include specific measurable goals and  
 28 objectives, specific strategies and timelines for  
 29 accomplishing these goals and objectives, and comparable  
 30 national standards as provided by the Department of Education.  
 31 The goals and objectives shall be based on meeting or

1 exceeding comparable national standards and shall be reviewed  
2 and recommended by the State Board of Education as  
3 appropriate. Such plans shall be maintained until appropriate  
4 representation has been achieved and maintained for at least 3  
5 consecutive reporting years.

6 (2)(a) On or before May 1 of each year, each community  
7 college president shall submit an annual employment  
8 accountability plan to the Commissioner of Education and the  
9 State Board of Education. The accountability plan must show  
10 faculty and administrator employment data according to  
11 requirements specified on the federal Equal Employment  
12 Opportunity (EEO-6) report.

13 (b) The plan must show the following information for  
14 those positions including, but not limited to:

- 15 1. Job classification title.
- 16 2. Gender.
- 17 3. Ethnicity.
- 18 4. Appointment status.
- 19 5. Salary information. At each community college,  
20 salary information shall also include the salary ranges in  
21 which new hires were employed compared to the salary ranges  
22 for employees with comparable experience and qualifications.

23 6. Other comparative information including, but not  
24 limited to, composite information regarding the total number  
25 of positions within the particular job title classification  
26 for the community college by race, gender, and salary range  
27 compared to the number of new hires.

28 7. A statement certifying diversity and balance in the  
29 gender and ethnic composition of the selection committee for  
30 each vacancy, including a brief description of guidelines used  
31 for ensuring balanced and diverse membership on selection and

1 review committees.

2 (c) The annual employment accountability plan shall  
3 also include an analysis and an assessment of the community  
4 college's attainment of annual goals and of long-range goals  
5 for increasing the number of women and minorities in faculty  
6 and senior-level administrative positions, and a corrective  
7 action plan for addressing underrepresentation.

8 (d) Each community college's employment accountability  
9 plan must also include:

10 1. The requirements for receiving a continuing  
11 contract.

12 2. A brief description of the process used to grant  
13 continuing-contract status.

14 3. A brief description of the process used to annually  
15 apprise each eligible faculty member of progress toward  
16 attainment of continuing-contract status.

17 (3) Community college presidents and the heads of each  
18 major administrative division shall be evaluated annually on  
19 the progress made toward meeting the goals and objectives of  
20 the community college's employment accountability plan.

21 (a) The community college presidents, or the  
22 presidents' designees, shall annually evaluate each department  
23 chairperson, dean, provost, and vice president in achieving  
24 the annual and long-term goals and objectives. A summary of  
25 the results of such evaluations shall be reported annually by  
26 the community college president to the community college board  
27 of trustees. Annual budget allocations by the community  
28 college board of trustees for positions and funding must take  
29 into consideration these evaluations.

30 (b) Community college boards of trustees shall  
31 annually evaluate the performance of the community college

1 presidents in achieving the annual and long-term goals and  
 2 objectives. A summary of the results of such evaluations shall  
 3 be reported to the Commissioner of Education and the State  
 4 Board of Education as part of the community college's annual  
 5 employment accountability plan, and to the Legislature as part  
 6 of the annual equity progress report submitted by the State  
 7 Board of Education.

8       (4) The State Board of Education shall submit an  
 9 annual equity progress report to the President of the Senate  
 10 and the Speaker of the House of Representatives on or before  
 11 January 1 of each year.

12       (5) Each community college shall develop a budgetary  
 13 incentive plan to support and ensure attainment of the goals  
 14 developed pursuant to this section. The plan shall specify,  
 15 at a minimum, how resources shall be allocated to support the  
 16 achievement of goals and the implementation of strategies in a  
 17 timely manner. After prior review and approval by the  
 18 community college president and the community college board of  
 19 trustees, the plan shall be submitted as part of the annual  
 20 employment accountability plan submitted by each community  
 21 college to the State Board of Education.

22       (6) Subject to available funding, the Legislature  
 23 shall provide an annual appropriation to the State Board of  
 24 Education to be allocated to community college presidents,  
 25 faculty, and administrative personnel to further enhance  
 26 equity initiatives and related priorities that support the  
 27 mission of colleges and departments in recognition of the  
 28 attainment of the equity goals and objectives.

29       Section 766. Section 1012.865, Florida Statutes, is  
 30 created to read:

31       1012.865 Sick leave.--Each community college board of

1 trustees shall adopt rules whereby any full-time employee who  
 2 is unable to perform his or her duties at the community  
 3 college on account of personal sickness, accident disability,  
 4 or extended personal illness, or because of illness or death  
 5 of the employee's father, mother, brother, sister, husband,  
 6 wife, child, or other close relative or member of the  
 7 employee's own household, and who consequently has to be  
 8 absent from work shall be granted leave of absence for  
 9 sickness by the president or by the president's designated  
 10 representative. The following provisions shall govern sick  
 11 leave:

12 (1) DEFINITIONS.--As used in this section, unless the  
 13 context otherwise requires, the term:

14 (a) "Educational support employee" means any person  
 15 employed by a community college as an education or  
 16 administrative paraprofessional; a member of the operations,  
 17 maintenance, or comparable department; or a secretary,  
 18 clerical, or comparable level support employee.

19 (b) "Instructional staff" shall be used synonymously  
 20 with the word "teacher" or "faculty" and includes faculty  
 21 members, librarians, counselors, and other comparable members  
 22 engaged in an instructional capacity in the community college.

23 (2) EXTENT OF LEAVE WITH COMPENSATION.--

24 (a) Each full-time employee shall earn 1 day of sick  
 25 leave with compensation for each calendar month or major  
 26 fraction of a calendar month of service, not to exceed 12 days  
 27 for each fiscal year. Such leave shall be taken only when  
 28 necessary because of sickness as herein prescribed. Such sick  
 29 leave shall be cumulative from year to year. Accumulated sick  
 30 leave may be transferred from another Florida community  
 31 college, the Florida Department of Education, a state

1 university, a Florida district school board, or a state  
2 agency, provided that at least one-half of the sick leave  
3 accumulated at any time must have been established in the  
4 college in which such employee is currently employed.

5 (b) A community college board of trustees may  
6 establish rules and prescribe procedures whereby a full-time  
7 employee may, at the beginning date of employment in any year,  
8 be credited with 12 days of sick leave with compensation in  
9 excess of the number of days the employee has earned. Upon  
10 termination of employment, the employee's final compensation  
11 shall be adjusted in an amount necessary to ensure that sick  
12 leave with compensation does not exceed the days of earned  
13 sick leave as provided herein.

14 (c) A community college board of trustees may  
15 establish rules and prescribe standards to permit a full-time  
16 employee to be absent no more than 4 days for personal  
17 reasons. However, such absences for personal reasons shall be  
18 charged only to accrued sick leave, and leave for personal  
19 reasons shall be noncumulative.

20 (d) A community college board of trustees may  
21 establish rules to provide terminal pay for accumulated sick  
22 leave to full-time instructional staff and educational support  
23 employees or to the employee's beneficiary if service is  
24 terminated by death. However, such terminal pay may not  
25 exceed an amount determined as follows:

26 1. During the first 3 years of service, the daily rate  
27 of pay multiplied by 35 percent times the number of days of  
28 accumulated sick leave.

29 2. During the next 3 years of service, the daily rate  
30 of pay multiplied by 40 percent times the number of days of  
31 accumulated sick leave.



1           3. During the next 3 years of service, the daily rate  
2 of pay multiplied by 45 percent times the number of days of  
3 accumulated sick leave.

4           4. During the 10th year of service, the daily rate of  
5 pay multiplied by 50 percent times the number of days of  
6 accumulated sick leave.

7           5. During the next 20 years of service, the daily rate  
8 of pay multiplied by 50 percent plus up to an additional 2.5  
9 percent per year for each year of service beyond 10 years,  
10 times the number of days of accumulated sick leave.

11  
12 If an employee receives terminal pay benefits based on unused  
13 sick leave credit, all unused sick leave credit shall become  
14 invalid; however, if an employee terminates his or her  
15 employment without receiving terminal pay benefits and is  
16 reemployed, his or her sick leave credit shall be reinstated.

17           (e) A community college board of trustees may, by  
18 rule, provide for terminal pay for accumulated unused sick  
19 leave to be paid to any full-time employee of a community  
20 college other than instructional staff or educational support  
21 employees. If termination of employment is by death of the  
22 employee, any terminal pay to which the employee may have been  
23 entitled shall be made to the employee's beneficiary.

24           1. For unused sick leave accumulated before July 1,  
25 2001, terminal pay shall be made pursuant to rules or policies  
26 of the board of trustees which were in effect on June 30,  
27 2001.

28           2. For unused sick leave accumulated on or after July  
29 1, 2001, terminal payment may not exceed an amount equal to  
30 one-fourth of the employee's unused sick leave or 60 days of  
31 the employee's pay, whichever amount is less.

1           3. If the employee had an accumulated sick leave  
 2 balance of 60 days or more on June 30, 2001, sick leave earned  
 3 after that date may not be accumulated for terminal pay  
 4 purposes until the accumulated leave balance as of June 30,  
 5 2001, is less than 60 days.

6           (3) CLAIM MUST BE FILED.--Any full-time employee who  
 7 finds it necessary to be absent from his or her duties because  
 8 of illness as defined in this section shall notify the  
 9 community college president or a college official designated  
 10 by the president, if possible before the opening of college on  
 11 the day on which the employee must be absent or during the  
 12 day, except when he or she is absent for emergency reasons  
 13 recognized by the community college board of trustees as  
 14 valid. Any employee shall, before claiming and receiving  
 15 compensation for the time absent from his or her duties while  
 16 absent because of sick leave as prescribed in this section,  
 17 make and file a written certificate which shall set forth the  
 18 day or days absent, that such absence was necessary, and that  
 19 he or she is entitled or not entitled to receive pay for such  
 20 absence in accordance with the provisions of this section. The  
 21 community college board of trustees may adopt rules under  
 22 which the president may require a certificate of illness from  
 23 a licensed physician or from the county health officer.

24           (4) COMPENSATION.--Any full-time employee who has  
 25 unused sick leave credit shall receive full-time compensation  
 26 for the time justifiably absent on sick leave; however, no  
 27 compensation may be allowed beyond that provided in subsection  
 28 (6).

29           (5) EXPENDITURE AUTHORIZED.--Community college boards  
 30 of trustees may expend public funds for payment to employees  
 31 on account of sickness. The expending and excluding of such

1 funds shall be in compliance with rules adopted by the  
2 Department of Management Services pursuant to chapter 650.

3 (6) SICK LEAVE POOL.--Notwithstanding any other  
4 provision of this section, a community college board of  
5 trustees may, by rule, based upon the maintenance of reliable  
6 and accurate records by the community college showing the  
7 amount of sick leave which has been accumulated and is unused  
8 by employees in accordance with this section, establish a plan  
9 allowing participating full-time employees of the community  
10 college to pool sick leave accrued and allowing any sick leave  
11 thus pooled to be disbursed to any participating employee who  
12 is in need of sick leave in excess of that amount he or she  
13 has personally accrued. Such rules shall include, but not be  
14 limited to, the following provisions:

15 (a) Participation in the sick leave pool shall at all  
16 times be voluntary on the part of employees.

17 (b) Any full-time employee shall be eligible for  
18 participation in the sick leave pool after 1 year of  
19 employment with the community college, provided such employee  
20 has accrued a minimum amount of unused sick leave, which  
21 minimum shall be established by rule.

22 (c) Any sick leave pooled pursuant to this section  
23 shall be removed from the personally accumulated sick leave  
24 balance of the employee donating such leave.

25 (d) Participating employees shall make equal  
26 contributions to the sick leave pool. There shall be  
27 established a maximum amount of sick leave which may be  
28 contributed to the pool by an employee. After the initial  
29 contribution which an employee makes upon electing to  
30 participate, no further contributions shall be required except  
31 as may be necessary to replenish the pool. Any such further

1 contribution shall be equally required of all employees  
2 participating in the pool.

3 (e) Any sick leave time drawn from the pool by a  
4 participating employee must be used for that employee's  
5 personal illness, accident, or injury.

6 (f) A participating employee will not be eligible to  
7 use sick leave from the pool until all of his or her sick  
8 leave has been depleted. There shall be established a maximum  
9 number of days for which an employee may draw sick leave from  
10 the sick leave pool.

11 (g) A participating employee who uses sick leave from  
12 the pool will not be required to recontribute such sick leave  
13 to the pool, except as otherwise provided herein.

14 (h) A participating employee who chooses to no longer  
15 participate in the sick leave pool will not be eligible to  
16 withdraw any sick leave already contributed to the pool.

17 (i) Alleged abuse of the use of the sick leave pool  
18 shall be investigated, and, on a finding of wrongdoing, the  
19 employee shall repay all of the sick leave credits drawn from  
20 the sick leave pool and shall be subject to such other  
21 disciplinary action as is determined by the board to be  
22 appropriate. Rules adopted for the administration of this  
23 program shall provide for the investigation of the use of sick  
24 leave utilized by the participating employee in the sick leave  
25 pool.

26 Section 767. Section 1012.87, Florida Statutes, is  
27 created to read:

28 1012.87 Retirement annuities.--Each community college  
29 board of trustees may purchase annuities for its community  
30 college personnel who have 25 or more years of creditable  
31 service and who have reached age 55 and have applied for

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1 retirement under the Florida Retirement System. No such  
2 annuity may provide for more than the total difference in  
3 retirement income between the retirement benefit based on  
4 average monthly compensation and creditable service as of the  
5 member's early retirement date and the early retirement  
6 benefit. Community college boards of trustees may also  
7 purchase annuities for members of the Florida Retirement  
8 System who have out-of-state teaching service in another state  
9 or country which is documented as valid by the appropriate  
10 educational entity. Such annuities may be based on no more  
11 than 5 years of out-of-state teaching service and may equal,  
12 but not exceed, the benefits that would be payable under the  
13 Florida Retirement System if credit for out-of-state teaching  
14 was authorized under that system. Each community college board  
15 of trustees may invest funds, purchase annuities, or provide  
16 local supplemental retirement programs for purposes of  
17 providing retirement annuities for community college  
18 personnel. All such retirement annuities shall comply with s.  
19 14, Art. X of the State Constitution.

20 Section 768. Section 1012.875, Florida Statutes, is  
21 created to read:

22 1012.875 Community College Optional Retirement  
23 Program.--Each community college may implement an optional  
24 retirement program, if such program is established therefor  
25 pursuant to s. 1001.64(20), under which annuity contracts  
26 providing retirement and death benefits may be purchased by,  
27 and on behalf of, eligible employees who participate in the  
28 program. Except as otherwise provided herein, this retirement  
29 program, which shall be known as the State Community College  
30 System Optional Retirement Program, may be implemented and  
31 administered only by an individual community college or by a

1 consortium of community colleges.

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

3 (a) "Activation" means the date upon which an optional  
4 retirement program is first made available by the program  
5 administrator to eligible employees.

6 (b) "College" means community colleges as defined in  
7 s. 1000.21.

8 (c) "Department" means the Department of Management  
9 Services.

10 (d) "Program administrator" means the individual  
11 college or consortium of colleges responsible for implementing  
12 and administering an optional retirement program.

13 (e) "Program participant" means an eligible employee  
14 who has elected to participate in an available optional  
15 retirement program as authorized by this section.

16 (2) Participation in the optional retirement program  
17 provided by this section is limited to employees who satisfy  
18 the criteria set forth in s. 121.051(2)(c).

19 (3)(a) With respect to any employee who is eligible to  
20 participate in the optional retirement program by reason of  
21 qualifying employment commencing before the program's  
22 activation:

23 1. The employee may elect to participate in the  
24 optional retirement program in lieu of participation in the  
25 Florida Retirement System. To become a program participant,  
26 the employee must file with the personnel officer of the  
27 college, within 60 days after the program's activation, both a  
28 written election on a form provided by the department and a  
29 completed application for an individual contract or  
30 certificate.

31 2. An employee's participation in the optional

1 retirement program commences on the first day of the next full  
 2 calendar month following the filing of the election and  
 3 completed application with the program administrator and  
 4 receipt of such election by the department. An employee's  
 5 membership in the Florida Retirement System terminates on this  
 6 same date.

7       3. Any such employee who fails to make an election to  
 8 participate in the optional retirement program within 60 days  
 9 after its activation has elected to retain membership in the  
 10 Florida Retirement System.

11       (b) With respect to any employee who becomes eligible  
 12 to participate in an optional retirement program by reason of  
 13 qualifying employment commencing on or after the program's  
 14 activation:

15       1. The employee may elect to participate in the  
 16 optional retirement program in lieu of participation in the  
 17 Florida Retirement System. To become a program participant,  
 18 the employee must file with the personnel officer of the  
 19 college, within 60 days after commencing qualifying  
 20 employment, both a written election on a form provided by the  
 21 department and a completed application for an individual  
 22 contract or certificate.

23       2. An employee's participation in the optional  
 24 retirement program commences on the first day of the next full  
 25 calendar month following the filing of the election and  
 26 completed application with the program administrator and  
 27 receipt of such election by the department. An employee's  
 28 membership in the Florida Retirement System terminates on this  
 29 same date.

30       3. If the employee makes an election to participate in  
 31 the optional retirement program before the community college

1 submits its initial payroll for the employee, participation in  
2 the optional retirement program commences on the first date of  
3 employment.

4 4. Any such employee who fails to make an election to  
5 participate in the optional retirement program within 60 days  
6 after commencing qualifying employment has elected to retain  
7 membership in the Florida Retirement System.

8 (c) Any employee who, on or after an optional  
9 retirement program's activation, becomes eligible to  
10 participate in the program by reason of a change in status due  
11 to the subsequent designation of the employee's position as  
12 one of those referenced in subsection (2), or due to the  
13 employee's appointment, promotion, transfer, or  
14 reclassification to a position referenced in subsection (2),  
15 must be notified by the community college of the employee's  
16 eligibility to participate in the optional retirement program  
17 in lieu of participation in the Florida Retirement System.  
18 These eligible employees are subject to the provisions of  
19 paragraph (b) and may elect to participate in the optional  
20 retirement program in the same manner as those employees  
21 described in paragraph (b), except that the 60-day election  
22 period commences upon the date notice of eligibility is  
23 received by the employee.

24 (d) Program participants must be fully and immediately  
25 vested in the optional retirement program.

26 (e) The election by an eligible employee to  
27 participate in the optional retirement program is irrevocable  
28 for so long as the employee continues to meet the eligibility  
29 requirements set forth in this section and in s.  
30 121.051(2)(c), except as provided in paragraph (i).

31 (f) If a program participant becomes ineligible to



1 continue participating in the optional retirement program  
 2 pursuant to the criteria referenced in subsection (2), the  
 3 employee becomes a member of the Florida Retirement System if  
 4 eligible. The college must notify the department of an  
 5 employee's change in eligibility status within 30 days after  
 6 the event that makes the employee ineligible to continue  
 7 participation in the optional retirement program.

8       (g) An eligible employee who is a member of the  
 9 Florida Retirement System at the time of election to  
 10 participate in the optional retirement program retains all  
 11 retirement service credit earned under the Florida Retirement  
 12 System at the rate earned. Additional service credit in the  
 13 Florida Retirement System may not be earned while the employee  
 14 participates in the optional retirement program, nor is the  
 15 employee eligible for disability retirement under the Florida  
 16 Retirement System.

17       (h) A program participant may not simultaneously  
 18 participate in any other state-administered retirement system,  
 19 plan, or class.

20       (i) Except as provided in s. 121.052(6)(d), a program  
 21 participant who is or who becomes dually employed in two or  
 22 more positions covered by the Florida Retirement System, one  
 23 of which is eligible for an optional retirement program  
 24 pursuant to this section and one of which is not, is subject  
 25 to the dual employment provisions of chapter 121.

26       (4)(a) Each college must contribute on behalf of each  
 27 program participant an amount equal to 10.43 percent of the  
 28 participant's gross monthly compensation. The college shall  
 29 deduct an amount approved by the community college to provide  
 30 for the administration of the optional retirement program.  
 31 Payment of this contribution must be made either directly by

1 the community college or through the program administrator to  
2 the designated company contracting for payment of benefits to  
3 the program participant.

4 (b) Each community college must contribute on behalf  
5 of each program participant an amount equal to the unfunded  
6 actuarial accrued liability portion of the employer  
7 contribution which would be required if the program  
8 participant were a member of the Regular Class of the Florida  
9 Retirement System. Payment of this contribution must be made  
10 directly by the college to the department for deposit in the  
11 Florida Retirement System Trust Fund.

12 (c) Each program participant who has executed an  
13 annuity contract may contribute by way of salary reduction or  
14 deduction a percentage of the program participant's gross  
15 compensation, but this percentage may not exceed the  
16 corresponding percentage contributed by the community college  
17 to the optional retirement program. Payment of this  
18 contribution may be made either directly by the college or  
19 through the program administrator to the designated company  
20 contracting for payment of benefits to the program  
21 participant.

22 (d) Contributions to an optional retirement program by  
23 a college or a program participant are in addition to, and  
24 have no effect upon, contributions required now or in future  
25 by the federal Social Security Act.

26 (5)(a) The benefits to be provided to program  
27 participants must be provided through individual contracts or  
28 group annuity contracts, which may be fixed, variable, or  
29 both. Each individual contract or certificate must state the  
30 type of annuity contract on its face page, and must include at  
31 least a statement of ownership, the contract benefits, annuity

1 income options, limitations, expense charges, and surrender  
2 charges, if any.

3 (b) Benefits are payable under the optional retirement  
4 program to program participants or their beneficiaries, and  
5 the benefits must be paid only by the designated company in  
6 accordance with the terms of the annuity contracts applicable  
7 to the program participant, provided that benefits funded by  
8 employer contributions are payable only as a lifetime annuity  
9 to the program participant, except for:

10 1. A lump-sum payment to the program participant's  
11 beneficiary or estate upon the death of the program  
12 participant; or

13 2. A cash-out of a de minimis account upon the request  
14 of a former program participant who has been terminated for a  
15 minimum of 6 months from the employment that caused the  
16 participant to be eligible for participation. A de minimis  
17 account is an account with a designated company containing  
18 employer contributions and accumulated earnings of not more  
19 than \$3,500. The cash-out must be a complete liquidation of  
20 the account balance with that designated company and is  
21 subject to the provisions of the Internal Revenue Code.

22 (c) The benefits payable to any person under the  
23 optional retirement program, and any contribution accumulated  
24 under the program, are not subject to assignment, execution,  
25 attachment, or to any legal process whatsoever.

26 (6)(a) The optional retirement program authorized by  
27 this section must be implemented and administered by the  
28 program administrator under s. 403(b) of the Internal Revenue  
29 Code. The program administrator has the express authority to  
30 contract with a third party to fulfill any of the program  
31 administrator's duties.

1           (b) The program administrator shall solicit  
 2 competitive bids or issue a request for proposal and select no  
 3 more than four companies from which annuity contracts may be  
 4 purchased under the optional retirement program. In making  
 5 these selections, the program administrator shall consider the  
 6 following factors:

- 7           1. The financial soundness of the company.  
 8           2. The extent of the company's experience in providing  
 9 annuity contracts to fund retirement programs.  
 10          3. The nature and extent of the rights and benefits  
 11 provided to program participants in relation to the premiums  
 12 paid.  
 13          4. The suitability of the rights and benefits provided  
 14 to the needs of eligible employees and the interests of the  
 15 college in the recruitment and retention of employees.

16  
 17 In lieu of soliciting competitive bids or issuing a request  
 18 for proposals, the program administrator may authorize the  
 19 purchase of annuity contracts under the optional retirement  
 20 program from those companies currently selected by the  
 21 department to offer such contracts through the State  
 22 University System Optional Retirement Program, as set forth in  
 23 s. 121.35.

24          (c) Optional retirement program annuity contracts must  
 25 be approved in form and content by the program administrator  
 26 in order to qualify. The program administrator may use the  
 27 same annuity contracts currently used within the State  
 28 University System Optional Retirement Program, as set forth in  
 29 s. 121.35.

30          (d) The provision of each annuity contract applicable  
 31 to a program participant must be contained in a written

1 program description that includes a report of pertinent  
 2 financial and actuarial information on the solvency and  
 3 actuarial soundness of the program and the benefits applicable  
 4 to the program participant. The company must furnish the  
 5 description annually to the program administrator, and to each  
 6 program participant upon commencement of participation in the  
 7 program and annually thereafter.

8       (e) The program administrator must ensure that each  
 9 program participant is provided annually with an accounting of  
 10 the total contributions and the annual contributions made by  
 11 and on the behalf of the program participant.

12           Section 769. Section 1012.88, Florida Statutes, is  
 13 created to read:

14           1012.88 Community college police.--

15           (1) Each community college is permitted and empowered  
 16 to employ police officers for the community college, who must  
 17 be designated community college police.

18           (2) Each community college police officer is a law  
 19 enforcement officer of the state and a conservator of the  
 20 peace who has the authority to arrest, in accordance with the  
 21 laws of this state, any person for a violation of state law or  
 22 applicable county or municipal ordinance if that violation  
 23 occurs on or in any property or facilities of the community  
 24 college by which he or she is employed. A community college  
 25 police officer may also arrest a person off campus for a  
 26 violation committed on campus after a hot pursuit of that  
 27 person which began on campus. A community college police  
 28 officer may bear arms in the performance of his or her duties  
 29 and carry out a search pursuant to a search warrant on the  
 30 campus where he or she is employed. Community college police,  
 31 upon request of the sheriff or local police authority, may

1 serve subpoenas or other legal process and may make arrests of  
2 persons against whom arrest warrants have been issued or  
3 against whom charges have been made for violations of federal  
4 or state laws or county or municipal ordinances.

5 (3) Community college police shall promptly deliver  
6 all persons arrested and charged with felonies to the sheriff  
7 of the county within which the community college is located  
8 and all persons arrested and charged with misdemeanors to the  
9 applicable authority as provided by law, but otherwise to the  
10 sheriff of the county in which the community college is  
11 located.

12 (4) Community college police must meet the minimum  
13 standards established by the Police Standards and Training  
14 Commission of the Department of Law Enforcement and chapter  
15 943 for law enforcement officers. Each community college  
16 police officer must, before entering into the performance of  
17 his or her duties, take the oath of office established by the  
18 community college. Each community college that employs police  
19 officers may obtain and approve a bond on each police officer,  
20 conditioned upon the officer's faithful performance of his or  
21 her duties, which bond must be payable to the Governor. The  
22 community college may determine the amount of the bond. In  
23 determining the amount of the bond, the community college may  
24 consider the amount of money or property likely to be in the  
25 custody of the officer at any one time. The community college  
26 shall provide a uniform set of identifying credentials to each  
27 community college police officer it employs.

28 (5) In performance of any of the powers, duties, and  
29 functions authorized by law, community college police have the  
30 same rights, protections, and immunities afforded other law  
31 enforcement officers.

1           (6) The community college, with the approval of the  
 2 Department of Law Enforcement, shall adopt rules, including,  
 3 without limitation, rules for the appointment, employment, and  
 4 removal of community college police in accordance with the  
 5 state Career Service System and shall establish in writing a  
 6 policy manual, that includes, without limitation, procedures  
 7 for managing routine law enforcement situations and emergency  
 8 law enforcement situations. The community college shall  
 9 furnish a copy of the policy manual to each of the police  
 10 officers it employs.

11           Section 770. Part IV.c. of chapter 1012, Florida  
 12 Statutes, shall be entitled "Universities; Personnel" and  
 13 shall consist of ss. 1012.91-1012.97.

14           Section 771. Section 1012.91, Florida Statutes, is  
 15 created to read:

16           1012.91 Personnel records.--

17           (1) Each university board of trustees shall adopt  
 18 rules prescribing the content and custody of limited-access  
 19 records that the university may maintain on its employees.  
 20 Such limited-access records are confidential and exempt from  
 21 the provisions of s. 119.07(1). Such records are limited to  
 22 the following:

23           (a) Records containing information reflecting academic  
 24 evaluations of employee performance shall be open to  
 25 inspection only by the employee and by officials of the  
 26 university responsible for supervision of the employee.

27           (b) Records maintained for the purposes of any  
 28 investigation of employee misconduct, including but not  
 29 limited to a complaint against an employee and all information  
 30 obtained pursuant to the investigation of such complaint,  
 31 shall be confidential until the investigation ceases to be

1 active or until the university provides written notice to the  
2 employee who is the subject of the complaint that the  
3 university has either:

4 1. Concluded the investigation with a finding not to  
5 proceed with disciplinary action;

6 2. Concluded the investigation with a finding to  
7 proceed with disciplinary action; or

8 3. Issued a letter of discipline.

9  
10 For the purpose of this paragraph, an investigation shall be  
11 considered active as long as it is continuing with a  
12 reasonable, good faith anticipation that a finding will be  
13 made in the foreseeable future. An investigation shall be  
14 presumed to be inactive if no finding is made within 90 days  
15 after the complaint is filed.

16 (c) Records maintained for the purposes of any  
17 disciplinary proceeding brought against an employee shall be  
18 confidential until a final decision is made in the proceeding.  
19 The record of any disciplinary proceeding, including any  
20 evidence presented, shall be open to inspection by the  
21 employee at all times.

22 (d) Records maintained for the purposes of any  
23 grievance proceeding brought by an employee for enforcement of  
24 a collective bargaining agreement or contract shall be  
25 confidential and shall be open to inspection only by the  
26 employee and by officials of the university conducting the  
27 grievance proceeding until a final decision is made in the  
28 proceeding.

29 (2) Notwithstanding the foregoing, any records or  
30 portions thereof which are otherwise confidential by law shall  
31 continue to be exempt from the provisions of s. 119.07(1). In



1 addition, for sexual harassment investigations, portions of  
2 such records which identify the complainant, a witness, or  
3 information which could reasonably lead to the identification  
4 of the complainant or a witness are limited-access records.

5 (3) Except as required for use by the president in the  
6 discharge of his or her official responsibilities, the  
7 custodian of limited-access records may release information  
8 from such records only upon authorization in writing from the  
9 employee or upon order of a court of competent jurisdiction.

10 (4) Notwithstanding the provisions of subsection (1),  
11 records comprising the common core items contained in the  
12 State University System Student Assessment of Instruction or  
13 comparable instrument may not be prescribed as limited-access  
14 records.

15 (5) This section shall apply to records created after  
16 July 1, 1995.

17 Section 772. Section 1012.92, Florida Statutes, is  
18 created to read:

19 1012.92 Personnel codes of conduct; disciplinary  
20 measures; rulemaking authority.--

21 (1) Each university board of trustees may adopt, by  
22 rule, codes of conduct and appropriate penalties for  
23 violations of rules by employees, to be administered by the  
24 university. Such penalties, unless otherwise provided by law,  
25 may include: reprimand; restitution; fines; restrictions on  
26 the use of or removal from university facilities; educational  
27 training or counseling requirements; and the imposition of  
28 probation, suspension, dismissal, demotion, or other  
29 appropriate disciplinary action.

30 (2) Sanctions authorized by university codes of  
31 conduct may be imposed only for acts or omissions in violation

1 of rules adopted by the university, including rules adopted  
2 under this section, rules of the State Board of Education,  
3 county and municipal ordinances, and the laws of this state,  
4 the United States, or any other state.

5 (3) The university board of trustees shall adopt rules  
6 for the lawful discipline of any employee who intentionally  
7 acts to impair, interfere with, or obstruct the orderly  
8 conduct, processes, and functions of a state university. Said  
9 rules may apply to acts conducted on or off campus when  
10 relevant to such orderly conduct, processes, and functions.

11 Section 773. Section 1012.93, Florida Statutes, is  
12 created to read:

13 1012.93 Faculty members; test of spoken English.--The  
14 State Board of Education shall adopt rules requiring that all  
15 faculty members in each state university and New College,  
16 other than those persons who teach courses that are conducted  
17 primarily in a foreign language, be proficient in the oral use  
18 of English, as determined by a satisfactory grade on the "Test  
19 of Spoken English" of the Educational Testing Service or a  
20 similar test approved by the state board.

21 Section 774. Section 1012.94, Florida Statutes, is  
22 created to read:

23 1012.94 Evaluations of faculty members; report.--

24 (1) For the purpose of evaluating faculty members,  
25 each university board of trustees shall adopt rules for the  
26 assignment of duties and responsibilities to faculty members.  
27 These assigned duties or responsibilities shall be conveyed to  
28 each faculty member at the beginning of each academic term, in  
29 writing, by his or her departmental chair or other appropriate  
30 university administrator making the assignment. In evaluating  
31 the competencies of a faculty member, primary assessment shall

1 be in terms of his or her performance of the assigned duties  
 2 and responsibilities, and such evaluation shall be given  
 3 adequate consideration for the purpose of salary adjustments,  
 4 promotions, reemployment, and tenure. A faculty member who is  
 5 assigned full-time teaching duties as provided by law shall be  
 6 rewarded with salary adjustments, promotions, reemployment, or  
 7 tenure for meritorious teaching and other scholarly activities  
 8 related thereto.

9       (2) The State Board of Education shall establish  
 10 criteria for evaluating the quantity and quality of service to  
 11 public schools by university faculty members and shall require  
 12 consideration of this service in promotion, tenure, and other  
 13 reward measures. Each university board of trustees shall  
 14 ensure that the following policies are implemented:

15       (a) Flexible criteria for rewarding faculty members,  
 16 consistent with the educational goals and objectives of the  
 17 university, shall be established, which criteria shall include  
 18 quality teaching and service to public schools as major  
 19 factors in determining salary adjustments, promotions,  
 20 reemployment, or tenure.

21       (b) Measures shall be taken to increase the  
 22 recognition, reinforcements, and rewards given quality  
 23 teaching and service to public schools. Such measures might  
 24 include grants for professional development, curriculum  
 25 improvement, and instructional innovation, as well as awards  
 26 of varying kinds for meritorious teaching.

27       (c) The means of identifying and evaluating quality  
 28 teachers and outstanding service to public schools shall be  
 29 determined in accordance with established guidelines of the  
 30 university.

31       (3) The chief academic officer at each state

1 university and New College shall disseminate information to  
 2 all faculty members which clearly states that service to  
 3 public schools is one of the criteria used to determine salary  
 4 adjustments, promotions, reemployment, and tenure for faculty  
 5 members.

6 Section 775. Section 1012.945, Florida Statutes, is  
 7 created to read:

8 1012.945 Required number of classroom teaching hours  
 9 for university faculty members.--

10 (1) As used in this section:

11 (a) "State funds" means those funds appropriated  
 12 annually in the General Appropriations Act.

13 (b) "Classroom contact hour" means a regularly  
 14 scheduled 1-hour period of classroom activity in a course of  
 15 instruction which has been approved by the university.

16 (2) Each full-time equivalent teaching faculty member  
 17 at a university who is paid wholly from state funds shall  
 18 teach a minimum of 12 classroom contact hours per week at such  
 19 university. However, any faculty member who is assigned by his  
 20 or her departmental chair or other appropriate university  
 21 administrator professional responsibilities and duties in  
 22 furtherance of the mission of the university shall teach a  
 23 minimum number of classroom contact hours in proportion to 12  
 24 classroom hours per week as such especially assigned  
 25 aforementioned duties and responsibilities bear to 12  
 26 classroom contact hours per week. Any full-time faculty member  
 27 who is paid partly from state funds and partly from other  
 28 funds or appropriations shall teach a minimum number of  
 29 classroom contact hours in such proportion to 12 classroom  
 30 contact hours per week as his or her salary paid from state  
 31 funds bears to his or her total salary. In determining the

1 appropriate hourly weighting of assigned duties other than  
 2 classroom contact hours, the universities shall develop and  
 3 apply a formula designed to equate the time required for  
 4 nonclassroom duties with classroom contact hours. "Full-time  
 5 equivalent teaching faculty member" shall be interpreted to  
 6 mean all faculty personnel budgeted in the instruction and  
 7 research portion of the budget, exclusive of those full-time  
 8 equivalent positions assigned to research, public service,  
 9 administrative duties, and academic advising. Full-time  
 10 administrators, librarians, and counselors shall be exempt  
 11 from the provisions of this section; and colleges of medicine  
 12 and law and others which are required for purposes of  
 13 accreditation to meet national standards prescribed by the  
 14 American Medical Association, the American Bar Association, or  
 15 other professional associations shall be exempt from the  
 16 provisions of this section to the extent that the requirements  
 17 of this section differ from the requirements of accreditation.

18 Section 776. Section 1012.95, Florida Statutes, is  
 19 created to read:

20 1012.95 University employment equity accountability  
 21 program.--

22 (1) Each state university and New College shall  
 23 maintain an annual equity plan for appropriate representation  
 24 of women and minorities in senior-level administrative  
 25 positions, within tenure-track faculty, and within  
 26 faculty-granted tenure. Such plan shall be maintained until  
 27 appropriate representation has been achieved. As used in this  
 28 subsection, the term:

29 (a) "Appropriate representation" means category  
 30 employment representation that at least meets comparable  
 31 national standards for at least two consecutive reporting

1 periods.

2 (b) "Category" means major executive, administrative,  
3 and professional grouping, including senior-level  
4 administrative and professional positions, senior academic  
5 administrative-level positions, and tenure-track faculty.

6 (2)(a) By April 1 of each year, each state university  
7 president shall submit an annual equity report to the  
8 Commissioner of Education and the State Board of Education.  
9 The equity report shall consist of a status update, an  
10 analysis, and a status report of selected personnel  
11 transactions. As used in this paragraph, the term, "selected  
12 personnel transactions" means new hires in, promotions into,  
13 tenure actions in, and terminations from a category. Each  
14 university shall provide the following information for the  
15 selected personnel transactions including, but not limited to:

- 16 1. Job classification title.
- 17 2. Gender.
- 18 3. Race.
- 19 4. Appointment status.

20  
21 The status update shall assess underrepresentation in each  
22 category. The status report shall consist of current category  
23 employment representation, comparable national standards, an  
24 evaluation of representation, and annual goals to address  
25 underrepresentation.

26 (b) After 1 year of implementation of a plan, and  
27 annually thereafter, for those categories in which prior year  
28 goals were not achieved, each university shall provide, in its  
29 annual equity report, a narrative explanation and a plan for  
30 achievement of equity. The plan shall include guidelines for  
31 ensuring balanced membership on selection committees and

1 specific steps for developing a diverse pool of candidates for  
 2 each vacancy in the category. The plan shall also include a  
 3 systematic process by which those responsible for hiring are  
 4 provided information and are evaluated regarding their  
 5 responsibilities pursuant to this section.

6 (c) The equity report shall include an analysis and  
 7 assessment of the university's accomplishment of annual goals,  
 8 as specified in the university's affirmative action plan, for  
 9 increasing the representation of women and minorities in  
 10 tenure-earning and senior-level administrative positions.

11 (d) The equity report shall also include the current  
 12 rank, race, and gender of faculty eligible for tenure in a  
 13 category. In addition, each university shall report  
 14 representation of the pool of tenure-eligible faculty at each  
 15 stage of the transaction process and provide certification  
 16 that each eligible faculty member was apprised annually of  
 17 progress toward tenure. Each university shall also report on  
 18 the dissemination of standards for achieving tenure; racial  
 19 and gender composition of committees reviewing recommendations  
 20 at each transaction level; and dissemination of guidelines for  
 21 equitable distribution of assignments.

22 (3)(a) A factor in the evaluation of university  
 23 presidents, vice presidents, deans, and chairpersons shall be  
 24 their annual progress in achieving the annual and long-range  
 25 hiring and promotional goals and objectives, as specified in  
 26 the university's equity plan and affirmative action plan.  
 27 Annual budget allocations for positions and funding shall be  
 28 based on this evaluation. A summary of such evaluations shall  
 29 be submitted to the Commissioner of Education and the State  
 30 Board of Education as part of the university's annual equity  
 31 report.

1           (b) The university boards of trustees shall annually  
 2 evaluate the performance of the university presidents in  
 3 achieving the annual equity goals and objectives. A summary of  
 4 the results of such evaluations shall be included as part of  
 5 the annual equity progress report submitted by the university  
 6 boards of trustees to the Legislature and the State Board of  
 7 Education.

8           (4) The State Board of Education shall submit an  
 9 annual equity progress report to the President of the Senate  
 10 and the Speaker of the House of Representatives on or before  
 11 August 1 of each year.

12           (5) Each university shall develop a budgetary  
 13 incentive plan to support and ensure attainment of the goals  
 14 developed pursuant to this section. The plan shall specify, at  
 15 a minimum, how resources shall be allocated to support the  
 16 achievement of goals and the implementation of strategies in a  
 17 timely manner. After prior review and approval by the  
 18 university president and the university board of trustees, the  
 19 plan shall be submitted as part of the annual equity report  
 20 submitted by each university to the State Board of Education.

21           (6) Relevant components of each university's  
 22 affirmative action plan may be used to satisfy the  
 23 requirements of this section.

24           (7) Subject to available funding, the Legislature  
 25 shall provide an annual appropriation to be allocated to the  
 26 universities to further enhance equity initiatives and related  
 27 priorities that support the mission of departments, divisions,  
 28 or colleges in recognition of the attainment of equity goals  
 29 and objectives.

30           Section 777. Section 1012.96, Florida Statutes, is  
 31 created to read:



hbd-38

Bill No. HB 2017

Amendment No. \_\_\_\_ (for drafter's use only)

1           1012.96 IFAS extension personnel; federal health  
 2 insurance programs notwithstanding the provisions of s.  
 3 110.123.--The Institute of Food and Agricultural Sciences at  
 4 the University of Florida may pay the employer's share of  
 5 premiums to the Federal Health Benefits Insurance Program from  
 6 its appropriated budget for any cooperative extension employee  
 7 of the institute having both state and federal appointments  
 8 and participating in the Federal Civil Service Retirement  
 9 System.

10           Section 778. Section 1012.965, Florida Statutes, is  
 11 created to read:

12           1012.965 Payment of costs of civil action against  
 13 employees.--

14           (1) An employee or agent under the right of control of  
 15 a university board of trustees who, pursuant to the university  
 16 board's policies or rules, renders medical care or treatment  
 17 at any hospital or health care facility with which the  
 18 university board maintains an affiliation agreement whereby  
 19 the hospital or health care facility provides to the  
 20 university board a clinical setting for health care education,  
 21 research, and services, shall not be deemed to be an agent of  
 22 any person other than the university board in any civil action  
 23 resulting from any act or omission of the employee or agent  
 24 while rendering said medical care or treatment. For this  
 25 subsection to apply, the patient shall be provided separate  
 26 written conspicuous notice by the university board of trustees  
 27 or by the hospital or health care facility, and shall  
 28 acknowledge receipt of this notice, in writing, unless  
 29 impractical by reason of an emergency, either personally or  
 30 through another person authorized to give consent for him or  
 31 her, that he or she will receive care provided by university

1 board's employees and liability, if any, that may arise from  
 2 that care is limited as provided by law. Compliance by a  
 3 hospital or health care facility with the requirements of  
 4 chapter 395 or s. 766.110(1) shall not be used as evidence in  
 5 any civil action to establish an employment or agency  
 6 relationship between the hospital or health care facility and  
 7 an employee or agent of the university board of trustees  
 8 providing services within the hospital or health care  
 9 facility.

10       (2) All faculty physicians employed by a university  
 11 board of trustees who are subject to the requirements of s.  
 12 456.013 shall complete their risk management continuing  
 13 education on issues specific to academic medicine. Such  
 14 continuing education shall include instruction for the  
 15 supervision of resident physicians as required by the  
 16 Accreditation Council for Graduate Medical Education. The  
 17 boards described in s. 456.013 shall adopt rules to implement  
 18 the provisions of this subsection.

19       (3) There are appropriated out of any funds available  
 20 to a university, not subject to the obligation of contract,  
 21 covenant, or trust, the amounts necessary to carry out the  
 22 purposes of this section.

23       (4) Failure of a university board of trustees or an  
 24 affiliated health care provider to do any act authorized by  
 25 this section shall not constitute a cause of action against  
 26 the university board, or an affiliated health care provider,  
 27 or any of their members, officers, or employees.

28       Section 779. Section 1012.97, Florida Statutes, is  
 29 created to read:

30       1012.97 University police.--

31       (1) Each university is empowered and directed to

1 provide for police officers for the university, and such  
2 police officers shall hereafter be known and designated as the  
3 "university police."

4       (2) The university police are hereby declared to be  
5 law enforcement officers of the state and conservators of the  
6 peace with the right to arrest, in accordance with the laws of  
7 this state, any person for violation of state law or  
8 applicable county or city ordinances when such violations  
9 occur on any property or facilities that are under the  
10 guidance, supervision, regulation, or control of the state  
11 university, except that arrest may be made off campus when hot  
12 pursuit originates on campus. Such officers shall have full  
13 authority to bear arms in the performance of their duties and  
14 to execute search warrants within their territorial  
15 jurisdiction. University police, when requested by the sheriff  
16 or local police authority, may serve subpoenas or other legal  
17 process and may make arrest of any person against whom a  
18 warrant has been issued or any charge has been made of  
19 violation of federal or state laws or county or city  
20 ordinances.

21       (3) University police shall promptly deliver all  
22 persons arrested and charged with a felony to the sheriff of  
23 the county within which the university is located, and all  
24 persons arrested and charged with misdemeanors shall be  
25 delivered to the applicable authority as may be provided by  
26 law, but otherwise to the sheriff of the county in which the  
27 university is located.

28       (4) University police must meet the minimum standards  
29 established by the Criminal Justice Standards and Training  
30 Commission and chapter 943. Each police officer shall, before  
31 entering into the performance of his or her duties, take the

1 oath of office as established by the university; and the  
 2 university may obtain and approve a bond on each officer,  
 3 payable to the Governor and his or her successors in office,  
 4 conditioned on the faithful performance of the duties of such  
 5 university police officer. The university may determine the  
 6 amount of the bond. In determining the amount of the bond, the  
 7 university may consider the amount of money or property likely  
 8 to be in the custody of the officer at any one time. The  
 9 university shall provide a uniform set of identification  
 10 credentials for each university police officer.

11 (5) In performance of any of the powers, duties, and  
 12 functions authorized by law or this section, university police  
 13 shall have the same rights, protections, and immunities  
 14 afforded other peace or law enforcement officers.

15 (6) The university, in concurrence with the Department  
 16 of Law Enforcement, shall adopt rules, including, but not  
 17 limited to, the appointment, employment, and removal of  
 18 university police and, further, establish in writing a policy  
 19 manual, including, but not limited to, routine and emergency  
 20 law enforcement situations. A policy manual shall be furnished  
 21 to each university police officer.

22 Section 780. Part V of chapter 1012, Florida Statutes,  
 23 shall be entitled "Professional Development" and shall consist  
 24 of ss. 1012.98-1012.985.

25 Section 781. Section 1012.98, Florida Statutes, is  
 26 created to read:

27 1012.98 School Community Professional Development  
 28 Act.--

29 (1) The Department of Education, public postsecondary  
 30 educational institutions, public school districts, and public  
 31 schools in this state shall collaborate to establish a

1 coordinated system of professional development. The purpose of  
2 the professional development system is to enable the school  
3 community to meet state and local student achievement  
4 standards and the state education goals and to succeed in  
5 school improvement as described in s. 1000.03.

6 (2) The school community includes administrative  
7 personnel, managers, instructional personnel, support  
8 personnel, members of district school boards, members of  
9 school advisory councils, parents, business partners, and  
10 personnel that provide health and social services to school  
11 children. School districts may identify and include  
12 additional members of the school community in the professional  
13 development activities required by this section.

14 (3) The activities designed to implement this section  
15 must:

16 (a) Increase the success of educators in guiding  
17 student learning and development so as to implement state and  
18 local educational standards, goals, and initiatives.

19 (b) Assist the school community in providing  
20 stimulating educational activities that encourage and motivate  
21 students to achieve at the highest levels and to become active  
22 learners.

23 (c) Provide continuous support for all education  
24 professionals as well as temporary intervention for education  
25 professionals who need improvement in knowledge, skills, and  
26 performance.

27 (4) The Department of Education, school districts,  
28 schools, community colleges, and state universities share the  
29 responsibilities described in this section. These  
30 responsibilities include the following:

31 (a) The department shall develop and disseminate to

1 the school community model professional development methods  
 2 and programs that have demonstrated success in meeting  
 3 identified student needs. The Commissioner of Education shall  
 4 use data on student achievement to identify student needs. The  
 5 methods of dissemination must include a statewide performance  
 6 support system, a database of exemplary professional  
 7 development activities, a listing of available professional  
 8 development resources, training programs, and technical  
 9 assistance.

10 (b) Each school district shall develop a professional  
 11 development system. The system shall be developed in  
 12 consultation with teachers and representatives of community  
 13 college and university faculty, community agencies, and other  
 14 interested citizen groups to establish policy and procedures  
 15 to guide the operation of the district professional  
 16 development program. The professional development system  
 17 must:

18 1. Be approved by the department. All substantial  
 19 revisions to the system shall be submitted to the department  
 20 for review for continued approval.

21 2. Require the use of student achievement data; school  
 22 discipline data; school environment surveys; assessments of  
 23 parental satisfaction; performance appraisal data of teachers,  
 24 managers, and administrative personnel; and other performance  
 25 indicators to identify school and student needs that can be  
 26 met by improved professional performance.

27 3. Provide inservice activities coupled with followup  
 28 support that are appropriate to accomplish district-level and  
 29 school-level improvement goals and standards. The inservice  
 30 activities for instructional personnel shall primarily focus  
 31 on subject content and teaching methods, including technology,

1 as related to the Sunshine State Standards, assessment and  
2 data analysis, classroom management, and school safety.

3 4. Include a master plan for inservice activities,  
4 pursuant to rules of the State Board of Education, for all  
5 district employees from all fund sources. The master plan  
6 shall be updated annually by September 1 using criteria for  
7 continued approval as specified by rules of the State Board of  
8 Education. Written verification that the inservice plan meets  
9 all requirements of this section must be submitted annually to  
10 the commissioner by October 1.

11 5. Require each school principal to establish and  
12 maintain an individual professional development plan for each  
13 instructional employee assigned to the school. The individual  
14 professional development plan must:

15 a. Be related to specific performance data for the  
16 students to whom the teacher is assigned.

17 b. Define the inservice objectives and specific  
18 measurable improvements expected in student performance as a  
19 result of the inservice activity.

20 c. Include an evaluation component that determines the  
21 effectiveness of the professional development plan.

22 6. Include inservice activities for school  
23 administrative personnel that address updated skills necessary  
24 for effective school management and instructional leadership.

25 7. Provide for systematic consultation with regional  
26 and state personnel designated to provide technical assistance  
27 and evaluation of local professional development programs.

28 8. Provide for delivery of professional development by  
29 distance learning and other technology-based delivery systems  
30 to reach more educators at lower costs.

31 9. Provide for the continuous evaluation of the

1 quality and effectiveness of professional development programs  
 2 in order to eliminate ineffective programs and strategies and  
 3 to expand effective ones. Evaluations must consider the impact  
 4 of such activities on the performance of participating  
 5 educators and their students' achievement and behavior.

6 (c) Each community college and state university shall  
 7 assist the department, school districts, and schools in the  
 8 design, delivery, and evaluation of professional development  
 9 activities. This assistance must include active participation  
 10 in state and local activities required by the professional  
 11 development system.

12 (5)(a) The Department of Education shall provide a  
 13 system for the recruitment, preparation, and professional  
 14 development of school administrative personnel. This system  
 15 shall:

16 1. Identify the knowledge, competencies, and skills  
 17 necessary for effective school management and instructional  
 18 leadership that align with student performance standards and  
 19 accountability measures.

20 2. Include performance evaluation methods.

21 3. Provide for alternate means for preparation of  
 22 school administrative personnel which may include programs  
 23 designed by school districts and postsecondary educational  
 24 institutions pursuant to guidelines developed by the  
 25 commissioner. Such preparation programs shall be approved by  
 26 the Department of Education.

27 4. Provide for the hiring of qualified out-of-state  
 28 school administrative personnel.

29 5. Provide advanced educational opportunities for  
 30 school-based instructional leaders.

31 (b) The Commissioner of Education shall appoint a task



1 force that includes a district school superintendent, a  
 2 district school board member, a principal, an assistant  
 3 principal, a teacher, a dean of a college of education, and  
 4 parents. The task force shall convene periodically to provide  
 5 recommendations to the department in the areas of recruitment,  
 6 certification, preparation, professional development, and  
 7 evaluation of school administrators.

8       (6) Each district school board shall provide funding  
 9 for the professional development system as required by s.  
 10 1011.62 and the General Appropriations Act, and shall direct  
 11 expenditures from other funding sources to strengthen the  
 12 system and make it uniform and coherent. A school district  
 13 may coordinate its professional development program with that  
 14 of another district, with an educational consortium, or with a  
 15 community college or university, especially in preparing and  
 16 educating personnel. Each district school board shall make  
 17 available inservice activities to instructional personnel of  
 18 nonpublic schools in the district and the state certified  
 19 teachers who are not employed by the district school board on  
 20 a fee basis not to exceed the cost of the activity per all  
 21 participants.

22       (7) An organization of private schools which has no  
 23 fewer than 10 member schools in this state, which publishes  
 24 and files with the Department of Education copies of its  
 25 standards, and the member schools of which comply with the  
 26 provisions of part II of chapter 1003, relating to compulsory  
 27 school attendance, may also develop a professional development  
 28 system that includes a master plan for inservice activities.  
 29 The system and inservice plan must be submitted to the  
 30 commissioner for approval pursuant to rules of the State Board  
 31 of Education.

1           (8) The Department of Education shall design methods  
 2 by which the state and district school boards may evaluate and  
 3 improve the professional development system. The evaluation  
 4 must include an annual assessment of data that indicate  
 5 progress or lack of progress of all students. If the review of  
 6 the data indicates progress, the department shall identify the  
 7 best practices that contributed to the progress. If the review  
 8 of the data indicates a lack of progress, the department shall  
 9 investigate the causes of the lack of progress, provide  
 10 technical assistance, and require the school district to  
 11 employ a different approach to professional development. The  
 12 department shall report annually to the State Board of  
 13 Education and the Legislature any school district that, in the  
 14 determination of the department, has failed to provide an  
 15 adequate professional development system. This report must  
 16 include the results of the department's investigation and of  
 17 any intervention provided.

18           (9) The State Board of Education may adopt rules  
 19 pursuant to ss. 120.536(1) and 120.54 to administer this  
 20 section.

21           (10) This section does not limit or discourage a  
 22 district school board from contracting with independent  
 23 entities for professional development services and inservice  
 24 education if the district school board believes that, through  
 25 such a contract, a better product can be acquired or its goals  
 26 for education improvement can be better met.

27           (11) For teachers, managers, and administrative  
 28 personnel who have been evaluated as less than satisfactory, a  
 29 district school board shall require participation in specific  
 30 professional development programs as part of the improvement  
 31 prescription.

1 Section 782. Section 1012.985, Florida Statutes, is  
2 created to read:

3 1012.985 Statewide system for inservice professional  
4 development.--The intent of this section is to establish a  
5 statewide system of professional development that provides a  
6 wide range of targeted inservice training to teachers,  
7 managers, and administrative personnel designed to upgrade  
8 skills and knowledge needed to reach world class standards in  
9 education. The system shall consist of a network of  
10 professional development academies in each region of the state  
11 that are operated in partnership with area business partners  
12 to develop and deliver high-quality training programs  
13 purchased by school districts. The academies shall be  
14 established to meet the human resource development needs of  
15 professional educators, schools, and school districts. Funds  
16 appropriated for the initiation of professional development  
17 academies shall be allocated by the Commissioner of Education,  
18 unless otherwise provided in an appropriations act. To be  
19 eligible for startup funds, the academy must:

20 (1) Be established by the collaborative efforts of one  
21 or more district school boards, members of the business  
22 community, and the postsecondary educational institutions  
23 which may award college credits for courses taught at the  
24 academy.

25 (2) Demonstrate the capacity to provide effective  
26 training to improve teaching skills in the areas of elementary  
27 reading and mathematics, the use of instructional technology,  
28 high school algebra, and classroom management, and to deliver  
29 such training using face-to-face, distance learning, and  
30 individualized computer-based delivery systems.

31 (3) Propose a plan for responding in an effective and

1 timely manner to the professional development needs of  
2 teachers, managers, administrative personnel, schools, and  
3 school districts relating to improving student achievement and  
4 meeting state and local education goals.

5 (4) Demonstrate the ability to provide high-quality  
6 trainers and training, appropriate followup and coaching for  
7 all participants, and support school personnel in positively  
8 impacting student performance.

9 (5) Be operated under contract with its public  
10 partners and governed by an independent board of directors,  
11 which should include at least one district school  
12 superintendent and one district school board chair from the  
13 participating school districts, the president of the  
14 collective bargaining unit that represents the majority of the  
15 region's teachers, and at least three individuals who are not  
16 employees or elected or appointed officials of the  
17 participating school districts. Regional educational consortia  
18 as defined in s. 1001.451 satisfy the requirements of this  
19 subsection.

20 (6) Be financed during the first year of operation by  
21 an equal or greater match from private funding sources and  
22 demonstrate the ability to be self-supporting within 1 year  
23 after opening through fees for services, grants, or private  
24 contributions. Regional educational consortia as defined in s.  
25 1001.451 which serve rural areas of critical economic concern  
26 are exempt from the funding match required by this subsection.

27 (7) Own or lease a facility that can be used to  
28 deliver training onsite and through distance learning and  
29 other technology-based delivery systems. The participating  
30 district school boards may lease a site or facility to the  
31 academy for a nominal fee and may pay all or part of the costs

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1 of renovating a facility to accommodate the academy. The  
2 academy is responsible for all operational, maintenance, and  
3 repair costs.

4 (8) Provide professional development services for the  
5 participating school districts as specified in the contract  
6 and may provide professional development services to other  
7 school districts, private schools, and individuals on a  
8 fee-for-services basis.

9 Section 783. Part VI of chapter 1012, Florida  
10 Statutes, shall be entitled "Interstate Compact on  
11 Qualifications of Educational Personnel" and shall consist of  
12 ss. 1012.99-1012.992.

13 Section 784. Section 1012.99, Florida Statutes, is  
14 created to read:

15 1012.99 Interstate agreement on qualifications of  
16 educational personnel.--The interstate agreement on  
17 qualifications of educational personnel is hereby enacted into  
18 law and entered into with all jurisdictions legally joining  
19 therein, in form substantially as follows:

20  
21 ARTICLE I

22  
23 PURPOSE, FINDINGS, AND POLICY

24 1. The states party to this agreement, desiring by  
25 common action to improve their respective school systems by  
26 utilizing the teacher or other professional educational person  
27 wherever educated, declare that it is the policy of each of  
28 them, on the basis of cooperation with one another, to take  
29 advantage of the preparation and experience of such persons  
30 wherever gained, thereby serving the best interests of  
31 society, of education, and of the teaching profession. It is



1 official of a state selected by that state to negotiate and  
2 enter into, on behalf of this state, contracts pursuant to  
3 this agreement.

4 3. "Accept," or any variant thereof, means to  
5 recognize and give effect to one or more determinations of  
6 another state relating to the qualifications of educational  
7 personnel in lieu of making or requiring a like determination  
8 that would otherwise be required by or pursuant to the laws of  
9 a receiving state.

10 4. "State" means a state, territory, or possession of  
11 the United States; the district of Columbia; or the  
12 Commonwealth of Puerto Rico.

13 5. "Originating state" means a state and the  
14 subdivision thereof, if any, whose determination that certain  
15 educational personnel are qualified to be employed for  
16 specific duties in schools is acceptable in accordance with  
17 the terms of a contract made pursuant to Article III.

18 6. "Receiving state" means a state and the  
19 subdivisions thereof which accept educational personnel in  
20 accordance with the terms of a contract made pursuant to  
21 Article III.

22  
23 ARTICLE III

24  
25 INTERSTATE EDUCATIONAL

26 PERSONNEL CONTRACTS

27 1. The designated state official of a party state may  
28 make one or more contracts on behalf of his or her state with  
29 one or more other party states providing for the acceptance of  
30 educational personnel. Any such contract for the period of  
31 its duration shall be applicable to and binding on the states

1 whose designated state officials enter into it, and the  
 2 subdivisions of those states, with the same force and effect  
 3 as if incorporated in this agreement. A designated state  
 4 official may enter into a contract pursuant to this article  
 5 only with states in which he or she finds that there are  
 6 programs of education, certification standards or other  
 7 acceptable qualifications that assure preparation or  
 8 qualification of educational personnel on a basis sufficiently  
 9 comparable, even though not identical to that prevailing in  
 10 his or her own state.

11 2. Any such contract shall provide for:

12 (a) Its duration.

13 (b) The criteria to be applied by an originating state  
 14 in qualifying educational personnel for acceptance by a  
 15 receiving state.

16 (c) Such waivers, substitutions, and conditional  
 17 acceptances as shall aid the practical effectuation of the  
 18 contract without sacrifice of basic educational standards.

19 (d) Any other necessary matters.

20 3. No contract made pursuant to this agreement shall  
 21 be for a term longer than five years but any such contract may  
 22 be renewed for like or lesser periods.

23 4. Any contract dealing with acceptance of educational  
 24 personnel on the basis of their having completed an  
 25 educational program shall specify the earliest date or dates  
 26 on which originating state approval of the program or programs  
 27 involved can have occurred. No contract made pursuant to this  
 28 agreement shall require acceptance by a receiving state or any  
 29 persons qualified because of successful completion of a  
 30 program prior to January 1, 1954.

31 5. The certification or other acceptance of a person



1 who has been accepted pursuant to the terms of a contract  
 2 shall not be revoked or otherwise impaired because the  
 3 contract has expired or been terminated. However, any  
 4 certificate or other qualifying document may be revoked or  
 5 suspended on any ground which would be sufficient for  
 6 revocation or suspension of a certificate or other qualifying  
 7 document initially granted or approved in the receiving state.

8 6. A contract committee composed of the designated  
 9 state officials of the contracting states or their  
 10 representatives shall keep the contract under continuous  
 11 review, study means of improving its administration, and  
 12 report no less frequently than once a year to the heads of the  
 13 appropriate education agencies of the contracting states.

14  
 15 ARTICLE IV  
 16

17 APPROVED AND ACCEPTED PROGRAMS

18 1. Nothing in this agreement shall be construed to  
 19 repeal or otherwise modify any law or regulation of a party  
 20 state relating to the approval of programs of educational  
 21 preparation having effect solely on the qualification of  
 22 educational personnel within that state.

23 2. To the extent that contracts made pursuant to this  
 24 agreement deal with the educational requirements for the  
 25 proper qualification of educational personnel, acceptance of a  
 26 program of educational preparation shall be in accordance with  
 27 such procedures and requirements as may be provided in the  
 28 applicable contract.

29  
 30 ARTICLE V  
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INTERSTATE COOPERATION

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI

AGREEMENT EVALUATION

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

ARTICLE VII

OTHER ARRANGEMENTS

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

ARTICLE VIII

EFFECT AND WITHDRAWAL

1. This agreement shall become effective when enacted

1 into law by two states. Thereafter it shall become effective  
2 as to any state upon its enactment of this agreement.

3 2. Any party state may withdraw from this agreement by  
4 enacting a statute repealing the same, but no such withdrawal  
5 shall take effect until one year after the governor of the  
6 withdrawing state has given notice in writing of the  
7 withdrawal to the governors of all other party states.

8 3. No withdrawal shall relieve the withdrawing state  
9 of any obligation imposed upon it by a contract to which it is  
10 a party. The duration of contracts and the methods and  
11 conditions of withdrawal therefrom shall be those specified in  
12 their terms.

13  
14 ARTICLE IX

15  
16 CONSTRUCTION AND SEVERABILITY

17 This agreement shall be liberally construed so as to  
18 effectuate the purposes thereof. The provisions of this  
19 agreement shall be severable and if any phrase, clause,  
20 sentence or provision of this agreement is declared to be  
21 contrary to the constitution of any state or of the United  
22 States, or the application thereof to any government, agency,  
23 person, or circumstance is held invalid, the validity of the  
24 remainder of this agreement and the applicability thereof to  
25 any government, agency, person, or circumstance shall not be  
26 affected thereby. If this agreement shall be held contrary to  
27 the constitution of any state participating therein, the  
28 agreement shall remain in full force and effect as to the  
29 state affected as to all severable matters.

30 Section 785. Section 1012.991, Florida Statutes, is  
31 created to read:

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1           1012.991 Commissioner designated official.--For the  
 2 purposes of the agreement set forth in Article IX, the  
 3 "designated state official" for this state shall be the  
 4 Commissioner of Education. The Commissioner of Education shall  
 5 enter into contracts pursuant to Article III of the agreement  
 6 only with the approval of the specific texts thereof by the  
 7 State Board of Education.

8           Section 786. Section 1012.992, Florida Statutes, is  
 9 created to read:

10           1012.992 Copies of contracts with other states;  
 11 depository.--Two copies of all contracts made on behalf of  
 12 this state pursuant to the agreement set forth in Article IX  
 13 shall be kept on file in the office of the Commissioner of  
 14 Education and in the office of the Department of State. The  
 15 Department of Education shall publish all such contracts in  
 16 convenient form.

17           Section 787. Chapter 1013, Florida Statutes, shall be  
 18 entitled "Educational Facilities" and shall consist of ss.  
 19 1013.01-1013.82.

20           Section 788. Part I of chapter 1013, Florida Statutes,  
 21 shall be entitled "Functions; Department of Education" and  
 22 shall consist of ss. 1013.01-1013.05.

23           Section 789. Section 1013.01, Florida Statutes, is  
 24 created to read:

25           1013.01 Definitions.--The following terms shall be  
 26 defined as follows for the purpose of this chapter:

27           (1) "Ancillary plant" is comprised of the building,  
 28 site, and site improvements necessary to provide such  
 29 facilities as vehicle maintenance, warehouses, maintenance, or  
 30 administrative buildings necessary to provide support services  
 31 to an educational program.

1           (2) "Auxiliary facility" means the spaces located at  
2 educational plants which are not designed for student occupant  
3 stations.

4           (3) "Board," unless otherwise specified, means a  
5 district school board, a community college board of trustees,  
6 a university board of trustees, and the Board of Trustees for  
7 the Florida School for the Deaf and the Blind. The term  
8 "board" does not include the State Board of Education.

9           (4) "Capital project," for the purpose of s. 9(a)(2),  
10 Art. XII of the State Constitution, as amended, means sums of  
11 money appropriated from the Public Education Capital Outlay  
12 and Debt Service Trust Fund to the state system of public  
13 education and other educational agencies as authorized by the  
14 Legislature.

15           (5) "Core facilities" means the media center,  
16 cafeteria, toilet facilities, and circulation space of an  
17 educational plant.

18           (6) "Educational facilities" means the buildings and  
19 equipment, structures, and special educational use areas that  
20 are built, installed, or established to serve primarily the  
21 educational purposes and secondarily the social and  
22 recreational purposes of the community and which may lawfully  
23 be used as authorized by the Florida Statutes and approved by  
24 boards.

25           (7) "Educational plant" comprises the educational  
26 facilities, site, and site improvements necessary to  
27 accommodate students, faculty, administrators, staff, and the  
28 activities of the educational program of each plant.

29           (8) "Educational plant survey" means a systematic  
30 study of present educational and ancillary plants and the  
31 determination of future needs to provide an appropriate

1 educational program and services for each student based on  
2 projected capital outlay FTE's approved by the Department of  
3 Education.

4 (9) "Feasibility study" means the examination and  
5 analysis of information related to projected educational  
6 facilities to determine whether they are reasonable and  
7 possible.

8 (10) "Long-range planning" means devising a systematic  
9 method based on educational information and needs, carefully  
10 analyzed, to provide the facilities to meet the goals and  
11 objectives of the educational agency for a period of 5 years.

12 (11) "Low-energy usage features" means engineering  
13 features or devices that supplant or minimize the consumption  
14 of fossil fuels by heating equipment and cooling equipment.  
15 Such features may include, but are not limited to, high  
16 efficiency chillers and boilers, thermal storage tanks, solar  
17 energy systems, waste heat recovery systems, and facility load  
18 management systems.

19 (12) "Maintenance and repair" means the upkeep of  
20 educational and ancillary plants, including, but not limited  
21 to, roof or roofing replacement short of complete replacement  
22 of membrane or structure; repainting of interior or exterior  
23 surfaces; resurfacing of floors; repair or replacement of  
24 glass; repair of hardware, furniture, equipment, electrical  
25 fixtures, and plumbing fixtures; and repair or resurfacing of  
26 parking lots, roads, and walkways. The term "maintenance and  
27 repair" does not include custodial or groundskeeping  
28 functions, or renovation except for the replacement of  
29 equipment with new equipment of equal systems meeting current  
30 code requirements, provided that the replacement item neither  
31 places increased demand upon utilities services or structural

1 supports nor adversely affects the function of safety to life  
2 systems.

3 (13) "Need determination" means the identification of  
4 types and amounts of educational facilities necessary to  
5 accommodate the educational programs, student population,  
6 faculty, administrators, staff, and auxiliary and ancillary  
7 services of an educational agency.

8 (14) "New construction" means any construction of a  
9 building or unit of a building in which the entire work is new  
10 or an entirely new addition connected to an existing building  
11 or which adds additional square footage to the space  
12 inventory.

13 (15) "Passive design elements" means architectural  
14 features that minimize heat gain, heat loss, and the use of  
15 heating and cooling equipment when ambient conditions are  
16 extreme and that permit use of the facility without heating or  
17 air-conditioning when ambient conditions are moderate. Such  
18 features may include, but are not limited to, building  
19 orientation, landscaping, earth bermings, insulation, thermal  
20 windows and doors, overhangs, skylights, thermal chimneys, and  
21 other design arrangements.

22 (16) "Public education capital outlay (PECO) funded  
23 projects" means site acquisition, renovation, remodeling,  
24 construction projects, and site improvements necessary to  
25 accommodate buildings, equipment, other structures, and  
26 special educational use areas that are built, installed, or  
27 established to serve primarily the educational instructional  
28 program of the district school board, community college board  
29 of trustees, or university board of trustees.

30 (17) "Remodeling" means the changing of existing  
31 facilities by rearrangement of spaces and their use and

1 includes, but is not limited to, the conversion of two  
2 classrooms to a science laboratory or the conversion of a  
3 closed plan arrangement to an open plan configuration.

4 (18) "Renovation" means the rejuvenating or upgrading  
5 of existing facilities by installation or replacement of  
6 materials and equipment and includes, but is not limited to,  
7 interior or exterior reconditioning of facilities and spaces;  
8 air-conditioning, heating, or ventilating equipment; fire  
9 alarm systems; emergency lighting; electrical systems; and  
10 complete roofing or roof replacement, including replacement of  
11 membrane or structure. As used in this subsection, the term  
12 "materials" does not include instructional materials.

13 (19) "Satisfactory educational facility" means a  
14 facility that has been recommended for continued use by an  
15 educational plant survey or that has been classified as  
16 satisfactory in the state inventory of educational facilities.

17 (20) "Site" means a space of ground occupied or to be  
18 occupied by an educational facility or program.

19 (21) "Site development" means work that must be  
20 performed on an unimproved site in order to make it usable for  
21 the desired purpose or work incidental to new construction or  
22 to make an addition usable.

23 (22) "Site improvement" means work that must be  
24 performed on an existing site to improve its utilization,  
25 correct health and safety deficiencies, meet special program  
26 needs, or provide additional service areas.

27 (23) "Site improvement incident to construction" means  
28 the work that must be performed on a site as an accompaniment  
29 to the construction of an educational facility.

30 (24) "Satellite facility" means the buildings and  
31 equipment, structures, and special educational use areas that



1 are built, installed, or established by private business or  
 2 industry in accordance with chapter 6A-2, Florida  
 3 Administrative Code, to be used exclusively for educational  
 4 purposes to serve primarily the students of its employees and  
 5 that are staffed professionally by the district school board.

6 Section 790. Section 1013.02, Florida Statutes, is  
 7 created to read:

8 1013.02 Purpose; rules.--

9 (1) The purpose of this chapter is to authorize state  
 10 and local officials to cooperate in establishing and  
 11 maintaining educational plants that will provide for public  
 12 educational needs throughout the state.

13 (2) The State Board of Education shall adopt rules  
 14 pursuant to ss. 120.536(1) and 120.54 to implement the  
 15 provisions of this chapter.

16 Section 791. Section 1013.03, Florida Statutes, is  
 17 created to read:

18 1013.03 Functions of the department.--The functions of  
 19 the Department of Education as it pertains to educational  
 20 facilities shall include, but not be limited to, the  
 21 following:

22 (1) Establish recommended minimum and maximum square  
 23 footage standards for different functions and areas and  
 24 procedures for determining the gross square footage for each  
 25 educational facility to be funded in whole or in part by the  
 26 state, including public broadcasting stations but excluding  
 27 postsecondary special purpose laboratory space. The gross  
 28 square footage determination standards may be exceeded when  
 29 the core facility space of an educational facility is  
 30 constructed or renovated to accommodate the future addition of  
 31 classrooms to meet projected increases in student enrollment.

1 The department shall encourage multiple use of facilities and  
2 spaces in educational plants.

3 (2) Establish, for the purpose of determining need,  
4 equitably uniform utilization standards for all types of like  
5 space, regardless of the level of education. These standards  
6 shall also establish, for postsecondary education classrooms,  
7 a minimum room utilization rate of 40 hours per week and a  
8 minimum station utilization rate of 60 percent. These rates  
9 shall be subject to increase based on national norms for  
10 utilization of postsecondary education classrooms.

11 (3) Require boards to submit other educational plant  
12 inventories data and statistical data or information relevant  
13 to construction, capital improvements, and related costs.

14 (4) Require each board and other appropriate agencies  
15 to submit complete and accurate financial data as to the  
16 amounts of funds from all sources that are available and spent  
17 for construction and capital improvements. The commissioner  
18 shall prescribe the format and the date for the submission of  
19 this data and any other educational facilities data. If any  
20 district does not submit the required educational facilities  
21 fiscal data by the prescribed date, the Commissioner of  
22 Education shall notify the district school board of this fact  
23 and, if appropriate action is not taken to immediately submit  
24 the required report, the district school board shall be  
25 directed to proceed pursuant to the provisions of s.  
26 1001.42(11)(b). If any community college or university does  
27 not submit the required educational facilities fiscal data by  
28 the prescribed date, the same policy prescribed in this  
29 subsection for school districts shall be implemented.

30 (5) Administer, under the supervision of the  
31 Commissioner of Education, the Public Education Capital Outlay

1 and Debt Service Trust Fund and the School District and  
2 Community College District Capital Outlay and Debt Service  
3 Trust Fund.

4 (6) Develop, review, update, revise, and recommend a  
5 mandatory portion of the Florida Building Code for educational  
6 facilities construction and capital improvement by community  
7 college boards and district school boards.

8 (7) Provide training, technical assistance, and  
9 building code interpretation for requirements of the mandatory  
10 Florida Building Code for the educational facilities  
11 construction and capital improvement programs of the community  
12 college boards and district school boards and, upon request,  
13 approve phase III construction documents for remodeling,  
14 renovation, or new construction of educational plants or  
15 ancillary facilities, except that university boards of  
16 trustees shall approve specifications and construction  
17 documents for their respective institutions. The Department of  
18 Management Services may, upon request, provide similar  
19 services for the Florida School for the Deaf and the Blind and  
20 shall use the Florida Building Code and the Florida Fire  
21 Prevention Code.

22 (8) Provide minimum criteria, procedures, and training  
23 to boards to conduct educational plant surveys and document  
24 the determination of future needs.

25 (9) Make available to boards technical assistance,  
26 awareness training, and research and technical publications  
27 relating to lifesafety, casualty, sanitation, environmental,  
28 maintenance, and custodial issues; and, as needed, technical  
29 assistance for survey, planning, design, construction,  
30 operation, and evaluation of educational and ancillary  
31 facilities and plants, facilities administrative procedures

1 review, and training for new administrators.

2 (10)(a) Review and validate surveys proposed or  
3 amended by the boards and recommend to the Commissioner of  
4 Education, for approval, surveys that meet the requirements of  
5 this chapter.

6 1. The term "validate" as applied to surveys by school  
7 districts means to review inventory data as submitted to the  
8 department by district school boards; provide for review and  
9 inspection, where required, of student stations and aggregate  
10 square feet of inventory changed from satisfactory to  
11 unsatisfactory or changed from unsatisfactory to satisfactory;  
12 compare new school inventory to allocation limits provided by  
13 this chapter; review cost projections for conformity with cost  
14 limits set by s. 1013.64(6); compare total capital outlay  
15 full-time equivalent enrollment projections in the survey with  
16 the department's projections; review facilities lists to  
17 verify that student station and auxiliary facility space  
18 allocations do not exceed the limits provided by this chapter  
19 and related rules; review and confirm the application of  
20 uniform facility utilization factors, where provided by this  
21 chapter or related rules; utilize the documentation of  
22 programs offered per site, as submitted by the board, to  
23 analyze facility needs; confirm that need projections for  
24 career and technical and adult educational programs comply  
25 with needs documented by the Office of Workforce and Economic  
26 Development; and confirm the assignment of full-time student  
27 stations to all space except auxiliary facilities, which, for  
28 purposes of exemption from student station assignment, include  
29 the following:

30 a. Cafeterias.

31 b. Multipurpose dining areas.

1           c. Media centers.  
 2           d. Auditoriums.  
 3           e. Administration.  
 4           f. Elementary, middle, and high school resource rooms,  
 5 up to the number of such rooms recommended for the applicable  
 6 occupant and space design capacity of the educational plant in  
 7 the State Requirements for Educational Facilities, beyond  
 8 which student stations must be assigned.

9           g. Elementary school skills labs, up to the number of  
 10 such rooms recommended for the applicable occupant and space  
 11 design capacity of the educational plant in the State  
 12 Requirements for Educational Facilities, beyond which student  
 13 stations must be assigned.

14           h. Elementary school art and music rooms.

15           2. The term "validate" as applied to surveys by  
 16 community colleges and universities means to review and  
 17 document the approval of each new site and official  
 18 designation, where applicable; review the inventory database  
 19 as submitted by each board to the department, including  
 20 noncareer and technical, and total capital outlay full-time  
 21 equivalent enrollment projections per site and per college;  
 22 provide for the review and inspection, where required, of  
 23 student stations and aggregate square feet of space changed  
 24 from satisfactory to unsatisfactory; utilize and review the  
 25 documentation of programs offered per site submitted by the  
 26 boards as accurate for analysis of space requirements and  
 27 needs; confirm that needs projected for career and technical  
 28 and adult educational programs comply with needs documented by  
 29 the Office of Workforce and Economic Development; compare new  
 30 facility inventory to allocations limits as provided in this  
 31 chapter; review cost projections for conformity with state

1 averages or limits designated by this chapter; compare student  
 2 enrollment projections in the survey to the department's  
 3 projections; review facilities lists to verify that area  
 4 allocations and space factors for generating space needs do  
 5 not exceed the limits as provided by this chapter and related  
 6 rules; confirm the application of facility utilization factors  
 7 as provided by this chapter and related rules; and review, as  
 8 submitted, documentation of how survey recommendations will  
 9 implement the detail of current campus master plans and  
 10 integrate with local comprehensive plans and development  
 11 regulations.

12 (b) Recommend priority of projects to be funded for  
 13 approval by the state board, when required by law.

14 (11) Prepare the commissioner's comprehensive fixed  
 15 capital outlay legislative budget request and provide annually  
 16 an estimate of the funds available for developing required  
 17 3-year priority lists. This amount shall be based upon the  
 18 average percentage for the 5 prior years of funds appropriated  
 19 by the Legislature for fixed capital outlay to each level of  
 20 public education: public schools, community colleges, and  
 21 universities.

22 (12) Perform any other functions that may be involved  
 23 in educational facilities construction and capital improvement  
 24 which shall ensure that the intent of the Legislature is  
 25 implemented.

26 Section 792. Section 1013.04, Florida Statutes, is  
 27 created to read:

28 1013.04 School district facilities work program  
 29 performance and productivity standards; development;  
 30 measurement; application.--

31 (1) The Office of Educational Facilities and SMART

1 Schools Clearinghouse shall develop and adopt measures for  
 2 evaluating the performance and productivity of school district  
 3 facilities work programs. The measures may be both  
 4 quantitative and qualitative and must, to the maximum extent  
 5 practical, assess those factors that are within the districts'  
 6 control. The measures must, at a minimum, assess performance  
 7 in the following areas:

- 8       (a) Frugal production of high-quality projects.
- 9       (b) Efficient finance and administration.
- 10       (c) Optimal school and classroom size and utilization  
 11 rate.
- 12       (d) Safety.
- 13       (e) Core facility space needs and cost-effective  
 14 capacity improvements that consider demographic projections.
- 15       (f) Level of district local effort.
- 16       (2) The office shall establish annual performance  
 17 objectives and standards that can be used to evaluate district  
 18 performance and productivity.
- 19       (3) The office shall conduct ongoing evaluations of  
 20 district educational facilities program performance and  
 21 productivity, using the measures adopted under this section.  
 22 If, using these measures, the office finds that a district  
 23 failed to perform satisfactorily, the office must recommend to  
 24 the district school board actions to be taken to improve the  
 25 district's performance.

26       Section 793. Section 1013.05, Florida Statutes, is  
 27 created to read:

28       1013.05 Office of Educational Facilities and SMART  
 29 (Soundly Made, Accountable, Reasonable, and Thrifty) Schools  
 30 Clearinghouse.--

- 31       (1) The SMART Schools Clearinghouse is established to

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1 assist school districts that seek to access School  
 2 Infrastructure Thrift (SIT) Program awards pursuant to ss.  
 3 1013.42 and 1013.72 or effort index grants pursuant to s.  
 4 1013.73. The office must use expedited procedures in providing  
 5 such assistance.

6 (2) The office shall prioritize school district SIT  
 7 Program awards based on a review of the district facilities  
 8 work programs and proposed construction projects.

9 Section 794. Part II of chapter 1013, Florida  
 10 Statutes, shall be entitled "Use and Management of Educational  
 11 Facilities" and shall consist of ss. 1013.10-1013.28.

12 Section 795. Section 1013.10, Florida Statutes, is  
 13 created to read:

14 1013.10 Use of buildings and grounds.--The board may  
 15 permit the use of educational facilities and grounds for any  
 16 legal assembly or for community use centers or may permit the  
 17 same to be used as voting places in any primary, regular, or  
 18 special election. The board shall adopt rules or policies and  
 19 procedures necessary to protect educational facilities and  
 20 grounds when used for such purposes.

21 Section 796. Section 1013.11, Florida Statutes, is  
 22 created to read:

23 1013.11 Postsecondary institutions assessment of  
 24 physical plant safety.--The president of each postsecondary  
 25 institution shall conduct or cause to be conducted an annual  
 26 assessment of physical plant safety. An annual report shall  
 27 incorporate the findings obtained through such assessment and  
 28 recommendations for the improvement of safety on each campus.  
 29 The annual report shall be submitted to the respective  
 30 governing or licensing board of jurisdiction no later than  
 31 January 1 of each year. Each board shall compile the



1 individual institutional reports and convey the aggregate  
 2 institutional reports to the Commissioner of Education. The  
 3 Commissioner of Education shall convey these reports and the  
 4 reports required in s. 1008.48 to the President of the Senate  
 5 and the Speaker of the House of Representatives no later than  
 6 March 1 of each year.

7 Section 797. Section 1013.12, Florida Statutes, is  
 8 created to read:

9 1013.12 Safety and sanitation standards and inspection  
 10 of property.--The State Board of Education shall adopt and  
 11 administer rules prescribing standards for the safety and  
 12 health of occupants of educational and ancillary plants as a  
 13 part of State Requirements for Educational Facilities or the  
 14 Florida Building Code for educational facilities construction  
 15 as provided in s. 1013.37, the provisions of chapter 633 to  
 16 the contrary notwithstanding. These standards must be used by  
 17 all public agencies when inspecting public educational and  
 18 ancillary plants. In accordance with such standards, each  
 19 board shall prescribe policies and procedures establishing a  
 20 comprehensive program of safety and sanitation for the  
 21 protection of occupants of public educational and ancillary  
 22 plants. Such policies must contain procedures for periodic  
 23 inspections as prescribed herein and for withdrawal of any  
 24 educational and ancillary plant, or portion thereof, from use  
 25 until unsafe or unsanitary conditions are corrected or  
 26 removed.

27 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
 28 BOARDS.--

29 (a) Each board shall provide for periodic inspection  
 30 of each educational and ancillary plant at least once during  
 31 each fiscal year to determine compliance with standards of

1 sanitation and casualty safety prescribed in the rules of the  
2 State Board of Education.

3 (b) Firesafety inspections of each educational and  
4 ancillary plant must be made annually by persons certified by  
5 the Division of State Fire Marshal to be eligible to conduct  
6 firesafety inspections in public educational and ancillary  
7 plants.

8 (c) In each firesafety inspection report, the board  
9 shall include a plan of action and a schedule for the  
10 correction of each deficiency. If immediate life-threatening  
11 deficiencies are noted in any inspection, the board shall  
12 either take action to promptly correct the deficiencies or  
13 withdraw the educational or ancillary plant from use until  
14 such time as the deficiencies are corrected.

15 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
16 AGENCIES.--

17 (a) A safety or sanitation inspection of any  
18 educational or ancillary plant may be made at any time by the  
19 Department of Education or any other state or local agency  
20 authorized or required to conduct such inspections by either  
21 general or special law. Each agency conducting inspections  
22 shall use the standards adopted by the Commissioner of  
23 Education in lieu of, and to the exclusion of, any other  
24 inspection standards prescribed either by statute or  
25 administrative rule, the provisions of chapter 633 to the  
26 contrary notwithstanding. The agency shall submit a copy of  
27 the inspection report to the board.

28 (b) In addition to district school board inspections,  
29 the applicable local fire control authority shall also  
30 annually inspect district school board educational facilities  
31 within its fire control district, using the standards adopted

1 by the Commissioner of Education. Reports shall be filed with  
2 the district school board, and a copy shall be on file with  
3 the local site administrator.

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

7 (a) Order that appropriate action be taken to correct  
8 all deficiencies in accordance with a schedule determined  
9 jointly by the inspecting authority and the board; in  
10 developing the schedule, consideration must be given to the  
11 seriousness of the deficiencies and the ability of the board  
12 to obtain the necessary funds; or

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

16 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
17 FACILITIES.--Firesafety inspections of community college and  
18 university facilities shall comply with State Board of  
19 Education rules.

20 Section 798. Section 1013.13, Florida Statutes, is  
21 created to read:

22 1013.13 Coordination of school safety information;  
23 construction design documents.--

24 (1) Each district school superintendent must provide  
25 to the law enforcement agency and fire department that has  
26 jurisdiction over each educational facility a copy of the  
27 floor plans and other relevant documents for each educational  
28 facility in the district, as defined in s. 1013.01. After the  
29 initial submission of the floor plans and other relevant  
30 documents, the district superintendent of schools shall  
31 submit, by October 1 of each year, revised floor plans and

1 other relevant documents for each educational facility in the  
2 district that was modified during the preceding year.

3 (2) Each community college president must provide to  
4 the law enforcement agency and fire department that has  
5 jurisdiction over the community college a copy of the floor  
6 plans and other relevant documents for each educational  
7 facility as defined in s. 1013.01. After the initial  
8 submission of the floor plans and other relevant documents,  
9 the community college president shall submit, by October 1 of  
10 each year, revised floor plans and other relevant documents  
11 for each educational facility that was modified during the  
12 preceding year.

13 Section 799. Section 1013.14, Florida Statutes, is  
14 created to read:

15 1013.14 Proposed purchase of real property by a board;  
16 confidentiality of records; procedure.--

17 (1)(a) In any case in which a board, pursuant to the  
18 provisions of this chapter, seeks to acquire by purchase any  
19 real property for educational purposes, every appraisal,  
20 offer, or counteroffer must be in writing and is exempt from  
21 the provisions of s. 119.07(1) until an option contract is  
22 executed or, if no option contract is executed, until 30 days  
23 before a contract or agreement for purchase is considered for  
24 approval by the board. If a contract or agreement for purchase  
25 is not submitted to the board for approval, the exemption from  
26 s. 119.07(1) shall expire 30 days after the termination of  
27 negotiations. The board shall maintain complete and accurate  
28 records of every such appraisal, offer, and counteroffer. For  
29 the purposes of this section, the term "option contract" means  
30 an agreement by the board to purchase a piece of property,  
31 subject to the approval of the board at a public meeting after

1 30 days' public notice.

2 (b) Prior to acquisition of the property, the board  
3 shall obtain at least one appraisal by an appraiser approved  
4 pursuant to s. 253.025(6)(b) for each purchase in an amount  
5 greater than \$100,000 and not more than \$500,000. For each  
6 purchase in an amount in excess of \$500,000, the board shall  
7 obtain at least two appraisals by appraisers approved pursuant  
8 to s. 253.025(6)(b). If the agreed to purchase price exceeds  
9 the average appraised value, the board is required to approve  
10 the purchase by an extraordinary vote.

11 (2) Nothing in this section shall be interpreted as  
12 providing an exemption from, or an exception to, s. 286.011.

13 Section 800. Section 1013.15, Florida Statutes, is  
14 created to read:

15 1013.15 Lease, rental, and lease-purchase of  
16 educational facilities and sites.--

17 (1) A board may lease any land, facilities, or  
18 educational plants owned by it to any person or entity for  
19 such term, for such rent, and upon such terms and conditions  
20 as the board determines to be in its best interests; any such  
21 lease may provide for the optional or binding purchase of the  
22 land, facilities, or educational plants by the lessee upon  
23 such terms and conditions as the board determines are in its  
24 best interests. A determination that any such land, facility,  
25 or educational plant so leased is unnecessary for educational  
26 purposes is not a prerequisite to the leasing or  
27 lease-purchase of such land, facility, or educational plant.  
28 Prior to entering into or executing any such lease, a board  
29 shall consider approval of the lease or lease-purchase  
30 agreement at a public meeting, at which a copy of the proposed  
31 agreement in its final form shall be available for inspection

1 and review by the public, after due notice as required by law.

2 (2)(a) A district school board may rent or lease  
3 educational facilities and sites as defined in s. 1013.01.  
4 Educational facilities and sites rented or leased for 1 year  
5 or less shall be funded through the operations budget or funds  
6 derived from millage proceeds pursuant to s. 1011.71(2). A  
7 lease contract for 1 year or less, when extended or renewed  
8 beyond a year, becomes a multiple-year lease. Operational  
9 funds or funds derived from millage proceeds pursuant to s.  
10 1011.71(2) may be authorized to be expended for multiple-year  
11 leases. All leased facilities and sites must be inspected  
12 prior to occupancy by the authority having jurisdiction.

13 1. All newly leased spaces must be inspected and  
14 brought into compliance with the Florida Building Code  
15 pursuant to chapter 553 and the life safety codes pursuant to  
16 chapter 633, prior to occupancy, using the board's operations  
17 budget or funds derived from millage proceeds pursuant to s.  
18 1011.71(2).

19 2. Plans for renovation or remodeling of leased space  
20 shall conform to the Florida Building Code and the Florida  
21 Fire Prevention Code for educational occupancies or other  
22 occupancies, as appropriate and as required in chapters 553  
23 and 633, prior to occupancy.

24 3. All leased facilities must be inspected annually  
25 for firesafety deficiencies in accordance with the applicable  
26 code and have corrections made in accordance with s. 1013.12.  
27 Operational funds or funds derived from millage proceeds  
28 pursuant to s. 1011.71(2) may be used to correct deficiencies  
29 in leased space.

30 4. When the board declares that a public emergency  
31 exists, it may take up to 30 days to bring the leased facility

1 into compliance with the requirements of State Board of  
2 Education rules.

3 (b) A board is authorized to lease-purchase  
4 educational facilities and sites as defined in s. 1013.01. The  
5 lease-purchase of educational facilities and sites shall be as  
6 required by s. 1013.37, shall be advertised for and receive  
7 competitive proposals and be awarded to the best proposer, and  
8 shall be funded using current or other funds specifically  
9 authorized by law to be used for such purpose.

10 1. A district school board, by itself, or through a  
11 direct-support organization formed pursuant to s. 1013.77 or  
12 nonprofit educational organization or a consortium of district  
13 school boards, may, in developing a lease-purchase of  
14 educational facilities and sites provide for separately  
15 advertising for and receiving competitive bids or proposals on  
16 the construction of facilities and the selection of financing  
17 to provide the lowest cost funding available, so long as the  
18 board determines that such process would best serve the public  
19 interest and the pledged revenues are limited to those  
20 authorized in s. 1011.71(2)(e).

21 2. All activities and information, including lists of  
22 individual participants, associated with agreements made  
23 pursuant to this section shall be subject to the provisions of  
24 chapter 119 and s. 286.011.

25 (c)1. The term of any lease-purchase agreement,  
26 including the initial term and any subsequent renewals, shall  
27 not exceed the useful life of the educational facilities and  
28 sites for which the agreement is made, or 30 years, whichever  
29 is less.

30 2. The initial term or any renewal term of any  
31 lease-purchase agreement shall expire on June 30 of each

1 fiscal year, but may be automatically renewed annually,  
 2 subject to a board making sufficient annual appropriations  
 3 therefor. Under no circumstances shall the failure of a board  
 4 to renew a lease-purchase agreement constitute a default or  
 5 require payment of any penalty or in any way limit the right  
 6 of a board to purchase or utilize educational facilities and  
 7 sites similar in function to the educational facilities and  
 8 sites that are the subject of the said lease-purchase  
 9 agreement. Educational facilities and sites being acquired  
 10 pursuant to a lease-purchase agreement shall be exempt from ad  
 11 valorem taxation.

12 3. No lease-purchase agreement entered into pursuant  
 13 to this subsection shall constitute a debt, liability, or  
 14 obligation of the state or a board or shall be a pledge of the  
 15 faith and credit of the state or a board.

16 4. Any lease-purchase agreement entered into pursuant  
 17 to this subsection shall stipulate an annual rate which may  
 18 consist of a principal component and an interest component,  
 19 provided that the maximum interest rate of any interest  
 20 component payable under any such lease-purchase agreement, or  
 21 any participation or certificated portion thereof, shall be  
 22 calculated in accordance with and be governed by the  
 23 provisions of s. 215.84.

24 (3) Lease agreements entered into by university boards  
 25 of trustees shall comply with the provisions of s. 1013.171.

26 (4)(a) A board may rent or lease existing buildings,  
 27 or space within existing buildings, originally constructed or  
 28 used for purposes other than education, for conversion to use  
 29 as educational facilities. Such buildings rented or leased for  
 30 1 year or less shall be funded through the operations budget  
 31 or funds derived from millage pursuant to s. 1011.71(2). A



1 rental agreement or lease contract for 1 year or less, when  
 2 extended or renewed beyond a year, becomes a multiple-year  
 3 rental or lease. Operational funds or funds derived from  
 4 millage proceeds pursuant to s. 1011.71(2) may be authorized  
 5 to be expended for multiple-year rentals or leases.  
 6 Notwithstanding any other provisions of this section, if a  
 7 building was constructed in conformance with all applicable  
 8 building and life safety codes, it shall be deemed to meet the  
 9 requirements for use and occupancy as an educational facility  
 10 subject only to the provisions of this subsection.

11 (b) Prior to occupying a rented or a leased existing  
 12 building, or space within an existing building, pursuant to  
 13 this subsection, a school board shall, in a public meeting,  
 14 adopt a resolution certifying that the following circumstances  
 15 apply to the building proposed for occupancy:

16 1. Growth among the school-age population in the  
 17 school district has created a need for new educational  
 18 facilities in a neighborhood where there is little or no  
 19 vacant land.

20 2. There exists a supply of vacant space in existing  
 21 buildings that meet state minimum building and life safety  
 22 codes.

23 3. Acquisition and conversion to use as educational  
 24 facilities of an existing building or buildings is a  
 25 cost-saving means of providing the needed classroom space as  
 26 determined by the difference between the cost of new  
 27 construction, including land acquisition and preparation and,  
 28 if applicable, demolition of existing structures, and the cost  
 29 of acquisition through rental or lease and conversion of an  
 30 existing building or buildings.

31 4. The building has been examined for suitability,

1 safety, and conformance with state minimum building and life  
 2 safety codes. The building examination shall consist, at a  
 3 minimum, of a review of existing documents, building site  
 4 reconnaissance, and analysis of the building conducted by, or  
 5 under the responsible charge of, a licensed structural  
 6 engineer.

7       5. A certificate of evaluation has been issued by an  
 8 appropriately licensed design professional which states that,  
 9 based on available documents, building site reconnaissance,  
 10 current knowledge, and design judgment in the professional's  
 11 opinion, the building meets the requirements of state minimum  
 12 building and life safety codes, provides safe egress of  
 13 occupants from the building, provides adequate firesafety, and  
 14 does not pose a substantial threat to life to persons who  
 15 would occupy the building for classroom use.

16       6. The plans for conversion of the building were  
 17 prepared by an appropriate design professional licensed in  
 18 this state and the work of conversion was performed by  
 19 contractors licensed in this state.

20       7. The conversion of the building was observed by an  
 21 appropriate design professional licensed in this state.

22       8. The building has been reviewed, inspected, and  
 23 granted a certificate of occupancy by the local building  
 24 department.

25       9. All ceilings, light fixtures, ducts, and registers  
 26 within the area to be occupied for classroom purposes were  
 27 constructed or have been reconstructed to meet state minimum  
 28 requirements.

29       Section 801. Section 1013.16, Florida Statutes, is  
 30 created to read:

31       1013.16 Construction of facilities on leased property;

1 conditions.--

2 (1) A board may construct or place educational  
3 facilities and ancillary facilities on land that is owned by  
4 any person after the board has acquired from the owner of the  
5 land a long-term lease for the use of this land for a period  
6 of not less than 40 years or the life expectancy of the  
7 permanent facilities constructed thereon, whichever is longer.

8 (2) A board may enter into a short-term lease for the  
9 use of land owned by any person on which temporary or  
10 relocatable facilities are to be utilized.

11 Section 802. Section 1013.17, Florida Statutes, is  
12 created to read:

13 1013.17 University leasing in affiliated research and  
14 development park.--A university is exempt from the  
15 requirements of s. 255.25(3), (4), and (8) when leasing  
16 educational facilities in a research and development park with  
17 which the university is affiliated and when the State Board of  
18 Education certifies in writing that the leasing of said  
19 educational facilities is in the best interests of the  
20 university and that the exemption from competitive bid  
21 requirements would not be detrimental to the state.

22 Section 803. Section 1013.171, Florida Statutes, is  
23 created to read:

24 1013.171 University lease agreements; land,  
25 facilities.--

26 (1) Each university is authorized to negotiate and  
27 enter into agreements to lease land under its jurisdiction to  
28 for-profit and nonprofit corporations, registered by the  
29 Secretary of State to do business in this state, for the  
30 purpose of erecting thereon facilities and accommodations  
31 necessary and desirable to serve the needs and purposes of the

1 university, as determined by the systemwide strategic plan  
 2 adopted by the State Board of Education. Such agreement will  
 3 be for a term not in excess of 99 years or the life expectancy  
 4 of the permanent facilities constructed thereon, whichever is  
 5 shorter, and shall include as a part of the consideration  
 6 provisions for the eventual ownership of the completed  
 7 facilities by the state. The Board of Trustees of the Internal  
 8 Improvement Trust Fund upon request of the university shall  
 9 lease any such property to the university for sublease as  
 10 heretofore provided.

11 (2) Each university board of trustees is authorized to  
 12 enter into agreements with for-profit and nonprofit  
 13 corporations, registered by the Secretary of State to do  
 14 business in this state, whereby income-producing buildings,  
 15 improvements, and facilities necessary and desirable to serve  
 16 the needs and purposes of the university, as determined by the  
 17 systemwide strategic plan adopted by the State Board of  
 18 Education, are acquired by purchase or lease-purchase by the  
 19 university. When such agreements provide for lease-purchase of  
 20 facilities erected on land that is not under the jurisdiction  
 21 of the university, the agreement shall include as a part of  
 22 the consideration provisions for the eventual ownership of the  
 23 land and facility by the state. Agreements for lease-purchase  
 24 shall not exceed 30 years or the life expectancy of the  
 25 permanent facility constructed, whichever is shorter.  
 26 Notwithstanding the provisions of any other law, the  
 27 university board of trustees may enter into an agreement for  
 28 the lease-purchase of a facility under this section for a term  
 29 greater than 1 year. Each university board of trustees is  
 30 authorized to use any auxiliary trust funds, available and not  
 31 otherwise obligated, to pay rent to the owner should income

1 from the facilities not be sufficient in any debt payment  
 2 period. The trust funds used for payment of rent shall be  
 3 reimbursed as soon as possible to the extent that income from  
 4 the facilities exceeds the amount necessary for such debt  
 5 payment.

6 (3) Each university board of trustees may:

7 (a) Construct educational facilities on land that is  
 8 owned by a direct-support organization, as defined in s.  
 9 1004.28, or a governmental agency at the federal, state,  
 10 county, or municipal level, if the university has acquired a  
 11 long-term lease for the use of the land. The lease must be for  
 12 at least 40 years or the expected time the facilities to be  
 13 constructed on the land are expected to remain in a condition  
 14 acceptable for use, whichever is longer.

15 (b) Acquire a short-term lease from one of the  
 16 entities listed in paragraph (a) for the use of land, if  
 17 adequate temporary or relocatable facilities are available on  
 18 the land.

19 (c) Enter into a short-term lease for the use of land  
 20 and buildings upon which capital improvements may be made.

21  
 22 If sufficient land is not available from any of the entities  
 23 listed in paragraph (a), a university may acquire a short-term  
 24 lease from a private landowner or developer.

25 (4) Agreements as provided in this section shall be  
 26 entered into with an offeror resulting from publicly announced  
 27 competitive bids or proposals, except that the university may  
 28 enter into an agreement with an entity enumerated in paragraph

29 (3)(a) for leasing land or with a direct-support organization  
 30 as provided in s. 1004.28, which shall enter into subsequent  
 31 agreements for financing and constructing the project after

1 receiving competitive bids or proposals. Any facility  
 2 constructed, lease-purchased, or purchased under such  
 3 agreements, whether erected on land under the jurisdiction of  
 4 the university or not, shall conform to the construction  
 5 standards and codes applicable to university facilities. Each  
 6 university board of trustees shall adopt such rules as are  
 7 necessary to carry out its duties and responsibilities imposed  
 8 by this section.

9       (5) Agreements executed by the State Board of  
 10 Education prior to January 1, 1980, for the purposes listed  
 11 herein shall be validated, and said board's capacity to act in  
 12 such cases ratified and confirmed.

13       Section 804. Section 1013.18, Florida Statutes, is  
 14 created to read:

15       1013.18 Radio and television facilities.--

16       (1) A board may acquire, by purchase, license,  
 17 permanent easement, or gift, suitable lands and other  
 18 facilities, either within or without the boundaries of the  
 19 district, for use in providing educational radio or television  
 20 transmitting sites and may erect such buildings, antennas,  
 21 transmission equipment, towers, or other structures as are  
 22 necessary to accomplish the purposes of this section.

23       (2) Fixed capital outlay budget requests for public  
 24 broadcasting stations and instructional television and radio  
 25 facilities shall be submitted pursuant to s. 1013.60. The  
 26 commissioner may include any recommendations for these  
 27 purposes in the legislative budget request for fixed capital  
 28 outlay.

29       Section 805. Section 1013.19, Florida Statutes, is  
 30 created to read:

31       1013.19 Purchase, conveyance, or encumbrance of

1 property interests above surface of land; joint-occupancy  
2 structures.--For the purpose of implementing jointly financed  
3 construction project agreements, or for the construction of  
4 combined occupancy structures, any board may purchase, own,  
5 convey, sell, lease, or encumber airspace or any other  
6 interests in property above the surface of the land, provided  
7 the lease of airspace for nonpublic use is for such reasonable  
8 rent, length of term, and conditions as the board in its  
9 discretion may determine. All proceeds from such sale or lease  
10 shall be used by the board or boards receiving the proceeds  
11 solely for fixed capital outlay purposes. These purposes may  
12 include the renovation or remodeling of existing facilities  
13 owned by the board or the construction of new facilities;  
14 however, for a community college board or university board,  
15 such new facility must be authorized by the Legislature. It is  
16 declared that the use of such rental by the board for public  
17 purposes in accordance with its statutory authority is a  
18 public use. Airspace or any other interest in property held by  
19 the Board of Trustees of the Internal Improvement Trust Fund  
20 or the State Board of Education may not be divested or  
21 conveyed without approval of the respective board. Any  
22 building, including any building or facility component that is  
23 common to both nonpublic and educational portions thereof,  
24 constructed in airspace that is sold or leased for nonpublic  
25 use pursuant to this section is subject to all applicable  
26 state, county, and municipal regulations pertaining to land  
27 use, zoning, construction of buildings, fire protection,  
28 health, and safety to the same extent and in the same manner  
29 as such regulations would be applicable to the construction of  
30 a building for nonpublic use on the appurtenant land beneath  
31 the subject airspace. Any educational facility constructed or

1 leased as a part of a joint-occupancy facility is subject to  
2 all rules and requirements of the respective boards or  
3 departments having jurisdiction over educational facilities.

4 Section 806. Section 1013.20, Florida Statutes, is  
5 created to read:

6 1013.20 Standards for relocatables used as classroom  
7 space; inspections.--

8 (1) The State Board of Education shall adopt rules  
9 establishing standards for relocatables intended for long-term  
10 use as classroom space at a public elementary school, middle  
11 school, or high school. "Long-term use" means the use of  
12 relocatables at the same educational plant for a period of 4  
13 years or more. Each relocatable acquired by a district school  
14 board after the effective date of the rules and intended for  
15 long-term use must comply with the standards. The rules shall  
16 require that, by July 1, 2002, relocatables that fail to meet  
17 the standards may not be used as classrooms. The standards  
18 shall protect the health, safety, and welfare of occupants by  
19 requiring compliance with the state requirements for  
20 educational facilities or other adopted state minimum building  
21 codes to ensure the safety and stability of construction and  
22 onsite installation; fire and moisture protection; air quality  
23 and ventilation; appropriate wind resistance; and compliance  
24 with the requirements of the Americans with Disabilities Act  
25 of 1990. If appropriate, the standards must also require  
26 relocatables to provide access to the same technologies  
27 available to similar classrooms within the main school  
28 facility and, if appropriate, to be accessible by adequate  
29 covered walkways. The State Board of Education shall adopt  
30 standards for all relocatables intended for long-term use as  
31 classrooms. A relocatable that is subject to this section and



1 does not meet the standards shall not be reported as providing  
2 satisfactory student stations in the Florida Inventory of  
3 School Houses.

4 (2) Annual inspections for all satisfactory  
5 relocatables designed for classroom use or being occupied by  
6 students are required for: foundations; tie-downs; structural  
7 integrity; weatherproofing; HVAC; electrical; plumbing, if  
8 applicable; firesafety; and accessibility. Reports shall be  
9 filed with the district school board and posted in each  
10 respective relocatable in order to facilitate corrective  
11 action.

12 Section 807. Section 1013.21, Florida Statutes, is  
13 created to read:

14 1013.21 Reduction of relocatable facilities in use.--

15 (1)(a) It is a goal of the Legislature that all school  
16 districts shall provide a quality educational environment for  
17 their students such that, by July 1, 2003, student stations in  
18 relocatable facilities exceeding 20 years of age and in use by  
19 a district during the 1998-1999 fiscal year shall be removed  
20 and the number of all other relocatable student stations at  
21 over-capacity schools during that fiscal year shall be  
22 decreased by half. The Legislature finds, however, that  
23 necessary maintenance of existing facilities and public school  
24 enrollment growth impair the ability of some districts to  
25 achieve the goal of this section within 5 years. Therefore,  
26 the Legislature is increasing its commitment to school funding  
27 in this act, in part to help districts reduce the number of  
28 temporary, relocatable student stations at over-capacity  
29 schools. The Legislature intends that local school districts  
30 also increase their investment toward meeting this goal. Each  
31 district's progress toward meeting this goal shall be measured

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1 annually by comparing district facilities work programs for  
 2 replacing relocatables with the state capital outlay  
 3 projections for education prepared by the Office of  
 4 Educational Facilities and SMART Schools Clearinghouse.  
 5 District facilities work programs shall be monitored by the  
 6 SMART Schools Clearinghouse to measure the commitment of local  
 7 school districts toward this goal.

8 (b) For the purposes of this section, an  
 9 "over-capacity school" means a school the capital outlay FTE  
 10 enrollment of which exceeds 100 percent of the space and  
 11 occupant design capacity of its nonrelocatable facilities.  
 12 However, if a school's initial design incorporated relocatable  
 13 or modular instructional space, an "over-capacity school"  
 14 shall mean a school the capital outlay FTE enrollment of which  
 15 exceeds 100 percent of the space and occupant design capacity  
 16 of its core facilities.

17 (2) In accordance with the legislative goal described  
 18 in subsection (1), any relocatables purchased with money  
 19 appropriated pursuant to chapter 97-384, Laws of Florida,  
 20 shall be counted at actual student capacity for purposes of s.  
 21 1013.31 for the life cycle of the relocatable.

22 Section 808. Section 1013.22, Florida Statutes, is  
 23 created to read:

24 1013.22 Obscenity on educational buildings or  
 25 vehicles.--Whoever willfully cuts, paints, pastes, marks, or  
 26 defaces by writing or in any other manner any educational  
 27 building, furniture, apparatus, appliance, outbuilding,  
 28 ground, fence, tree, post, vehicle, or other educational  
 29 property with an obscene word, image, or device commits a  
 30 misdemeanor of the second degree, punishable as provided in s.  
 31 775.082 or s. 775.083. This section shall not apply to any

1 student in grades K-12 subject to the discipline of a district  
2 school board.

3 Section 809. Section 1013.23, Florida Statutes, is  
4 created to read:

5 1013.23 Energy efficiency contracting.--

6 (1) LEGISLATIVE INTENT.--The Legislature finds that  
7 investment in energy conservation measures in educational  
8 facilities can reduce the amount of energy consumed and  
9 produce immediate and long-term savings. It is the policy of  
10 this state to encourage school districts, state community  
11 colleges, and state universities to invest in energy  
12 conservation measures that reduce energy consumption, produce  
13 a cost savings, and improve the quality of indoor air in  
14 facilities, and, when economically feasible, to build,  
15 operate, maintain, or renovate educational facilities in such  
16 a manner so as to minimize energy consumption and maximize  
17 energy savings. It is further the policy of this state to  
18 encourage school districts, state community colleges, and  
19 state universities to reinvest any energy savings resulting  
20 from energy conservation measures into additional energy  
21 conservation efforts.

22 (2) DEFINITIONS.--For purposes of this section, the  
23 term:

24 (a) "Energy conservation measure" means a training  
25 program, facility alteration, or equipment to be used in new  
26 construction, including an addition to an existing facility,  
27 that reduces energy costs, and includes, but is not limited  
28 to:

29 1. Insulation of the facility structure and systems  
30 within the facility.

31 2. Storm windows and doors, caulking or

1 weatherstripping, multi-glazed windows and doors,  
2 heat-absorbing, or heat-reflective, glazed and coated window  
3 and door systems, additional glazing, reductions in glass  
4 area, and other window and door system modifications that  
5 reduce energy consumption.

6 3. Automatic energy control systems.

7 4. Heating, ventilating, or air-conditioning system  
8 modifications or replacements.

9 5. Replacement or modifications of lighting fixtures  
10 to increase the energy efficiency of the lighting system  
11 which, at a minimum, shall conform to the Florida Building  
12 Code.

13 6. Energy recovery systems.

14 7. Cogeneration systems that produce steam or forms of  
15 energy such as heat, as well as electricity, for use primarily  
16 within a facility or complex of facilities.

17 8. Energy conservation measures that provide long-term  
18 operating cost reductions and significantly reduce Btu  
19 consumed.

20 9. Renewable energy systems, such as solar, biomass,  
21 and wind.

22 10. Devices which reduce water consumption or sewer  
23 charges.

24 (b) "Energy cost savings" means:

25 1. A measured reduction in fuel, energy, or operation  
26 and maintenance costs created from the implementation of one  
27 or more energy conservation measures when compared with an  
28 established baseline for previous fuel, energy, or operation  
29 and maintenance costs; or

30 2. For new construction, a projected reduction in  
31 fuel, energy, or operation and maintenance costs created from

1 the implementation of one or more energy conservation measures  
 2 when compared with the projected fuel, energy, or operation  
 3 and maintenance costs for equipment if the minimum standards  
 4 of the Florida Building Code for educational facilities  
 5 construction were implemented and signed and sealed by a  
 6 registered professional engineer.

7 (c) "Energy performance-based contract" means a  
 8 contract for the evaluation, recommendation, and  
 9 implementation of energy conservation measures which includes,  
 10 at a minimum:

11 1. The design and installation of equipment to  
 12 implement one or more of such measures, and, if applicable,  
 13 operation and maintenance of such measures.

14 2. The amount of any actual annual savings. This  
 15 amount must meet or exceed total annual contract payments made  
 16 by the school, state community college, or state university  
 17 for such contract.

18 3. Financing charges to be incurred by the school,  
 19 state community college, or state university over the life of  
 20 the contract.

21 (d) "Energy performance contractor" means a person or  
 22 business licensed pursuant to chapter 471, chapter 481, or  
 23 chapter 489 and experienced in the analysis, design,  
 24 implementation, and installation of energy conservation  
 25 measures through the implementation of energy  
 26 performance-based contracts.

27 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

28 (a) A school district, state community college, or  
 29 state university may enter into an energy performance-based  
 30 contract with an energy performance contractor to  
 31 significantly reduce energy or operating costs of an

1 educational facility through one or more energy conservation  
2 measures.

3 (b) The energy performance contractor shall be  
4 selected in compliance with s. 287.055; except that in a case  
5 where a school district, state community college, or state  
6 university determines that fewer than three firms are  
7 qualified to perform the required services, the requirement  
8 for agency selection of three firms, as provided in s.  
9 287.055(4)(b), shall not apply and the bid requirements of s.  
10 287.057 shall not apply.

11 (c) Before entering into a contract pursuant to this  
12 section, the district school board, state community college,  
13 or state university shall provide published notice of the  
14 meeting in which it proposes to award the contract, the names  
15 of the parties to the proposed contract, and the contract's  
16 purpose.

17 (d) Prior to the design and installation of the energy  
18 conservation measure, the school district, state community  
19 college, or state university must obtain from the energy  
20 performance contractor a report that discloses all costs  
21 associated with the energy conservation measure and provides  
22 an estimate of the amount of the energy cost savings. The  
23 report must be reviewed by either the Department of Education  
24 or the Department of Management Services or signed and sealed  
25 by a registered professional engineer.

26 (e) A school district, state community college, or  
27 state university may enter into an energy performance-based  
28 contract with an energy performance contractor if, after  
29 review of the report required by paragraph (d), it finds that  
30 the amount it would spend on the energy conservation measures  
31 recommended in the report will not exceed the amount to be

1 saved in energy and operation costs over 20 years from the  
 2 date of installation, based on life-cycle costing  
 3 calculations, if the recommendations in the report were  
 4 followed and if the energy performance contractor provides a  
 5 written guarantee that the energy or operating cost savings  
 6 will meet or exceed the costs of the system. The contract may  
 7 provide for payments over a period of time not to exceed 20  
 8 years.

9 (f) A school district, state community college, or  
 10 state university may enter into an installment payment  
 11 contract for the purchase and installation of energy  
 12 conservation measures. The contract shall provide for  
 13 payments of not less than one-twentieth of the price to be  
 14 paid within 2 years from the date of the complete installation  
 15 and acceptance by the school board, state community college,  
 16 or state university, and the remaining costs to be paid at  
 17 least quarterly, not to exceed a 20-year term based on  
 18 life-cycle costing calculations.

19 (g) Energy performance-based contracts may extend  
 20 beyond the fiscal year in which they become effective;  
 21 however, the term of any contract shall expire at the end of  
 22 each fiscal year and may be automatically renewed annually up  
 23 to 20 years, subject to a school board, state community  
 24 college, or state university making sufficient annual  
 25 appropriations based upon continued realized energy cost  
 26 savings. Such contracts shall stipulate that the agreement  
 27 does not constitute a debt, liability, or obligation of the  
 28 state or a school board, state community college, or state  
 29 university, or a pledge of the faith and credit of the state  
 30 or a school board, state community college, or state  
 31 university.

1           (4) CONTRACT PROVISIONS.--

2           (a) An energy performance-based contract shall include  
3 a guarantee by the energy performance contractor that annual  
4 energy cost savings will meet or exceed the amortized cost of  
5 energy conservation measures.

6           (b) The contract shall provide that all payments,  
7 except obligations on termination of the contract before its  
8 expiration, are to be made over time, but not to exceed 20  
9 years from the date of complete installation and acceptance by  
10 the school board, state community college, or state  
11 university, and that the annual savings are guaranteed to the  
12 extent necessary to make annual payments to satisfy the  
13 contract.

14           (c) The contract must require that the energy  
15 performance contractor to whom the contract is awarded provide  
16 a 100-percent public construction bond to the school district,  
17 state community college, or state university for its faithful  
18 performance, as required by s. 255.05.

19           (d) The contract shall require the energy performance  
20 contractor to provide to the school district, state community  
21 college, or state university an annual reconciliation of the  
22 guaranteed energy cost savings. The energy performance  
23 contractor shall be liable for any annual savings shortfall  
24 which may occur. In the event that such reconciliation reveals  
25 an excess in annual energy cost savings, such excess savings  
26 shall not be used to cover potential energy cost savings  
27 shortages in subsequent contract years.

28           Section 810. Section 1013.24, Florida Statutes, is  
29 created to read:

30           1013.24 Right of eminent domain.--There is conferred  
31 upon the district school boards in the state the authority and



1 right to take private property for any public school purpose  
 2 or use when, in the opinion of the school board, such property  
 3 is needed in the operation of any or all of the public schools  
 4 within the district, including property needed for any school  
 5 purpose or use in any school district or districts within the  
 6 county. The absolute fee simple title to all property so  
 7 taken and acquired shall vest in the district school board,  
 8 unless the school board seeks to appropriate a particular  
 9 right or estate in such property.

10 Section 811. Section 1013.25, Florida Statutes, is  
 11 created to read:

12 1013.25 When university or community college board of  
 13 trustees may exercise power of eminent domain.--Whenever it  
 14 becomes necessary for the welfare and convenience of any of  
 15 its institutions or divisions to acquire private property for  
 16 the use of such institutions, and this cannot be acquired by  
 17 agreement satisfactory to a university or community college  
 18 board of trustees and the parties interested in, or the owners  
 19 of, the private property, the board of trustees may exercise  
 20 the power of eminent domain after receiving approval therefor  
 21 from the State Board of Education and may then proceed to  
 22 condemn the property in the manner provided by chapter 73 or  
 23 chapter 74.

24 Section 812. Section 1013.26, Florida Statutes, is  
 25 created to read:

26 1013.26 Department of Legal Affairs to represent  
 27 university board in condemnation proceedings.--Any suits or  
 28 actions brought by a university board of trustees to condemn  
 29 property, as provided in s. 1013.25, shall be brought in the  
 30 name of the university board of trustees, and the Department  
 31 of Legal Affairs shall conduct the proceedings for, and act as

1 the counsel of, the university board of trustees.

2 Section 813. Section 1013.27, Florida Statutes, is  
3 created to read:

4 1013.27 Purchase of land by municipality.--Any  
5 municipality wherein a community college as defined by s.  
6 1004.65 is situated may purchase land with municipal funds and  
7 to donate and convey the land or any other land to the  
8 community college board of trustees.

9 Section 814. Section 1013.28, Florida Statutes, is  
10 created to read:

11 1013.28 Disposal of property.--

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

20 (2) TANGIBLE PERSONAL PROPERTY.--Tangible personal  
21 property which has been properly classified as surplus by a  
22 district school board or community college board of trustees  
23 shall be disposed of in accordance with the procedure  
24 established by chapter 274 and by a university board of  
25 trustees by chapter 273. However, the provisions of chapter  
26 274 shall not be applicable to a motor vehicle used in driver  
27 education to which title is obtained for a token amount from  
28 an automobile dealer or manufacturer. In such cases, the  
29 disposal of the vehicle shall be as prescribed in the  
30 contractual agreement between the automotive agency or  
31 manufacturer and the board.

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1           Section 815. Part III of chapter 1013, Florida  
 2 Statutes, shall be entitled "Planning and Construction of  
 3 Educational Facilities" and shall consist of ss.  
 4 1013.30-1013.54.

5           Section 816. Part III.a. of chapter 1013, Florida  
 6 Statutes, shall be entitled "Campus Master Plans and  
 7 Educational Plant Surveys" and shall consist of ss.  
 8 1013.30-1013.36.

9           Section 817. Section 1013.30, Florida Statutes, is  
 10 created to read:

11           1013.30 University campus master plans and campus  
 12 development agreements.--

13           (1) This section contains provisions for campus  
 14 planning and concurrency management that supersede the  
 15 requirements of part II of chapter 163, except when stated  
 16 otherwise in this section. These special growth management  
 17 provisions are adopted in recognition of the unique  
 18 relationship between university campuses and the local  
 19 governments in which they are located. While the campuses  
 20 provide research and educational benefits of statewide and  
 21 national importance, and further provide substantial  
 22 educational, economic, and cultural benefits to their host  
 23 local governments, they may also have an adverse impact on the  
 24 public facilities and services and natural resources of host  
 25 governments. On balance, however, universities should be  
 26 considered as vital public facilities of the state and local  
 27 governments. The intent of this section is to address this  
 28 unique relationship by providing for the preparation of campus  
 29 master plans and associated campus development agreements.

30           (2) As used in this section:

31           (a) "Affected local government" means a unit of local

1 government that provides public services to or is responsible  
2 for maintaining facilities within a campus of an institution  
3 or is directly affected by development that is proposed for a  
4 campus.

5 (b) "Affected person" means a host local government;  
6 an affected local government; any state, regional, or federal  
7 agency; or a person who resides, owns property, or owns or  
8 operates a business within the boundaries of a host local  
9 government or affected local government.

10 (c) "Host local government" means a local government  
11 within the jurisdiction of which all or part of a campus of an  
12 institution is located, but does not include a county if no  
13 part of an institution is located within its unincorporated  
14 area.

15 (d) "Institution" means a university.

16 (3) Each university board of trustees shall prepare  
17 and adopt a campus master plan for the university. The master  
18 plan must identify general land uses and address the need for  
19 and plans for provision of roads, parking, public  
20 transportation, solid waste, drainage, sewer, potable water,  
21 and recreation and open space during the coming 10 to 20  
22 years. The plans must contain elements relating to future land  
23 use, intergovernmental coordination, capital improvements,  
24 recreation and open space, general infrastructure, housing,  
25 and conservation. Each element must address compatibility with  
26 the surrounding community. The master plan must identify  
27 specific land uses, location of structures, densities and  
28 intensities of use, and contain standards for onsite  
29 development, site design, environmental management, and the  
30 preservation of historic and archaeological resources. The  
31 transportation element must address reasonable transportation

1 demand management techniques to minimize offsite impacts where  
 2 possible. Data and analyses on which the elements are based  
 3 must include, at a minimum: the characteristics of vacant  
 4 lands; projected impacts of development on onsite and offsite  
 5 infrastructure, public services, and natural resources;  
 6 student enrollment projections; student housing needs; and the  
 7 need for academic and support facilities. Master plans must be  
 8 updated at least every 5 years.

9       (4) Campus master plans may contain additional  
 10 elements at the discretion of the State Board of Education;  
 11 however, such elements are not subject to review under this  
 12 section. These additional elements may include the academic  
 13 mission of the institution, academic program, utilities,  
 14 public safety, architectural design, landscape architectural  
 15 design, and facilities maintenance.

16       (5) Subject to the right of the university board of  
 17 trustees to initiate the dispute resolution provisions of  
 18 subsection (8), a campus master plan must not be in conflict  
 19 with the comprehensive plan of the host local government and  
 20 the comprehensive plan of any affected local governments. A  
 21 campus master plan must be consistent with the state  
 22 comprehensive plan.

23       (6) Before a campus master plan is adopted, a copy of  
 24 the draft master plan must be sent for review to the host and  
 25 any affected local governments, the state land planning  
 26 agency, the Department of Environmental Protection, the  
 27 Department of Transportation, the Department of State, the  
 28 Fish and Wildlife Conservation Commission, and the applicable  
 29 water management district and regional planning council. These  
 30 agencies must be given 90 days after receipt of the campus  
 31 master plans in which to conduct their review and provide

1 comments to the university board of trustees. The commencement  
 2 of this review period must be advertised in newspapers of  
 3 general circulation within the host local government and any  
 4 affected local government to allow for public comment.  
 5 Following receipt and consideration of all comments, and the  
 6 holding of at least two public hearings within the host  
 7 jurisdiction, the university board of trustees shall adopt the  
 8 campus master plan. It is the intent of the Legislature that  
 9 the university board of trustees comply with the notice  
 10 requirements set forth in s. 163.3184(15) to ensure full  
 11 public participation in this planning process. Campus master  
 12 plans developed under this section are not rules and are not  
 13 subject to chapter 120 except as otherwise provided in this  
 14 section.

15       (7) Notice that the campus master plan has been  
 16 adopted must be forwarded within 45 days after its adoption to  
 17 any affected person that submitted comments on the draft  
 18 campus master plan. The notice must state how and where a copy  
 19 of the master plan may be obtained or inspected. Within 30  
 20 days after receipt of the notice of adoption of the campus  
 21 master plan, or 30 days after the date the adopted plan is  
 22 available for review, whichever is later, an affected person  
 23 who submitted comments on the draft master plan may petition  
 24 the university board of trustees, challenging the campus  
 25 master plan as not being in compliance with this section or  
 26 any rule adopted under this section. The petition must state  
 27 each objection, identify its source, and provide a recommended  
 28 action. A petition filed by an affected local government may  
 29 raise only those issues directly pertaining to the public  
 30 facilities or services that the affected local government  
 31 provides to or maintains within the campus or to the direct

1 impact that campus development would have on the affected  
2 local government.

3 (8) Following receipt of a petition, the petitioning  
4 party or parties and the university board of trustees shall  
5 mediate the issues in dispute as follows:

6 (a) The parties have 60 days to resolve the issues in  
7 dispute. Other affected parties that submitted comments on the  
8 draft campus master plan must be given the opportunity to  
9 participate in these and subsequent proceedings.

10 (b) If resolution of the matter cannot be achieved  
11 within 60 days, the issues must be submitted to the state land  
12 planning agency. The state land planning agency has 60 days to  
13 hold informal hearings, if necessary, identify the issues  
14 remaining in dispute, prepare a record of the proceedings, and  
15 submit the matter to the Administration Commission for final  
16 action. The report to the Administration Commission must list  
17 each issue in dispute, describe the nature and basis for each  
18 dispute, identify alternative resolutions of the dispute, and  
19 make recommendations.

20 (c) After receiving the report from the state land  
21 planning agency, the Administration Commission shall take  
22 action to resolve the issues in dispute. In deciding upon a  
23 proper resolution, the Administration Commission shall  
24 consider the nature of the issues in dispute, the compliance  
25 of the parties with this section, the extent of the conflict  
26 between the parties, the comparative hardships, and the public  
27 interest involved. If the Administration Commission  
28 incorporates in its final order a term or condition that  
29 specifically requires the university board of trustees or a  
30 local government to amend or modify its plan, the university  
31 board of trustees shall have a reasonable period of time to

1 amend or modify its plan, and a local government shall  
 2 initiate the required plan amendment, which shall be exempt  
 3 from the requirements of s. 163.3187(1). Any required  
 4 amendment to a local government comprehensive plan must be  
 5 limited in scope so as to only relate to specific impacts  
 6 attributable to the campus development. The final order of the  
 7 Administration Commission is subject to judicial review as  
 8 provided in s. 120.68.

9       (9) An amendment to a campus master plan must be  
 10 reviewed and adopted under subsections (6)-(8) if such  
 11 amendment, alone or in conjunction with other amendments,  
 12 would:

13           (a) Increase density or intensity of use of land on  
 14 the campus by more than 10 percent;

15           (b) Decrease the amount of natural areas, open space,  
 16 or buffers on the campus by more than 10 percent; or

17           (c) Rearrange land uses in a manner that will increase  
 18 the impact of any proposed campus development by more than 10  
 19 percent on a road or on another public facility or service  
 20 provided or maintained by the state, the county, the host  
 21 local government, or any affected local government.

22       (10) Upon adoption of a campus master plan, the  
 23 university board of trustees shall draft a proposed campus  
 24 development agreement for each local government and send it to  
 25 the local government within 270 days after the adoption of the  
 26 relevant campus master plan.

27       (11) At a minimum, each campus development agreement:

28           (a) Must identify the geographic area of the campus  
 29 and local government covered by the campus development  
 30 agreement.

31           (b) Must establish its duration, which must be at



1 least 5 years and not more than 10 years.

2 (c) Must address public facilities and services  
3 including roads, sanitary sewer, solid waste, drainage,  
4 potable water, parks and recreation, and public  
5 transportation.

6 (d) Must, for each of the facilities and services  
7 listed in paragraph (c), identify the level-of-service  
8 standard established by the applicable local government,  
9 identify the entity that will provide the service to the  
10 campus, and describe any financial arrangements between the  
11 State Board of Education and other entities relating to the  
12 provision of the facility or service.

13 (e) Must, for each of the facilities and services  
14 listed in paragraph (c), determine the impact of existing and  
15 proposed campus development reasonably expected over the term  
16 of the campus development agreement on each service or  
17 facility and any deficiencies in such service or facility  
18 which the proposed campus development will create or to which  
19 it will contribute.

20 (f) May, if proposed by the university board of  
21 trustees, address the issues prescribed in paragraphs (d) and  
22 (e) with regard to additional facilities and services,  
23 including, but not limited to, electricity, nonpotable water,  
24 law enforcement, fire and emergency rescue, gas, and  
25 telephone.

26 (g) Must, to the extent it addresses issues addressed  
27 in the campus master plan and host local government  
28 comprehensive plan, be consistent with the adopted campus  
29 master plan and host local government comprehensive plan.

30 (12)(a) Each proposed campus development agreement  
31 must clearly identify the lands to which the university board

1 of trustees intends the campus development agreement to apply.

2 (b) Such land may include:

3 1. Land to be purchased by the university board of  
4 trustees and if purchased with state appropriated funds titled  
5 in the name of the board of trustees of the Internal  
6 Improvement Trust Fund for use by an institution over the life  
7 of the campus development agreement.

8 2. Land not owned by the board of trustees of the  
9 Internal Improvement Trust Fund if the university board of  
10 trustees intends to undertake development activities on the  
11 land during the term of the campus development agreement.

12 (c) Land owned by the Board of Trustees of the  
13 Internal Improvement Trust Fund for lease to the State Board  
14 of Education acting on behalf of the institution may be  
15 excluded, but any development activity undertaken on excluded  
16 land is subject to part II of chapter 163.

17 (13) With regard to the impact of campus development  
18 on the facilities and services listed in paragraph (11)(c),  
19 the following applies:

20 (a) All improvements to facilities or services which  
21 are necessary to eliminate the deficiencies identified in  
22 paragraph (11)(e) must be specifically listed in the campus  
23 development agreement.

24 (b) The university board of trustees' fair share of  
25 the cost of the measures identified in paragraph (a) must be  
26 stated in the campus development agreement. In determining the  
27 fair share, the effect of any demand management techniques,  
28 which may include such techniques as flexible work hours and  
29 carpooling, that are used by the State Board of Education to  
30 minimize the offsite impacts shall be considered.

31 (c) The university board of trustees is responsible

1 for paying the fair share identified in paragraph (b), and it  
2 may do so by:

3 1. Paying a fair share of each of the improvements  
4 identified in paragraph (a); or

5 2. Taking on full responsibility for the improvements,  
6 selected from the list of improvements identified in paragraph  
7 (a), and agreed to between the host local government and the  
8 State Board of Education, the total cost of which equals the  
9 contribution identified in paragraph (b).

10 (d) All concurrency management responsibilities of the  
11 university board of trustees are fulfilled if the university  
12 board of trustees expends the total amount of funds identified  
13 in paragraph (b) notwithstanding that the university board of  
14 trustees may not have undertaken or made contributions to some  
15 of the measures identified in paragraph (a).

16 (e) Capital projects included in the campus  
17 development agreement may be used by the local government for  
18 the concurrency management purposes.

19 (f) Funds provided by universities in accordance with  
20 campus development agreements are subject to appropriation by  
21 the Legislature. A development authorized by a campus  
22 development agreement may not be built until the funds to be  
23 provided pursuant to paragraph (b) are appropriated by the  
24 Legislature.

25 (14) A campus development agreement may not address or  
26 include any standards or requirements for onsite development,  
27 including environmental management requirements or  
28 requirements for site preparation.

29 (15) Once the university board of trustees and host  
30 local government agree on the provisions of the campus  
31 development agreement, the campus development agreement shall

1 be executed by the university board of trustees and the host  
 2 local government in a manner consistent with the requirements  
 3 of s. 163.3225. Once the campus development agreement is  
 4 executed, it is binding upon the university board of trustees  
 5 and host local government. A copy of the executed campus  
 6 development agreement must be sent to the state land planning  
 7 agency within 14 days after the date of execution.

8 (16) If, within 180 days following the host local  
 9 government's receipt of the proposed campus development  
 10 agreement, the university board of trustees and host local  
 11 government cannot reach agreement on the provisions of the  
 12 campus development agreement, the following procedures for  
 13 resolving the matter must be followed:

14 (a) The matter must be submitted to the state land  
 15 planning agency, which has 60 days to hold informal hearings,  
 16 if necessary, and identify the issues remaining in dispute,  
 17 prepare a record of the proceedings, and submit the matter to  
 18 the Administration Commission for final action. The report to  
 19 the Administration Commission must list each issue in dispute,  
 20 describe the nature and basis for each dispute, identify  
 21 alternative resolutions of each dispute, and make  
 22 recommendations.

23 (b) After receiving the report from the state land  
 24 planning agency, the Administration Commission shall take  
 25 action to resolve the issues in dispute. In deciding upon a  
 26 proper resolution, the Administration Commission shall  
 27 consider the nature of the issues in dispute, the compliance  
 28 of the parties with this section, the extent of the conflict  
 29 between the parties, the comparative hardships, and the public  
 30 interest involved. In resolving the matter, the Administration  
 31 Commission may prescribe, by order, the contents of the campus

1 development agreement.

2 (17) Disputes that arise in the implementation of an  
3 executed campus development agreement must be resolved as  
4 follows:

5 (a) Each party shall select one mediator and notify  
6 the other in writing of the selection. Thereafter, within 15  
7 days after their selection, the two mediators selected by the  
8 parties shall select a neutral, third mediator to complete the  
9 mediation panel.

10 (b) Each party is responsible for all costs and fees  
11 payable to the mediator selected by it and shall equally bear  
12 responsibility for the costs and fees payable to the third  
13 mediator for services rendered and costs expended in  
14 connection with resolving disputes pursuant to the campus  
15 development agreement.

16 (c) Within 10 days after the selection of the  
17 mediation panel, proceedings must be convened by the panel to  
18 resolve the issues in dispute.

19 (d) Within 60 days after the convening of the panel,  
20 the panel shall issue a report containing a recommended  
21 resolution of the issues in dispute.

22 (e) If either the university board of trustees or  
23 local government rejects the recommended resolution of the  
24 issues in dispute, the disputed issues must be resolved  
25 pursuant to the procedures provided by subsection (16).

26 (18) Once the campus development agreement is  
27 executed, all campus development may proceed without further  
28 review by the host local government if it is consistent with  
29 the adopted campus master plan and associated campus  
30 development agreement.

31 (19) A campus development agreement may be amended

1 under subsections (10)-(16):

2 (a) In conjunction with any amendment to the campus  
3 master plan subject to the requirements in subsection (9).

4 (b) If either party delays by more than 12 months the  
5 construction of a capital improvement identified in the  
6 agreement.

7 (20) Any party to a campus development agreement or  
8 aggrieved or adversely affected person, as defined in s.  
9 163.3215(2), may file an action for injunctive relief in the  
10 circuit court where the host local government is located to  
11 enforce the terms of a campus development agreement or to  
12 challenge compliance of the agreement with this section. This  
13 action shall be the sole and exclusive remedy of an adversely  
14 affected person other than a party to the agreement to enforce  
15 any rights or obligations arising from a development  
16 agreement.

17 (21) State and regional environmental program  
18 requirements remain applicable, except that this section  
19 supersedes all other sections of part II of chapter 163 and s.  
20 380.06 except as provided in this section.

21 (22) In consultation with the state land planning  
22 agency, the State Board of Education shall adopt rules  
23 implementing subsections (3)-(6). The rules must set specific  
24 schedules and procedures for the development and adoption of  
25 campus master plans.

26 (23) Until the campus master plan and campus  
27 development agreement for an institution have been finalized,  
28 any dispute between the university board of trustees and a  
29 local government relating to campus development for that  
30 institution shall be resolved by the process established in  
31 subsection (8).

1 Section 818. Section 1013.31, Florida Statutes, is  
2 created to read:

3 1013.31 Educational plant survey; localized need  
4 assessment; PECO project funding.--

5 (1) At least every 5 years, each board shall arrange  
6 for an educational plant survey, to aid in formulating plans  
7 for housing the educational program and student population,  
8 faculty, administrators, staff, and auxiliary and ancillary  
9 services of the district or campus, including consideration of  
10 the local comprehensive plan. The Office of Workforce and  
11 Economic Development shall document the need for additional  
12 career and adult education programs and the continuation of  
13 existing programs before facility construction or renovation  
14 related to career or adult education may be included in the  
15 educational plant survey of a school district or community  
16 college that delivers career or adult education programs.  
17 Information used by the Office of Workforce and Economic  
18 Development to establish facility needs must include, but need  
19 not be limited to, labor market data, needs analysis, and  
20 information submitted by the school district or community  
21 college.

22 (a) Survey preparation and required data.--Each survey  
23 shall be conducted by the board or an agency employed by the  
24 board. Surveys shall be reviewed and approved by the board,  
25 and a file copy shall be submitted to the commissioner. The  
26 survey report shall include at least an inventory of existing  
27 educational and ancillary plants; recommendations for existing  
28 educational and ancillary plants; recommendations for new  
29 educational or ancillary plants, including the general  
30 location of each in coordination with the land use plan;  
31 campus master plan update and detail for community colleges;

1 the utilization of school plants based on an extended school  
2 day or year-round operation; and such other information as may  
3 be required by the rules of the State Board of Education. This  
4 report may be amended, if conditions warrant, at the request  
5 of the board or commissioner.

6 (b) Required need assessment criteria for district,  
7 community college, and state university plant surveys.--Each  
8 educational plant survey completed must use uniform data  
9 sources and criteria specified in this paragraph. Each revised  
10 educational plant survey and each new educational plant survey  
11 supersedes previous surveys.

12 1. Each school district's educational plant survey  
13 must reflect the capacity of existing satisfactory facilities  
14 as reported in the Florida Inventory of School Houses.  
15 Projections of facility space needs may not exceed the norm  
16 space and occupant design criteria established by the State  
17 Requirements for Educational Facilities. Existing and  
18 projected capital outlay full-time equivalent student  
19 enrollment must be consistent with data prepared by the  
20 department and must include all enrollment used in the  
21 calculation of the distribution formula in s. 1013.64(3). To  
22 insure that the data reported to the Department of Education  
23 as required by this section is correct, the department shall  
24 annually conduct an onsite review of 5 percent of the  
25 facilities reported for each school district completing a new  
26 survey that year. If the department's review finds the data  
27 reported by a district is less than 95 percent accurate,  
28 within one year from the time of notification by the  
29 department the district must submit revised reports correcting  
30 its data. If a district fails to correct its reports, the  
31 commissioner may direct that future fixed capital outlay funds



1 be withheld until such time as the district has corrected its  
2 reports so that they are not less than 95 percent accurate.  
3 All satisfactory relocatable classrooms, including those  
4 owned, lease-purchased, or leased by the school district,  
5 shall be included in the school district inventory of gross  
6 capacity of facilities and must be counted at actual student  
7 capacity for purposes of the inventory. For future needs  
8 determination, student capacity shall not be assigned to any  
9 relocatable classroom that is scheduled for elimination or  
10 replacement with a permanent educational facility in the  
11 adopted 5-year educational plant survey and in the district  
12 facilities work program adopted under s. 1013.35. Those  
13 relocatables clearly identified and scheduled for replacement  
14 in a school board adopted financially feasible 5-year district  
15 facilities work program shall be counted at zero capacity at  
16 the time the work program is adopted and approved by the  
17 school board. However, if the district facilities work program  
18 is changed or altered and the relocatables are not replaced as  
19 scheduled in the work program, they must then be reentered  
20 into the system for counting at actual capacity. Relocatables  
21 may not be perpetually added to the work program and  
22 continually extended for purposes of circumventing the intent  
23 of this section. All remaining relocatable classrooms,  
24 including those owned, lease-purchased, or leased by the  
25 school district, shall be counted at actual student capacity.  
26 The educational plant survey shall identify the number of  
27 relocatable student stations scheduled for replacement during  
28 the 5-year survey period and the total dollar amount needed  
29 for that replacement. All district educational plant surveys  
30 shall include information on leased space used for conducting  
31 the district's instructional program, in accordance with the

1 recommendations of the department's report authorized in s.  
2 1013.15. A definition of satisfactory relocatable classrooms  
3 shall be established by rule of the State Board of Education.

4 2. Each survey of a special facility, joint-use  
5 facility, or cooperative career and technical education  
6 facility must be based on capital outlay full-time equivalent  
7 student enrollment data prepared by the department for school  
8 districts, community colleges, and universities. A survey of  
9 space needs of a joint-use facility shall be based upon the  
10 respective space needs of the school districts, community  
11 colleges, and universities, as appropriate. Projections of a  
12 school district's facility space needs may not exceed the norm  
13 space and occupant design criteria established by the State  
14 Requirements for Educational Facilities.

15 3. Each community college's survey must reflect the  
16 capacity of existing facilities as specified in the inventory  
17 maintained by the Department of Education. Projections of  
18 facility space needs must comply with standards for  
19 determining space needs as specified by rule of the State  
20 Board of Education. The 5-year projection of capital outlay  
21 student enrollment must be consistent with the annual report  
22 of capital outlay full-time student enrollment prepared by the  
23 Department of Education.

24 4. Each state university's survey must reflect the  
25 capacity of existing facilities as specified in the inventory  
26 maintained and validated by the Department of Education.  
27 Projections of facility space needs must be consistent with  
28 standards for determining space needs approved by the  
29 Department of Education. The projected capital outlay  
30 full-time equivalent student enrollment must be consistent  
31 with the 5-year planned enrollment cycle for the State

1 University System approved by the Department of Education.

2 5. The educational plant survey of a school district,  
3 community college, or state university may include space needs  
4 that deviate from approved standards for determining space  
5 needs if the deviation is justified by the district or  
6 institution and approved by the department as necessary for  
7 the delivery of an approved educational program.

8 (c) Review and validation.--The department shall  
9 review and validate the surveys of school districts, community  
10 colleges, and universities, and any amendments thereto for  
11 compliance with the requirements of this chapter and, when  
12 required by the State Constitution, shall recommend those in  
13 compliance for approval by the State Board of Education.  
14 Annually, the department shall perform an in-depth analysis of  
15 a representative sample of each survey of recommended needs  
16 for five districts selected by the commissioner from among  
17 districts with the largest need-to-revenue ratio. For the  
18 purpose of this subsection, the need-to-revenue ratio is  
19 determined by dividing the total 5-year cost of projects  
20 listed on the district survey by the total 5-year fixed  
21 capital outlay revenue projections from state and local  
22 sources as determined by the department. The commissioner may  
23 direct fixed capital outlay funds to be withheld from  
24 districts until such time as the survey accurately projects  
25 facilities needs.

26 (2) Only the district school superintendent, community  
27 college president, or university president shall certify to  
28 the department a project's compliance with the requirements  
29 for expenditure of PECO funds prior to release of funds.

30 (a) Upon request for release of PECO funds for  
31 planning purposes, certification must be made to the

1 department that the need and location of the facility are in  
2 compliance with the board-approved survey recommendations and  
3 that the project meets the definition of a PECO project and  
4 the limiting criteria for expenditures of PECO funding.

5 (b) Upon request for release of construction funds,  
6 certification must be made to the department that the need and  
7 location of the facility are in compliance with the  
8 board-approved survey recommendations, that the project meets  
9 the definition of a PECO project and the limiting criteria for  
10 expenditures of PECO funding, and that the construction  
11 documents meet the requirements of the Florida Building Code  
12 for educational facilities construction or other applicable  
13 codes as authorized in this chapter.

14 Section 819. Section 1013.32, Florida Statutes, is  
15 created to read:

16 1013.32 Exception to recommendations in educational  
17 plant survey.--An exception to the recommendations in the  
18 educational plant survey may be allowed if a board considers  
19 that it will be advantageous to the welfare of the educational  
20 system or that it will make possible a substantial saving of  
21 funds. A board, upon determining that an exception is  
22 warranted, must present a full statement, in writing, setting  
23 forth all the facts to the Commissioner of Education.

24 Section 820. Section 1013.33, Florida Statutes, is  
25 created to read:

26 1013.33 Coordination of planning with local governing  
27 bodies.--

28 (1) It is the policy of this state to require the  
29 coordination of planning between boards and local governing  
30 bodies to ensure that plans for the construction and opening  
31 of public educational facilities are facilitated and

1 coordinated in time and place with plans for residential  
2 development, concurrently with other necessary services. Such  
3 planning shall include the integration of the educational  
4 plant survey and applicable policies and procedures of a board  
5 with the local comprehensive plan and land development  
6 regulations of local governing bodies. The planning must  
7 include the consideration of allowing students to attend the  
8 school located nearest their homes when a new housing  
9 development is constructed near a county boundary and it is  
10 more feasible to transport the students a short distance to an  
11 existing facility in an adjacent county than to construct a  
12 new facility or transport students longer distances in their  
13 county of residence. The planning must also consider the  
14 effects of the location of public education facilities,  
15 including the feasibility of keeping central city facilities  
16 viable, in order to encourage central city redevelopment and  
17 the efficient use of infrastructure and to discourage  
18 uncontrolled urban sprawl.

19 (2) A board and the local governing body must share  
20 and coordinate information related to existing and planned  
21 school facilities; proposals for development, redevelopment,  
22 or additional development; and infrastructure required to  
23 support the school facilities, concurrent with proposed  
24 development. A school board shall use Department of Education  
25 enrollment projections when preparing the 5-year district  
26 facilities work program pursuant to s. 1013.35, and a school  
27 board shall affirmatively demonstrate in the educational  
28 facilities report consideration of local governments'  
29 population projections to ensure that the 5-year work program  
30 not only reflects enrollment projections but also considers  
31 applicable municipal and county growth and development

1 projections. A school board is precluded from siting a new  
2 school in a jurisdiction where the school board has failed to  
3 provide the annual educational facilities report for the prior  
4 year required pursuant to s. 1013.34 unless the failure is  
5 corrected.

6 (3) The location of educational facilities shall be  
7 consistent with the comprehensive plan of the appropriate  
8 local governing body developed under part II of chapter 163  
9 and the plan's implementing land development regulations, to  
10 the extent that the regulations are not in conflict with or  
11 the subject regulated is not specifically addressed by this  
12 chapter or the state requirements for educational facilities,  
13 unless mutually agreed by the local government and the board.

14 (4) To improve coordination relative to potential  
15 educational facility sites, a board shall provide written  
16 notice to the local government that has regulatory authority  
17 over the use of the land at least 60 days prior to acquiring  
18 or leasing property that may be used for a new public  
19 educational facility. The local government, upon receipt of  
20 this notice, shall notify the board within 45 days if the site  
21 proposed for acquisition or lease is consistent with the land  
22 use categories and policies of the local government's  
23 comprehensive plan. This preliminary notice does not  
24 constitute the local government's determination of consistency  
25 pursuant to subsection (5).

26 (5) As early in the design phase as feasible, but at  
27 least before commencing construction of a new public  
28 educational facility, the local governing body that regulates  
29 the use of land shall determine, in writing within 90 days  
30 after receiving the necessary information and a school board's  
31 request for a determination, whether a proposed educational

1 facility is consistent with the local comprehensive plan and  
 2 local land development regulations, to the extent that the  
 3 regulations are not in conflict with or the subject regulated  
 4 is not specifically addressed by this chapter or the Florida  
 5 Building Code for educational facilities and construction,  
 6 unless mutually agreed. If the determination is affirmative,  
 7 school construction may proceed and further local government  
 8 approvals are not required, except as provided in this  
 9 section. Failure of the local governing body to make a  
 10 determination in writing within 90 days after a district  
 11 school board's request for a determination of consistency  
 12 shall be considered an approval of the district school board's  
 13 application. Campus master plans and development agreements  
 14 must comply with the provisions of ss. 1013.30 and 1013.63.

15       (6) A local governing body may not deny the site  
 16 applicant based on adequacy of the site plan as it relates  
 17 solely to the needs of the school. If the site is consistent  
 18 with the comprehensive plan's future land use policies and  
 19 categories in which public schools are identified as allowable  
 20 uses, the local government may not deny the application but it  
 21 may impose reasonable development standards and conditions in  
 22 accordance with s. 1013.51(1) and consider the site plan and  
 23 its adequacy as it relates to environmental concerns, health,  
 24 safety and welfare, and effects on adjacent property.  
 25 Standards and conditions may not be imposed which conflict  
 26 with those established in this chapter or the State Uniform  
 27 Building Code, unless mutually agreed.

28       (7) This section does not prohibit a local governing  
 29 body and district school board from agreeing and establishing  
 30 an alternative process for reviewing a proposed educational  
 31 facility and site plan, and offsite impacts.

1           (8) Existing schools shall be considered consistent  
 2 with the applicable local government comprehensive plan  
 3 adopted under part II of chapter 163. The collocation of a new  
 4 proposed public educational facility with an existing public  
 5 educational facility, or the expansion of an existing public  
 6 educational facility is not inconsistent with the local  
 7 comprehensive plan, if the site is consistent with the  
 8 comprehensive plan's future land use policies and categories  
 9 in which public schools are identified as allowable uses, and  
 10 levels of service adopted by the local government for any  
 11 facilities affected by the proposed location for the new  
 12 facility are maintained. If a board submits an application to  
 13 expand an existing school site, the local governing body may  
 14 impose reasonable development standards and conditions on the  
 15 expansion only, and in a manner consistent with s. 1013.51(1).  
 16 Standards and conditions may not be imposed which conflict  
 17 with those established in this chapter or the State Uniform  
 18 Building Code, unless mutually agreed. Local government review  
 19 or approval is not required for:

20           (a) The placement of temporary or portable classroom  
 21 facilities; or

22           (b) Proposed renovation or construction on existing  
 23 school sites, with the exception of construction that changes  
 24 the primary use of a facility, includes stadiums, or results  
 25 in a greater than 5 percent increase in student capacity, or  
 26 as mutually agreed.

27           Section 821. Section 1013.34, Florida Statutes, is  
 28 created to read:

29           1013.34 General educational facilities report.--

30           (1) It is the policy of the state to foster  
 31 coordination between district school boards and the local



1 general-purpose governments as those local general-purpose  
2 governments develop and implement plans under the Local  
3 Government Comprehensive Planning and Land Development  
4 Regulation Act, part II of chapter 163.

5 (2) Each district school board shall submit annually  
6 on October 1 to each local government within the school  
7 board's jurisdiction a general educational facilities report.  
8 The general educational facilities report must contain  
9 information detailing existing educational facilities and  
10 their locations and projected needs. The report must also  
11 contain the board's capital improvement plan, including  
12 planned facilities with funding over the next 3 years, and the  
13 educational facilities representing the district's unmet need.  
14 The school board shall also provide a copy of its educational  
15 plan survey to each local government at least once every 5  
16 years.

17 Section 822. Section 1013.35, Florida Statutes, is  
18 created to read:

19 1013.35 School district facilities work program;  
20 definitions; preparation, adoption, and amendment; long-term  
21 work programs.--

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

23 (a) "Adopted district facilities work program" means  
24 the 5-year work program adopted by the district school board  
25 as provided in subsection (3).

26 (b) "Tentative district facilities work program" means  
27 the 5-year listing of capital outlay projects required:

28 1. To properly maintain the educational plant and  
29 ancillary facilities of the district.

30 2. To provide an adequate number of satisfactory  
31 student stations for the projected student enrollment of the

1 district in K-12 programs in accordance with the goal in s.  
2 1013.21.

3 (2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK  
4 PROGRAM.--

5 (a) Annually, prior to the adoption of the district  
6 school budget, each district school board shall prepare a  
7 tentative district facilities work program that includes:

8 1. A schedule of major repair and renovation projects  
9 necessary to maintain the educational plant and ancillary  
10 facilities of the district.

11 2. A schedule of capital outlay projects necessary to  
12 ensure the availability of satisfactory student stations for  
13 the projected student enrollment in K-12 programs. This  
14 schedule shall consider:

15 a. The locations, capacities, and planned utilization  
16 rates of current educational facilities of the district.

17 b. The proposed locations of planned facilities.

18 c. Plans for the use and location of relocatable  
19 facilities, leased facilities, and charter school facilities.

20 d. Plans for multitrack scheduling, grade level  
21 organization, block scheduling, or other alternatives that  
22 reduce the need for permanent student stations.

23 e. Information concerning average class size and  
24 utilization rate by grade level within the district that will  
25 result if the tentative district facilities work program is  
26 fully implemented. The average shall not include exceptional  
27 student education classes or prekindergarten classes.

28 f. The number and percentage of district students  
29 planned to be educated in relocatable facilities during each  
30 year of the tentative district facilities work program.

31 g. Plans for the closure of any school, including

1 plans for disposition of the facility or usage of facility  
2 space, and anticipated revenues.

3 3. The projected cost for each project identified in  
4 the tentative district facilities work program. For proposed  
5 projects for new student stations, a schedule shall be  
6 prepared comparing the planned cost and square footage for  
7 each new student station, by elementary, middle, and high  
8 school levels, to the low, average, and high cost of  
9 facilities constructed throughout the state during the most  
10 recent fiscal year for which data is available from the  
11 Department of Education.

12 4. A schedule of estimated capital outlay revenues  
13 from each currently approved source which is estimated to be  
14 available for expenditure on the projects included in the  
15 tentative district facilities work program.

16 5. A schedule indicating which projects included in  
17 the tentative district facilities work program will be funded  
18 from current revenues projected in subparagraph 4.

19 6. A schedule of options for the generation of  
20 additional revenues by the district for expenditure on  
21 projects identified in the tentative district facilities work  
22 program which are not funded under subparagraph 5. Additional  
23 anticipated revenues may include effort index grants, SIT  
24 Program awards, and Classrooms First funds.

25 (b) To the extent available, the tentative district  
26 facilities work program shall be based on information produced  
27 by the demographic, revenue, and education estimating  
28 conferences pursuant to s. 216.136.

29 (c) Provision shall be made for public comment  
30 concerning the tentative district facilities work program.

31 (3) ADOPTED DISTRICT FACILITIES WORK

1 PROGRAM.--Annually, the district school board shall consider  
 2 and adopt the tentative district facilities work program  
 3 completed pursuant to subsection (2). Upon giving proper  
 4 public notice and opportunity for public comment, the district  
 5 school board may amend the program to revise the priority of  
 6 projects, to add or delete projects, to reflect the impact of  
 7 change orders, or to reflect the approval of new revenue  
 8 sources which may become available. The adopted district  
 9 facilities work program shall:

10       (a) Be a complete, balanced capital outlay financial  
 11 plan for the district.

12       (b) Set forth the proposed commitments and planned  
 13 expenditures of the district to address the educational  
 14 facilities needs of its students and to adequately provide for  
 15 the maintenance of the educational plant and ancillary  
 16 facilities.

17       (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK  
 18 PROGRAM.--The first year of the adopted district facilities  
 19 work program shall constitute the capital outlay budget  
 20 required in s. 1013.61. The adopted district facilities work  
 21 program shall include the information required in  
 22 subparagraphs (2)(a)1., 2., and 3., based upon projects  
 23 actually funded in the program.

24       (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to  
 25 the adopted district facilities work program covering the  
 26 5-year work program, the district school board shall adopt  
 27 annually a 10-year and a 20-year work program which include  
 28 the information set forth in subsection (2), but based upon  
 29 enrollment projections and facility needs for the 10-year and  
 30 20-year periods. It is recognized that the projections in the  
 31 10-year and 20-year timeframes are tentative and should be

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1 used only for general planning purposes.

2 Section 823. Section 1013.36, Florida Statutes, is  
3 created to read:

4 1013.36 Site planning and selection.--

5 (1) Before acquiring property for sites, each district  
6 school board and community college board of trustees shall  
7 determine the location of proposed educational centers or  
8 campuses. In making this determination, the board shall  
9 consider existing and anticipated site needs and the most  
10 economical and practicable locations of sites. The board shall  
11 coordinate with the long-range or comprehensive plans of  
12 local, regional, and state governmental agencies to assure the  
13 compatibility of such plans with site planning. Boards are  
14 encouraged to locate educational facilities proximate to urban  
15 residential areas to the extent possible, and shall seek to  
16 collocate educational facilities with other public facilities,  
17 such as parks, libraries, and community centers, to the extent  
18 possible.

19 (2) Each new site selected must be adequate in size to  
20 meet the educational needs of the students to be served on  
21 that site by the original educational facility or future  
22 expansions of the facility through renovation or the addition  
23 of relocatables. The State Board of Education shall prescribe  
24 by rule recommended sizes for new sites according to  
25 categories of students to be housed and other appropriate  
26 factors determined by the state board. Less-than-recommended  
27 site sizes are allowed if the board recommends such a site and  
28 finds that it can provide an appropriate and equitable  
29 educational program on the site.

30 (3) Sites recommended for purchase or purchased must  
31 meet standards prescribed in law and such supplementary

1 standards as the State Board of Education prescribes to  
 2 promote the educational interests of the students. Each site  
 3 must be well drained and suitable for outdoor educational  
 4 purposes as appropriate for the educational program. As  
 5 provided in s. 333.03, the site must not be located within any  
 6 path of flight approach of any airport. Insofar as is  
 7 practicable, the site must not adjoin a right-of-way of any  
 8 railroad or through highway and must not be adjacent to any  
 9 factory or other property from which noise, odors, or other  
 10 disturbances, or at which conditions, would be likely to  
 11 interfere with the educational program.

12 (4) It shall be the responsibility of the board to  
 13 provide adequate notice to appropriate municipal, county,  
 14 regional, and state governmental agencies for requested  
 15 traffic control and safety devices so they can be installed  
 16 and operating prior to the first day of classes or to satisfy  
 17 itself that every reasonable effort has been made in  
 18 sufficient time to secure the installation and operation of  
 19 such necessary devices prior to the first day of classes. It  
 20 shall also be the responsibility of the board to review  
 21 annually traffic control and safety device needs and to  
 22 request all necessary changes indicated by such review.

23 (5) Each board may request county and municipal  
 24 governments to construct and maintain sidewalks and bicycle  
 25 trails within a 2-mile radius of each educational facility  
 26 within the jurisdiction of the local government. When a board  
 27 discovers or is aware of an existing hazard on or near a  
 28 public sidewalk, street, or highway within a 2-mile radius of  
 29 a school site and the hazard endangers the life or threatens  
 30 the health or safety of students who walk, ride bicycles, or  
 31 are transported regularly between their homes and the school

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1 in which they are enrolled, the board shall, within 24 hours  
 2 after discovering or becoming aware of the hazard, excluding  
 3 Saturdays, Sundays, and legal holidays, report such hazard to  
 4 the governmental entity within the jurisdiction of which the  
 5 hazard is located. Within 5 days after receiving notification  
 6 by the board, excluding Saturdays, Sundays, and legal  
 7 holidays, the governmental entity shall investigate the  
 8 hazardous condition and either correct it or provide such  
 9 precautions as are practicable to safeguard students until the  
 10 hazard can be permanently corrected. However, if the  
 11 governmental entity that has jurisdiction determines upon  
 12 investigation that it is impracticable to correct the hazard,  
 13 or if the entity determines that the reported condition does  
 14 not endanger the life or threaten the health or safety of  
 15 students, the entity shall, within 5 days after notification  
 16 by the board, excluding Saturdays, Sundays, and legal  
 17 holidays, inform the board in writing of its reasons for not  
 18 correcting the condition. The governmental entity, to the  
 19 extent allowed by law, shall indemnify the board from any  
 20 liability with respect to accidents or injuries, if any,  
 21 arising out of the hazardous condition.

22 Section 824. Part III.b. of chapter 1013, Florida  
 23 Statutes, shall be entitled "Building Codes and Construction  
 24 for Educational Facilities" and shall consist of ss.  
 25 1013.37-1013.45.

26 Section 825. Section 1013.37, Florida Statutes, is  
 27 created to read:

28 1013.37 State uniform building code for public  
 29 educational facilities construction.--

30 (1) UNIFORM BUILDING CODE.--A uniform statewide  
 31 building code for the planning and construction of public

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1 educational and ancillary plants by district school boards and  
 2 community college district boards of trustees shall be adopted  
 3 by the Florida Building Commission within the Florida Building  
 4 Code, pursuant to s. 553.73. Included in this code must be  
 5 flood plain management criteria in compliance with the rules  
 6 and regulations in 44 C.F.R. parts 59 and 60, and subsequent  
 7 revisions thereto which are adopted by the Federal Emergency  
 8 Management Agency. It is also the responsibility of the  
 9 department to develop, as a part of the uniform building code,  
 10 standards relating to:

11 (a) Prefabricated facilities or factory-built  
 12 facilities that are designed to be portable, relocatable,  
 13 demountable, or reconstructible; are used primarily as  
 14 classrooms; and do not fall under the provisions of ss.  
 15 320.822-320.862. Such standards must permit boards to contract  
 16 with the Department of Community Affairs for factory  
 17 inspections by certified building code inspectors to certify  
 18 conformance with applicable law and rules. The standards must  
 19 comply with the requirements of s. 1013.20 for relocatable  
 20 facilities intended for long-term use as classroom space, and  
 21 the relocatable facilities shall be designed subject to  
 22 missile impact criteria of s. 423(24)(d)(1) of the Florida  
 23 Building Code when located in the windborne debris region.

24 (b) The sanitation of educational and ancillary plants  
 25 and the health of occupants of educational and ancillary  
 26 plants.

27 (c) The safety of occupants of educational and  
 28 ancillary plants as provided in s. 1013.12, except that the  
 29 firesafety criteria shall be established by the State Fire  
 30 Marshal in cooperation with the Florida Building Commission  
 31 and the department and such firesafety requirements must be



1 incorporated into the Florida Fire Prevention Code.

2 (d) Accessibility for children, notwithstanding the  
3 provisions of s. 553.512.

4 (e) The performance of life-cycle cost analyses on  
5 alternative architectural and engineering designs to evaluate  
6 their energy efficiencies.

7 1. The life-cycle cost analysis must consist of the  
8 sum of:

9 a. The reasonably expected fuel costs over the life of  
10 the building which are required to maintain illumination,  
11 water heating, temperature, humidity, ventilation, and all  
12 other energy-consuming equipment in a facility; and

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

15 2. For computation of the life-cycle costs, the  
16 department shall develop standards that must include, but need  
17 not be limited to:

18 a. The orientation and integration of the facility  
19 with respect to its physical site.

20 b. The amount and type of glass employed in the  
21 facility and the directions of exposure.

22 c. The effect of insulation incorporated into the  
23 facility design and the effect on solar utilization of the  
24 properties of external surfaces.

25 d. The variable occupancy and operating conditions of  
26 the facility and subportions of the facility.

27 e. An energy-consumption analysis of the major  
28 equipment of the facility's heating, ventilating, and cooling  
29 system; lighting system; and hot water system and all other  
30 major energy-consuming equipment and systems as appropriate.

31 3. Life-cycle cost criteria published by the

1 Department of Education for use in evaluating projects.  
2 4. Standards for construction materials and systems  
3 based on life-cycle costs that consider initial costs,  
4 maintenance costs, custodial costs, operating costs, and life  
5 expectancy. The standards may include multiple acceptable  
6 materials. It is the intent of the Legislature to require  
7 district school boards to comply with these standards when  
8 expending funds from the Public Education Capital Outlay and  
9 Debt Service Trust Fund or the School District and Community  
10 College District Capital Outlay and Debt Service Trust Fund  
11 and to prohibit district school boards from expending local  
12 capital outlay revenues for any project that includes  
13 materials or systems that do not comply with these standards,  
14 unless the district school board submits evidence that  
15 alternative materials or systems meet or exceed standards  
16 developed by the department.

17  
18 It is not a purpose of the Florida Building Code to inhibit  
19 the use of new materials or innovative techniques; nor may it  
20 specify or prohibit materials by brand names. The code must be  
21 flexible enough to cover all phases of construction so as to  
22 afford reasonable protection for the public safety, health,  
23 and general welfare. The department may secure the service of  
24 other state agencies or such other assistance as it finds  
25 desirable in recommending to the Florida Building Commission  
26 revisions to the code.

27 (2) APPROVAL.--  
28 (a) Before a contract has been let for the  
29 construction, the department, the district school board, the  
30 community college board, or its authorized review agent must  
31 approve the phase III construction documents. A district

1 school board or a community college board may reuse prototype  
 2 plans on another site, provided the facilities list and phase  
 3 III construction documents have been updated for the new site  
 4 and for compliance with the Florida Building Code and the  
 5 Florida Fire Prevention Code and any laws relating to  
 6 firesafety, health and sanitation, casualty safety, and  
 7 requirements for the physically handicapped which are in  
 8 effect at the time a construction contract is to be awarded.

9 (b) In reviewing plans for approval, the department,  
 10 the district school board, the community college board, or its  
 11 review agent as authorized in s. 1013.38, shall take into  
 12 consideration:

- 13 1. The need for the new facility.
- 14 2. The educational and ancillary plant planning.
- 15 3. The architectural and engineering planning.
- 16 4. The location on the site.
- 17 5. Plans for future expansion.
- 18 6. The type of construction.
- 19 7. Sanitary provisions.
- 20 8. Conformity to Florida Building Code standards.
- 21 9. The structural design and strength of materials  
 22 proposed to be used.

23 10. The mechanical design of any heating,  
 24 air-conditioning, plumbing, or ventilating system. Typical  
 25 heating, ventilating, and air-conditioning systems preapproved  
 26 by the department for specific applications may be used in the  
 27 design of educational facilities.

- 28 11. The electrical design of educational plants.
- 29 12. The energy efficiency and conservation of the  
 30 design.

- 31 13. Life-cycle cost considerations.

1           14. The design to accommodate physically handicapped  
2 persons.

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

4           16. The proposed construction cost per gross square  
5 foot.

6           17. Conformity with the Florida Fire Prevention Code.

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

23           (3) REVIEW PROCEDURE.--The Commissioner of Education  
24 shall cooperate with the Florida Building Commission in  
25 addressing all questions, disputes, or interpretations  
26 involving the provisions of the Florida Building Code which  
27 govern the construction of public educational and ancillary  
28 facilities, and any objections to decisions made by the  
29 inspectors or the department must be submitted in writing.

30           (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The  
31 department shall biennially review and recommend to the

1 Florida Building Commission updates and revisions to the  
 2 provisions of the Florida Building Code which govern the  
 3 construction of public educational and ancillary facilities.  
 4 The department shall publish and make available to each board  
 5 at no cost copies of the state requirements for educational  
 6 facilities and each amendment and revision thereto. The  
 7 department shall make additional copies available to all  
 8 interested persons at a price sufficient to recover costs.

9 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,  
 10 1985, pursuant to s. 11(a)(21), Art. III of the State  
 11 Constitution, there shall not be enacted any special act or  
 12 general law of local application which proposes to amend,  
 13 alter, or contravene any provisions of the State Building Code  
 14 adopted under the authority of this section.

15 Section 826. Section 1013.371, Florida Statutes, is  
 16 created to read:

17 1013.371 Conformity to codes.--

18 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA  
 19 FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

20 (a) Except as otherwise provided in paragraph (b), all  
 21 public educational and ancillary plants constructed by a board  
 22 must conform to the Florida Building Code and the Florida Fire  
 23 Prevention Code, and the plants are exempt from all other  
 24 state building codes; county, municipal, or other local  
 25 amendments to the Florida Building Code and local amendments  
 26 to the Florida Fire Prevention Code; building permits, and  
 27 assessments of fees for building permits, except as provided  
 28 in s. 553.80; ordinances; road closures; and impact fees or  
 29 service availability fees. Any inspection by local or state  
 30 government must be based on the Florida Building Code and the  
 31 Florida Fire Prevention Code. Each board shall provide for

1 periodic inspection of the proposed educational plant during  
2 each phase of construction to determine compliance with the  
3 state requirements for educational facilities.

4 (b) A board may comply with the Florida Building Code  
5 and the Florida Fire Prevention Code and the administration of  
6 the codes when constructing ancillary plants that are not  
7 attached to educational facilities, if those plants conform to  
8 the space size requirements established in the codes.

9 (c) A board may not approve any plans for the  
10 construction, renovation, remodeling, or demolition of any  
11 educational or ancillary plants unless these plans conform to  
12 the requirements of the Florida Building Code and the Florida  
13 Fire Prevention Code. Each board may adopt policies for  
14 delegating to the district school superintendent, community  
15 college president, or university president authority for  
16 submitting documents to the department and for awarding  
17 contracts subsequent to and consistent with board approval of  
18 the scope, timeframes, funding source, and budget of a  
19 survey-recommended project.

20 (2) ENFORCEMENT BY BOARD.--It is the responsibility of  
21 each board to ensure that all plans and educational and  
22 ancillary plants meet the standards of the Florida Building  
23 Code and the Florida Fire Prevention Code and to provide for  
24 the enforcement of these codes in the areas of its  
25 jurisdiction. Each board shall provide for the proper  
26 supervision and inspection of the work. Each board may employ  
27 a chief building official or inspector and such other  
28 inspectors, who have been certified pursuant to chapter 468,  
29 and such personnel as are necessary to administer and enforce  
30 the provisions of this code. Boards may also use local  
31 building department inspectors who are certified by the

1 department to enforce this code. Plans or facilities that fail  
 2 to meet the standards of the Florida Building Code or the  
 3 Florida Fire Prevention Code may not be approved. When  
 4 planning for and constructing an educational, auxiliary, or  
 5 ancillary facility, a board must use construction materials  
 6 and systems that meet standards adopted pursuant to s.  
 7 1013.37(1)(e)3. and 4. If the planned or actual construction  
 8 of a facility deviates from the adopted standards, the board  
 9 must, at a public hearing, quantify and compare the costs of  
 10 constructing the facility with the proposed deviations and in  
 11 compliance with the adopted standards and the Florida Building  
 12 Code. The board must explain the reason for the proposed  
 13 deviations and compare how the total construction costs and  
 14 projected life-cycle costs of the facility or component system  
 15 of the facility would be affected by implementing the proposed  
 16 deviations rather than using materials and systems that meet  
 17 the adopted standards.

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

27 Section 827. Section 1013.372, Florida Statutes, is  
 28 created to read:

29 1013.372 Education facilities as emergency shelters.--

30 (1) The Department of Education shall, in consultation  
 31 with boards and county and state emergency management offices,

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1 include within the standards to be developed under this  
2 subsection public shelter design criteria to be incorporated  
3 into the Florida Building Code. The new criteria must be  
4 designed to ensure that appropriate new educational facilities  
5 can serve as public shelters for emergency-management  
6 purposes. A facility, or an appropriate area within a  
7 facility, for which a design contract is entered into after  
8 the effective date of the inclusion of the public shelter  
9 criteria in the code must be built in compliance with the  
10 amended code unless the facility or a part of it is exempted  
11 from using the new shelter criteria due to its location, size,  
12 or other characteristics by the applicable board with the  
13 concurrence of the applicable local emergency management  
14 agency or the Department of Community Affairs. Any educational  
15 facility located or proposed to be located in an identified  
16 category 1, 2, or 3 evacuation zone is not subject to the  
17 requirements of this subsection. If the regional planning  
18 council region in which the county is located does not have a  
19 hurricane evacuation shelter deficit, as determined by the  
20 Department of Community Affairs, educational facilities within  
21 the planning council region are not required to incorporate  
22 the public shelter criteria.

23 (2) By January 31 of each even-numbered year, the  
24 Department of Community Affairs shall prepare and submit a  
25 statewide emergency shelter plan to the Governor and the  
26 Cabinet for approval. The plan must identify the general  
27 location and square footage of existing shelters, by regional  
28 planning council region, and the general location and square  
29 footage of needed shelters, by regional planning council  
30 region, during the next 5 years. The plan must identify the  
31 types of public facilities that should be constructed to



1 comply with emergency-shelter criteria and must recommend an  
 2 appropriate and available source of funding for the additional  
 3 cost of constructing emergency shelters within these public  
 4 facilities. After the approval of the plan, a board may not be  
 5 required to build more emergency-shelter space than identified  
 6 as needed in the plan, and decisions pertaining to exemptions  
 7 pursuant to subsection (1) must be guided by the plan.

8 (3) The provisions of s. 1013.74 apply to university  
 9 facilities as emergency shelters.

10 Section 828. Section 1013.38, Florida Statutes, is  
 11 created to read:

12 1013.38 Boards to ensure that facilities comply with  
 13 building codes and life safety codes.--

14 (1) Boards shall ensure that all new construction,  
 15 renovation, remodeling, day labor, and maintenance projects  
 16 conform to the appropriate sections of the Florida Building  
 17 Code, Florida Fire Prevention Code, or, where applicable as  
 18 authorized in other sections of law, other building codes, and  
 19 life safety codes.

20 (2) Boards may provide compliance as follows:

21 (a) Boards or consortia may individually or  
 22 cooperatively provide review services under the insurance risk  
 23 management oversight through the use of board employees or  
 24 consortia employees, registered pursuant to chapter 471,  
 25 chapter 481, or part XII of chapter 468.

26 (b) Boards may elect to review construction documents  
 27 using their own employees registered pursuant to chapter 471,  
 28 chapter 481, or part XII of chapter 468.

29 (c) Boards may submit phase III construction documents  
 30 for review to the department.

31 (d) Boards or consortia may contract for plan review

1 services directly with engineers and architects registered  
2 pursuant to chapter 471 or chapter 481.

3 (3) The Department of Management Services may, upon  
4 request, provide facilities services for the Florida School  
5 for the Deaf and the Blind, the Division of Blind Services,  
6 and Public Broadcasting. As used in this section, the term  
7 "facilities services" means project management, code and  
8 design plan review, and code compliance inspection for  
9 projects as defined in s. 287.017(1)(e).

10 Section 829. Section 1013.39, Florida Statutes, is  
11 created to read:

12 1013.39 Building construction standards;  
13 exemptions.--Universities are exempt from local amendments to  
14 the Florida Building Code and the Florida Fire Prevention  
15 Code.

16 Section 830. Section 1013.40, Florida Statutes, is  
17 created to read:

18 1013.40 Planning and construction of community college  
19 facilities; property acquisition.--

20 (1) The need for community college facilities shall be  
21 established by a survey conducted pursuant to this chapter.  
22 The facilities recommended by such survey must be approved by  
23 the State Board of Education and the projects must be  
24 constructed according to the provisions of this chapter and  
25 State Board of Education rules.

26 (2) No community college may expend public funds for  
27 the acquisition of additional property without the specific  
28 approval of the Legislature.

29 (3) No facility may be acquired or constructed by a  
30 community college or its direct-support organization if such  
31 facility requires general revenue funds for operation or

1 maintenance upon project completion or in subsequent years of  
2 operation, unless prior approval is received from the  
3 Legislature.

4 Section 831. Section 1013.41, Florida Statutes, is  
5 created to read:

6 1013.41 SMART schools; Classrooms First; legislative  
7 purpose.--

8 (1) SMART SCHOOLS.--"SMART schools" are schools that  
9 are soundly made, accountable, reasonable, and thrifty. It is  
10 the purpose of the Legislature to provide a balanced and  
11 principle-based plan for a functional, safe, adequate, and  
12 thrifty learning environment for Florida's K-12 students  
13 through SMART schools. The plan must be balanced in serving  
14 all school districts and must also be balanced between the  
15 operating and capital sides of the budget. The principles upon  
16 which the plan is based are less government, lower taxes,  
17 increased responsibility of school districts, increased  
18 freedom through local control, and family and community  
19 empowerment.

20 (2) CLASSROOMS FIRST.--It is the purpose of the  
21 Legislature to substantially increase the state's investment  
22 in school construction in an equitable, fair, and reasonable  
23 way.

24 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is  
25 the purpose of the Legislature to create s. 1013.35, requiring  
26 each school district annually to adopt a district facilities  
27 5-year work program. The purpose of the district facilities  
28 work program is to keep the district school board and the  
29 public fully informed as to whether the district is using  
30 sound policies and practices that meet the essential needs of  
31 students and that warrant public confidence in district

1 operations. The district facilities work program will be  
2 monitored by the Office of Educational Facilities and SMART  
3 Schools Clearinghouse, which will also apply performance  
4 standards pursuant to s. 1013.04.

5 (4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS  
6 CLEARINGHOUSE.--It is the purpose of the Legislature to create  
7 s. 1013.05, establishing the Office of Educational Facilities  
8 and SMART Schools Clearinghouse to assist the school districts  
9 in building SMART schools utilizing functional and frugal  
10 practices. The Office of Educational Facilities and SMART  
11 Schools Clearinghouse must review district facilities work  
12 programs and projects and identify districts qualified for  
13 incentive funding available through School Infrastructure  
14 Thrift Program awards; identify opportunities to maximize  
15 design and construction savings; develop school district  
16 facilities work program performance standards; and provide for  
17 review and recommendations to the Governor, the Legislature,  
18 and the State Board of Education.

19 (5) EFFORT INDEX GRANTS.--It is the purpose of the  
20 Legislature to create s. 1013.73, in order to provide grants  
21 from state funds to assist school districts that have provided  
22 a specified level of local effort funding.

23 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM  
24 AWARDS.--It is the purpose of the Legislature to convert the  
25 SIT Program established in ss. 1013.42 and 1013.72 to an  
26 incentive award program to encourage functional, frugal  
27 facilities and practices.

28 Section 832. Section 1013.42, Florida Statutes, is  
29 created to read:

30 1013.42 School Infrastructure Thrift (SIT) Program  
31 Act.--

1           (1) This section and s. 1013.72 may be cited as the  
2 "School Infrastructure Thrift Program Act."

3           (2) The School Infrastructure Thrift (SIT) Program is  
4 established within the Department of Education, and the State  
5 Board of Education may adopt rules as necessary to operate the  
6 program. To facilitate the program's purposes, the department  
7 shall aggressively seek the elimination or revision of  
8 obsolete, excessively restrictive, or unnecessary laws, rules,  
9 and regulations for the purpose of reducing the cost of  
10 constructing educational facilities and related costs without  
11 sacrificing safety or quality of construction. Such efforts  
12 must include, but are not limited to, the elimination of  
13 duplicate or overlapping inspections; the relaxation of  
14 requirements relating to the life cycle of buildings,  
15 landscaping, operable glazing, operable windows, radon  
16 testing, firesafety, and emergency shelter construction where  
17 lawful, safe, and cost-beneficial; and other cost savings  
18 identified as lawful, safe, and cost-beneficial.

19           (3) The SIT Program is designed as:

20           (a) An incentive program to reward districts for  
21 savings realized through functional, frugal construction.

22           (b) A recognition program to provide an annual SMART  
23 school of the year recognition award to the district that  
24 builds the highest quality functional, frugal school.

25           (4) Funds shall be appropriated to the SIT Program on  
26 an annual basis as determined by the Legislature.

27 Notwithstanding the provisions of s. 216.301 and pursuant to  
28 s. 216.351, undisbursed balances of appropriations to the SIT  
29 Program shall not revert. It is the intent of the Legislature  
30 to continue funding the SIT Program with funds available  
31 through frugal government operation and agency savings.

1           (5) Participating school districts may seek SIT  
 2 Program awards beginning July 1, 1997, for projects commenced  
 3 after or for projects underway at that time, if the projects  
 4 comply with s. 1013.72.

5           (6)(a) Each school district may submit to the Office  
 6 of Educational Facilities and SMART Schools Clearinghouse,  
 7 with supporting data, its request, based on eligibility  
 8 pursuant to s. 1013.72 for an award of SIT Program dollars.

9           (b) The Office of Educational Facilities and SMART  
 10 Schools Clearinghouse shall examine the supporting data from  
 11 each school district and shall report to the commissioner each  
 12 district's eligibility pursuant to s. 1013.72. Based on the  
 13 office's report and pursuant to ss. 1013.04 and 1013.05, the  
 14 office shall make recommendations, ranked in order of  
 15 priority, for SIT Program awards.

16           (c) The criteria for SIT Program evaluation and  
 17 recommendation for awards must be based on the school  
 18 district's eligibility pursuant to s. 1013.72 and the balance  
 19 of dollars in the SIT Program.

20           (7) Awards from the SIT Program shall be made by the  
 21 commissioner from funds appropriated by the Legislature. An  
 22 award funded by an appropriation from the General Revenue Fund  
 23 may be used for any lawful capital outlay expenditure. An  
 24 award funded by an appropriation of the proceeds of bonds  
 25 issued pursuant to s. 1013.70 may be used only for bondable  
 26 capital outlay projects.

27           Section 833. Section 1013.43, Florida Statutes, is  
 28 created to read:

29           1013.43 Small school requirement.--

30           (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

31           (a) Florida's schools are among the largest in the

1 nation.

2 (b) Smaller schools provide benefits of reduced  
3 discipline problems and crime, reduced truancy and gang  
4 participation, reduced dropout rates, improved teacher and  
5 student attitudes, improved student self-perception, student  
6 academic achievement equal to or superior to that of students  
7 at larger schools, and increased parental involvement.

8 (c) Smaller schools can provide these benefits while  
9 not increasing administrative and construction costs.

10 (2) DEFINITION.--As used in this section, "small  
11 school" means:

12 (a) An elementary school with a student population of  
13 not more than 500 students.

14 (b) A middle school with a student population of not  
15 more than 700 students.

16 (c) A high school with a student population of not  
17 more than 900 students.

18 (d) A school serving kindergarten through grade 8 with  
19 a student population of not more than 700 students.

20 (e) A school serving kindergarten through grade 12  
21 with a student population of not more than 900 students.

22  
23 A school on a single campus which operates as a  
24 school-within-a-school, as defined by s. 1003.02(4), shall be  
25 considered a small school if each smaller unit located on the  
26 single campus meets the requirements of this subsection.

27 (3) REQUIREMENTS.--

28 (a) Beginning July 1, 2003, all plans for new  
29 educational facilities to be constructed within a school  
30 district and reflected in the 5-year school district  
31 facilities work plan shall be plans for small schools in order

1 to promote increased learning and more effective use of school  
2 facilities.

3 (b) Small schools shall comply with all laws, rules,  
4 and court orders relating to racial balance.

5 (4) EXCEPTIONS.--This section does not apply to plans  
6 for new educational facilities already under architectural  
7 contract on July 1, 2003.

8 Section 834. Section 1013.44, Florida Statutes, is  
9 created to read:

10 1013.44 Low-energy use design; solar energy systems;  
11 swimming pool heaters.--

12 (1)(a) Passive design elements and low-energy usage  
13 features shall be included in the design and construction of  
14 new educational facilities. Operable glazing consisting of at  
15 least 5 percent of the floor area shall be placed in each  
16 classroom located on the perimeter of the building. For a  
17 relocatable classroom, the area of operable glazing and the  
18 area of exterior doors, together, shall consist of at least 5  
19 percent of the floor area. Operable glazing is not required in  
20 community colleges, auxiliary facilities, music rooms, gyms,  
21 locker and shower rooms, special laboratories requiring  
22 special climate control, and large group instruction areas  
23 having a capacity of more than 100 persons.

24 (b) In the remodeling and renovation of educational  
25 facilities which have existing natural ventilation, adequate  
26 sources of natural ventilation shall be retained, or a  
27 combination of natural and low-energy usage mechanical  
28 equipment shall be provided that will permit the use of the  
29 facility without air-conditioning or heat when ambient  
30 conditions are moderate. However, the Commissioner of  
31 Education is authorized to waive this requirement when



1 environmental conditions, particularly noise and pollution  
2 factors, preclude the effective use of natural ventilation.

3 (2) Each new educational facility for which the  
4 projected demand for hot water exceeds 1,000 gallons a day  
5 shall be constructed, whenever economically and physically  
6 feasible, with a solar energy system as the primary energy  
7 source for the domestic hot water system of the facility. The  
8 solar energy system shall be sized so as to provide at least  
9 65 percent of the estimated needs of the facility. Sizing  
10 shall be determined by generally recognized simulation models,  
11 such as F-chart and SOLCOST, or by sizing tables generated by  
12 the Florida Solar Energy Center.

13 (3) If swimming and wading pools constructed as an  
14 integral part of an educational facility or plant are heated,  
15 such pools shall, whenever feasible, be heated by either a  
16 waste heat recovery system or a solar energy system.

17 Section 835. Section 1013.45, Florida Statutes, is  
18 created to read:

19 1013.45 Educational facilities contracting and  
20 construction techniques.--

21 (1) Boards may employ procedures to contract for  
22 construction of new facilities, or major additions to existing  
23 facilities, that will include, but not be limited to:

- 24 (a) Competitive bids.
- 25 (b) Design-build pursuant to s. 287.055.
- 26 (c) Selecting a construction management entity,  
27 pursuant to the process provided by s. 287.055, that would be  
28 responsible for all scheduling and coordination in both design  
29 and construction phases and is generally responsible for the  
30 successful, timely, and economical completion of the  
31 construction project. The construction management entity must

1 consist of or contract with licensed or registered  
 2 professionals for the specific fields or areas of construction  
 3 to be performed, as required by law. At the option of the  
 4 board, the construction management entity, after having been  
 5 selected, may be required to offer a guaranteed maximum price  
 6 or a guaranteed completion date; in which case, the  
 7 construction management entity must secure an appropriate  
 8 surety bond pursuant to s. 255.05 and must hold construction  
 9 subcontracts. The criteria for selecting a construction  
 10 management entity shall not unfairly penalize an entity that  
 11 has relevant experience in the delivery of construction  
 12 projects of similar size and complexity by methods of delivery  
 13 other than construction management.

14 (d) Selecting a program management entity, pursuant to  
 15 the process provided by s. 287.055, that would act as the  
 16 agent of the board and would be responsible for schedule  
 17 control, cost control, and coordination in providing or  
 18 procuring planning, design, and construction services. The  
 19 program management entity must consist of or contract with  
 20 licensed or registered professionals for the specific areas of  
 21 design or construction to be performed as required by law. The  
 22 program management entity may retain necessary design  
 23 professionals selected under the process provided in s.  
 24 287.055. At the option of the board, the program management  
 25 entity, after having been selected, may be required to offer a  
 26 guaranteed maximum price or a guaranteed completion date, in  
 27 which case, the program management entity must secure an  
 28 appropriate surety bond pursuant to s. 255.05 and must hold  
 29 design and construction subcontracts. The criteria for  
 30 selecting a program management entity shall not unfairly  
 31 penalize an entity that has relevant experience in the

1 delivery of construction programs of similar size and  
2 complexity by methods of delivery other than program  
3 management.

4 (e) Day-labor contracts not exceeding \$200,000 for  
5 construction, renovation, remodeling, or maintenance of  
6 existing facilities.

7 (2) For the purposes of this section, "day-labor  
8 contract" means a project constructed using persons employed  
9 directly by a board or by contracted labor.

10 (3) Contractors, design-build firms, contract  
11 management entities, program management entities, or any other  
12 person under contract to construct facilities or major  
13 additions to facilities may use any construction techniques  
14 allowed by contract and not prohibited by law, including, but  
15 not limited to, those techniques known as fast-track  
16 construction scheduling, use of components, and systems  
17 building process.

18 (4) Except as otherwise provided in this section and  
19 s. 481.229, the services of a registered architect must be  
20 used for the development of plans for the erection,  
21 enlargement, or alteration of any educational facility. The  
22 services of a registered architect are not required for a  
23 minor renovation project for which the construction cost is  
24 less than \$50,000 or for the placement or hookup of  
25 relocatable educational facilities that conform with standards  
26 adopted under s. 1013.37. However, boards must provide  
27 compliance with building code requirements and ensure that  
28 these structures are adequately anchored for wind resistance  
29 as required by law. Boards are encouraged to consider the  
30 reuse of existing construction documents or design criteria  
31 packages where such reuse is feasible and practical.

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1 Notwithstanding s. 287.055, a board may purchase the  
2 architectural services for the design of educational or  
3 ancillary facilities under an existing contract agreement for  
4 professional services held by a district school board in the  
5 State of Florida, provided that the purchase is to the  
6 economic advantage of the purchasing board, the services  
7 conform to the standards prescribed by rules of the State  
8 Board of Education, and such reuse is not without notice to,  
9 and permission from, the architect of record whose plans or  
10 design criteria are being reused. Plans shall be reviewed for  
11 compliance with the state requirements for educational  
12 facilities. Rules adopted under this section must establish  
13 uniform prequalification, selection, bidding, and negotiation  
14 procedures applicable to construction management contracts and  
15 the design-build process. This section does not supersede any  
16 small, woman-owned or minority-owned business enterprise  
17 preference program adopted by a board. Except as otherwise  
18 provided in this section, the negotiation procedures  
19 applicable to construction management contracts and the  
20 design-build process must conform to the requirements of s.  
21 287.055. A board may not modify any rules regarding  
22 construction management contracts or the design-build process.

23 Section 836. Part III.c. of chapter 1013, Florida  
24 Statutes, shall be entitled "Contracting for Educational  
25 Facilities" and shall consist of ss. 1013.46-1013.51.

26 Section 837. Section 1013.46, Florida Statutes, is  
27 created to read:

28 1013.46 Advertising and awarding contracts;  
29 prequalification of contractor.--

30 (1)(a) As soon as practicable after any bond issue has  
31 been voted upon and authorized or funds have been made

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1 available for the construction, remodeling, renovation,  
2 demolition, or otherwise for the improvement, of any  
3 educational or ancillary plant, and after plans for the work  
4 have been approved, the board, if competitively bidding the  
5 project pursuant to s. 1013.45, after advertising the same in  
6 the manner prescribed by law or rule, shall award the contract  
7 for the building or improvements to the lowest responsible  
8 bidder. However, if after taking all deductive alternates, the  
9 bid of the lowest responsible bidder exceeds the construction  
10 budget for the project established at the phase III submittal,  
11 the board may declare an emergency. After stating the reasons  
12 why an emergency exists, the board may negotiate the  
13 construction contract or modify the contract, including the  
14 specifications, with the lowest responsible bidder and, if the  
15 contract is modified, shall resubmit the documents to the  
16 authorized review authority for review to confirm that the  
17 project remains in compliance with building and fire codes.  
18 The board may reject all bids received and may readvertise,  
19 calling for new bids.

20 (b) Each board may declare an emergency pursuant to  
21 this subsection. A situation created by fire, storm, or other  
22 providential cause resulting in:

- 23 1. Imminent danger to life or safety; or
- 24 2. Overcrowding of students

25  
26 constitutes an emergency.

27 (c) As an option, any county, municipality, or board  
28 may set aside up to 10 percent of the total amount of funds  
29 allocated for the purpose of entering into construction  
30 capital project contracts with minority business enterprises,  
31 as defined in s. 287.094. Such contracts shall be

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1 competitively bid only among minority business enterprises.  
 2 The set-aside shall be used to redress present effects of past  
 3 discriminatory practices and shall be subject to periodic  
 4 reassessment to account for changing needs and circumstances.

5 (2) Boards shall prequalify bidders for construction  
 6 contracts according to rules prescribed by the State Board of  
 7 Education which require the prequalification of bidders of  
 8 educational facilities construction. Boards shall require that  
 9 all construction or capital improvement bids be accompanied by  
 10 evidence that the bidder holds an appropriate certificate or  
 11 license or that the prime contractor has a current valid  
 12 license.

13 Section 838. Section 1013.47, Florida Statutes, is  
 14 created to read:

15 1013.47 Substance of contract; contractors to give  
 16 bond; penalties.--Each board shall develop contracts  
 17 consistent with this chapter and statutes governing public  
 18 facilities. Such a contract must contain the drawings and  
 19 specifications of the work to be done and the material to be  
 20 furnished, the time limit in which the construction is to be  
 21 completed, the time and method by which payments are to be  
 22 made upon the contract, and the penalty to be paid by the  
 23 contractor for any failure to comply with the terms of the  
 24 contract. The board may require the contractor to pay a  
 25 penalty for any failure to comply with the terms of the  
 26 contract and may provide an incentive for early completion.  
 27 Upon accepting a satisfactory bid, the board shall enter into  
 28 a contract with the party or parties whose bid has been  
 29 accepted. The contractor shall furnish the board with a  
 30 performance and payment bond as set forth in s. 255.05. A  
 31 board or other public entity may not require a contractor to

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1 secure a surety bond under s. 255.05 from a specific agent or  
2 bonding company. Notwithstanding any other provision of this  
3 section, if 25 percent or more of the costs of any  
4 construction project is paid out of a trust fund established  
5 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics  
6 employed by contractors or subcontractors on such construction  
7 will be paid wages not less than those prevailing on similar  
8 construction projects in the locality, as determined by the  
9 Secretary of Labor in accordance with the Davis-Bacon Act, as  
10 amended. A person, firm, or corporation that constructs any  
11 part of any educational plant, or addition thereto, on the  
12 basis of any unapproved plans or in violation of any plans  
13 approved in accordance with the provisions of this chapter and  
14 rules of the State Board of Education relating to building  
15 standards or specifications is subject to forfeiture of bond  
16 and unpaid compensation in an amount sufficient to reimburse  
17 the board for any costs that will need to be incurred in  
18 making any changes necessary to assure that all requirements  
19 are met and is also guilty of a misdemeanor of the second  
20 degree, punishable as provided in s. 775.082 or s. 775.083,  
21 for each separate violation.

22 Section 839. Section 1013.48, Florida Statutes, is  
23 created to read:

24 1013.48 Changes in construction requirements after  
25 award of contract.--The board may, at its option and by  
26 written policy duly adopted and entered in its official  
27 minutes, authorize the superintendent or president or other  
28 designated individual to approve change orders in the name of  
29 the board for preestablished amounts. Approvals shall be for  
30 the purpose of expediting the work in progress and shall be  
31 reported to the board and entered in its official minutes. For

1 accountability, the school district shall monitor and report  
2 the impact of change orders on its district facilities work  
3 program pursuant to s. 1013.35.

4 Section 840. Section 1013.49, Florida Statutes, is  
5 created to read:

6 1013.49 Toxic substances in construction, repair, or  
7 maintenance of educational facilities.--

8 (1) All toxic substances enumerated in the Florida  
9 Substance List established pursuant to s. 442.103 that are to  
10 be used in the construction, repair, or maintenance of  
11 educational facilities have restricted usage provisions.

12 (2) Before any such substance may be used, the  
13 contractor shall notify the district school superintendent or  
14 public postsecondary institution president in writing at least  
15 three working days prior to using the substance. The  
16 notification shall contain:

- 17 (a) The name of the substance to be used;
- 18 (b) Where the substance is to be used; and
- 19 (c) When the substance is to be used.

20  
21 A copy of a material safety data sheet as defined in s.  
22 442.102 shall be attached to the notification for each such  
23 substance.

24 Section 841. Section 1013.50, Florida Statutes, is  
25 created to read:

26 1013.50 Final payment to contractor.--

27 (1) The final payment to the contractor shall not be  
28 made until the construction project has been inspected by the  
29 architect or other person designated by the board for that  
30 purpose and until he or she has issued a written certificate  
31 that the project has been constructed in accordance with the



1 approved plans and specifications and approved change orders  
 2 and until the board, acting on these recommendations, has  
 3 accepted the project. After acceptance by the board, a  
 4 duplicate copy of this written certificate, duly certified as  
 5 having been accepted by the board, as well as other related  
 6 data on contract costs and total costs per student station,  
 7 space inventory update, and other related building information  
 8 must be filed with the department for budget and cost  
 9 reporting purposes.

10       (2) Boards shall have full authority and  
 11 responsibility for all decisions regarding educational and  
 12 ancillary plant construction contracts, change orders, and  
 13 payments.

14       Section 842. Section 1013.51, Florida Statutes, is  
 15 created to read:

16       1013.51 Expenditures authorized for certain  
 17 infrastructure.--

18       (1)(a) Subject to exemption from the assessment of  
 19 fees pursuant to s. 1013.37(1), education boards, boards of  
 20 county commissioners, municipal boards, and other agencies and  
 21 boards of the state may expend funds, separately or  
 22 collectively, by contract or agreement, for the placement,  
 23 paving, or maintaining of any road, byway, or sidewalk if the  
 24 road, byway, or sidewalk is contiguous to or runs through the  
 25 property of any educational plant or for the maintenance or  
 26 improvement of the property of any educational plant or of any  
 27 facility on such property. Expenditures may also be made for  
 28 sanitary sewer, water, stormwater, and utility improvements  
 29 upon, or contiguous to, and for the installation, operation,  
 30 and maintenance of traffic control and safety devices upon, or  
 31 contiguous to, any existing or proposed educational plant.

1           (b) A board may pay its proportionate share of the  
 2 cost of onsite and offsite system improvements necessitated by  
 3 the educational facility development, but a board is not  
 4 required to pay for or install any improvements that exceed  
 5 those required to meet the onsite and offsite needs of a new  
 6 public educational facility or an expanded site. Development  
 7 exactions assessed against school boards or community college  
 8 districts may not exceed the proportionate share of the cost  
 9 of system improvements necessitated by the educational  
 10 facility development and may not address existing facility or  
 11 service backlogs or deficits.

12           (c) The boards of county commissioners, municipal  
 13 boards, and other agencies and boards of the state may plant  
 14 or maintain trees, flowers, shrubbery, and beautifying plants  
 15 upon the grounds of any educational plant, upon approval of  
 16 the superintendent or president or the designee of either of  
 17 them. Payment by a board for any improvement set forth in this  
 18 section shall be authorized in any amounts agreed to by the  
 19 board. Any payments so authorized to be made are not mandatory  
 20 unless the specific improvement and costs have been agreed to  
 21 prior to the improvement's being made.

22           (2) The provisions of any law, municipal ordinance, or  
 23 county ordinance to the contrary notwithstanding, the  
 24 provisions of this section regulate the levying of assessments  
 25 for special benefits on school or community college districts  
 26 and the directing of the payment thereof. Any municipal  
 27 ordinance or county ordinance making provision to the contrary  
 28 is void.

29           (3) Notwithstanding any other law, if a board agrees  
 30 to construct or upgrade water or sewer facilities, or  
 31 otherwise provide, construct, upgrade, or maintain offsite

1 infrastructure beyond its proportionate share of  
 2 responsibility, the local government that issues development  
 3 approvals shall assure that the board is reimbursed for the  
 4 additional costs incurred, to the extent that other  
 5 development occurs which demands use of such infrastructure.

6 (4) Expenditure for infrastructure for universities  
 7 shall be as authorized in s. 1013.30.

8 Section 843. Part III.d. of chapter 1013, Florida  
 9 Statutes, shall be entitled "Cooperative Development of  
 10 Educational Facilities" and shall consist of ss.  
 11 1013.52-1013.54.

12 Section 844. Section 1013.52, Florida Statutes, is  
 13 created to read:

14 1013.52 Cooperative development and joint use of  
 15 facilities by two or more boards.--

16 (1) Two or more boards, including district school  
 17 boards, community college boards of trustees, the Board of  
 18 Trustees for the Florida School for the Deaf and the Blind,  
 19 and university boards of trustees, desiring to cooperatively  
 20 establish a common educational facility to accommodate  
 21 students shall:

22 (a) Jointly request a formal assessment by the  
 23 Commissioner of Education of the academic program need and the  
 24 need to build new joint-use facilities to house approved  
 25 programs. Completion of the assessment and approval of the  
 26 project by the State Board of Education or the Commissioner of  
 27 Education, as appropriate, should be done prior to conducting  
 28 an educational facilities survey.

29 (b) Demonstrate the need for construction of new  
 30 joint-use facilities involving postsecondary institutions by  
 31 those institutions presenting evidence of the presence of

1 sufficient actual full-time equivalent enrollments in the  
 2 locale in leased, rented, or borrowed spaces to justify the  
 3 requested facility for the programs identified in the formal  
 4 assessment rather than using projected or anticipated future  
 5 full-time equivalent enrollments as justification. If the  
 6 decision is made to construct new facilities to meet this  
 7 demonstrated need, then building plans should consider  
 8 full-time equivalent enrollment growth facilitated by this new  
 9 construction and subsequent new program offerings made  
 10 possible by the existence of the new facilities.

11 (c) Adopt and submit to the commissioner a joint  
 12 resolution of the participating boards indicating their  
 13 commitment to the utilization of the requested facility and  
 14 designating the locale of the proposed facility. The joint  
 15 resolution shall contain a statement of determination by the  
 16 participating boards that alternate options, including the use  
 17 of leased, rented, or borrowed space, were considered and  
 18 found less appropriate than construction of the proposed  
 19 facility. The joint resolution shall contain assurance that  
 20 the development of the proposed facility has been examined in  
 21 conjunction with the programs offered by neighboring public  
 22 educational facilities offering instruction at the same level.  
 23 The joint resolution also shall contain assurance that each  
 24 participating board shall provide for continuity of  
 25 educational progression. All joint resolutions shall be  
 26 submitted to the commissioner by August 1 for consideration of  
 27 funding by the subsequent Legislature.

28 (d) Submit requests for funding of joint-use  
 29 facilities projects involving state universities and community  
 30 colleges for approval by the Commissioner of Education. The  
 31 Commissioner of Education shall determine the priority for

1 funding these projects in relation to the priority of all  
 2 other capital outlay projects under their consideration. To be  
 3 eligible for funding from the Public Education Capital Outlay  
 4 and Debt Service Trust Fund under the provisions of this  
 5 section, projects involving both state universities and  
 6 community colleges shall appear on the 3-year capital outlay  
 7 priority lists of community colleges and of universities  
 8 required by s. 1013.64. Projects involving a state university,  
 9 community college, and a public school, and in which the  
 10 larger share of the proposed facility is for the use of the  
 11 state university or the community college, shall appear on the  
 12 3-year capital outlay priority lists of the community colleges  
 13 or of the universities, as applicable.

14 (e) Include in their joint resolution for the  
 15 joint-use facilities, comprehensive plans for the operation  
 16 and management of the facility upon completion. Institutional  
 17 responsibilities for specific functions shall be identified,  
 18 including designation of one participating board as sole owner  
 19 of the facility. Operational funding arrangements shall be  
 20 clearly defined.

21 (2) An educational plant survey must be conducted  
 22 within 90 days after submission of the joint resolution and  
 23 substantiating data describing the benefits to be obtained,  
 24 the programs to be offered, and the estimated cost of the  
 25 proposed project. Upon completion of the educational plant  
 26 survey, the participating boards may include the recommended  
 27 projects in their plan as provided in s. 1013.31. Upon  
 28 approval of the project by the commissioner, 25 percent of the  
 29 total cost of the project, or the pro rata share based on  
 30 space utilization of 25 percent of the cost, must be included  
 31 in the department's legislative capital outlay budget request

1 as provided in s. 1013.60 for educational plants. The  
 2 participating boards must include in their joint resolution a  
 3 commitment to finance the remaining funds necessary to  
 4 complete the planning, construction, and equipping of the  
 5 facility. Funds from the Public Education Capital Outlay and  
 6 Debt Service Trust Fund may not be expended on any project  
 7 unless specifically authorized by the Legislature.

8 (3) Included in all proposals for joint-use facilities  
 9 must be documentation that the proposed new campus or new  
 10 joint-use facility has been reviewed by the State Board of  
 11 Education and has been formally requested for authorization by  
 12 the Legislature.

13 (4) No district school board, community college, or  
 14 state university shall receive funding for more than one  
 15 approved joint-use facility per campus in any 3-year period.

16 Section 845. Section 1013.53, Florida Statutes, is  
 17 created to read:

18 1013.53 Cooperative development of educational  
 19 facilities in juvenile justice programs.--

20 (1) The Department of Juvenile Justice shall provide  
 21 early notice to school districts regarding the siting of new  
 22 juvenile justice facilities. School districts shall include  
 23 the projected number of students in the districts' annual  
 24 estimates. School districts must be consulted regarding the  
 25 types of students expected to be assigned to commitment  
 26 facilities for education planning and budgeting purposes.

27 (2) The Department of Juvenile Justice shall notify,  
 28 in writing, the Department of Education when a request for  
 29 proposals is issued for the construction or operation of a  
 30 commitment or detention facility anywhere in the state. The  
 31 Department of Juvenile Justice shall notify, in writing, the

1 appropriate school district when a request for proposals is  
2 issued for the construction or operation of a commitment or  
3 detention facility when a county or site is specifically  
4 identified.

5 (3) The Department of Juvenile Justice shall also  
6 notify the district school superintendent within 30 days  
7 after:

8 (a) The award of a contract for the construction or  
9 operation of a commitment or detention facility within that  
10 school district.

11 (b) Obtaining a permit to begin construction of a new  
12 detention or commitment facility within that school district.

13 Section 846. Section 1013.54, Florida Statutes, is  
14 created to read:

15 1013.54 Cooperative development and use of satellite  
16 facilities by private industry and district school boards.--

17 (1) Each district school board may submit, prior to  
18 August 1 of each year, a request to the commissioner for funds  
19 from the Public Education Capital Outlay and Debt Service  
20 Trust Fund to construct, remodel, or renovate an educational  
21 facility within the industrial environment. No district school  
22 board may apply for more than one facility per year. Such  
23 request shall contain the following provisions:

24 (a) A detailed description of the satellite site, the  
25 site development necessary for new construction, remodeling,  
26 or renovation for the accomplishment of the project, and the  
27 facility to be constructed. The facility shall be located on a  
28 site owned by the business and leased to the district school  
29 board at no cost. However, the minimum agreement shall be for  
30 a period of at least 5 years. The amounts provided by the  
31 state and the district school board shall be considered full

1 consideration for the lease. If the lease agreement is  
 2 terminated early, the business shall reimburse the district  
 3 school board an amount determined by multiplying the amounts  
 4 contributed by the district school board and the state by a  
 5 fraction the numerator of which is the number of months  
 6 remaining in the original agreement and the denominator of  
 7 which is the total number of months of the agreement.

8 (b) A detailed description and analysis of the  
 9 educational programs to be offered and the benefits that will  
 10 accrue to the students through the instructional programs upon  
 11 completion of the facility.

12 (c) The estimated number of full-time students whose  
 13 regularly scheduled daily instructional program will utilize  
 14 the facility.

15 (d) The estimated cost of the facility and site  
 16 development not to exceed the department's average cost of new  
 17 construction adjusted to the respective county cost index. If  
 18 a site must be acquired, the estimated cost of the site shall  
 19 be provided.

20 (e) A resolution or other appropriate indication of  
 21 intent to participate in the funding and utilization of the  
 22 educational facility from private industry. Such indication  
 23 shall include a commitment by private industry to provide at  
 24 least one-half of the cost of the facility. The district  
 25 school board shall provide one-fourth of the cost of the  
 26 facility and, if approved, the state shall provide one-fourth  
 27 of the cost of the facility. Funds from the Public Education  
 28 Capital Outlay and Debt Service Trust Fund may not be expended  
 29 on any project unless specifically authorized by the  
 30 Legislature.

31 (f) The designation as to which agency is to assume



1 responsibility for the operation, maintenance, and control of  
2 the proposed facility.

3 (g) Documentation by the district school board that a  
4 long-term lease for the use of the educational facility for a  
5 period of not less than 40 years or the life expectancy of the  
6 permanent facility constructed thereon, whichever is longer,  
7 has been obtained from private industry.

8 (2) The commissioner shall appoint a review committee  
9 to make recommendations and prioritize requests. If the  
10 project is approved by the commissioner, the commissioner  
11 shall include up to one-fourth of the cost of the project in  
12 the legislative capital outlay budget request, as provided in  
13 s. 1013.60, for the funding of capital outlay projects  
14 involving both educational and private industry. The  
15 commissioner shall prioritize any such projects for each  
16 fiscal year and, notwithstanding the provisions of s.  
17 1013.64(3)(c), limit the recommended state funding amount not  
18 to exceed 5 percent off the top of the total funds recommended  
19 pursuant to s. 1013.64(2) and (3).

20 (3) Facilities funded pursuant to this section and all  
21 existing satellite facilities shall be exempt from ad valorem  
22 taxes as long as the facility is used exclusively for public  
23 educational purposes.

24 Section 847. Part IV of chapter 1013, Florida  
25 Statutes, shall be entitled "Funding for Educational  
26 Facilities" and shall consist of ss. 1013.60-1013.82.

27 Section 848. Section 1013.60, Florida Statutes, is  
28 created to read:

29 1013.60 Legislative capital outlay budget request.--

30 (1) The Commissioner of Education shall develop a  
31 procedure deemed appropriate in arriving at the amounts

1 required to fund projects as reflected in the integrated,  
 2 comprehensive budget request required by this section. The  
 3 official estimates for funds accruing to the Public Education  
 4 Capital Outlay and Debt Service Trust Fund made by the revenue  
 5 estimating conference shall be used in determining the budget  
 6 request pursuant to this section. The commissioner, in  
 7 consultation with the appropriations committees of the  
 8 Legislature, shall provide annually an estimate of funds that  
 9 shall be utilized by community colleges and universities in  
 10 developing their required 3-year priority lists pursuant to s.  
 11 1013.64.

12       (2) The commissioner shall submit to the Governor and  
 13 to the Legislature an integrated, comprehensive budget request  
 14 for educational facilities construction and fixed capital  
 15 outlay needs for school districts, community colleges, and  
 16 universities, pursuant to the provisions of s. 1013.64 and  
 17 applicable provisions of chapter 216. Each community college  
 18 board of trustees and each university board of trustees shall  
 19 submit to the commissioner a 3-year plan and data required in  
 20 the development of the annual capital outlay budget. No  
 21 further disbursements shall be made from the Public Education  
 22 Capital Outlay and Debt Service Trust Fund to a board of  
 23 trustees that fails to timely submit the required data until  
 24 such board of trustees submits the data.

25       (3) The commissioner shall submit an integrated,  
 26 comprehensive budget request to the Executive Office of the  
 27 Governor and to the Legislature each fiscal year by the  
 28 submission date specified in s. 216.023(1). Notwithstanding  
 29 the provisions of s. 216.043, the integrated, comprehensive  
 30 budget request shall include:

31       (a) Recommendations for the priority of expenditure of

1 funds in the state system of public education, with reasons  
2 for the recommended priorities, and other recommendations  
3 which relate to the effectiveness of the educational  
4 facilities construction program.

5 (b) All items in s. 1013.64.

6 Section 849. Section 1013.61, Florida Statutes, is  
7 created to read:

8 1013.61 Annual capital outlay budget.--Each board  
9 shall, each year, adopt a capital outlay budget for the  
10 ensuing year in order that the capital outlay needs of the  
11 board for the entire year may be well understood by the  
12 public. This capital outlay budget shall be a part of the  
13 annual budget and shall be based upon and in harmony with the  
14 board's capital outlay plan. This budget shall designate the  
15 proposed capital outlay expenditures by project for the year  
16 from all fund sources. The board may not expend any funds on  
17 any project not included in the budget, as amended. Each  
18 district school board must prepare its tentative district  
19 facilities work program as required by s. 1013.35 before  
20 adopting the capital outlay budget.

21 Section 850. Section 1013.62, Florida Statutes, is  
22 created to read:

23 1013.62 Charter schools capital outlay funding.--

24 (1) In each year in which funds are appropriated for  
25 charter school capital outlay purposes, the Commissioner of  
26 Education shall allocate the funds among eligible charter  
27 schools. To be eligible for a funding allocation, a charter  
28 school must meet the provisions of subsection (6), must have  
29 received final approval from its sponsor pursuant to s.  
30 1002.33 for operation during that fiscal year, and must serve  
31 students in facilities that are not provided by the charter

1 school's sponsor. Prior to the release of capital outlay funds  
2 to a school district on behalf of the charter school, the  
3 Department of Education shall ensure that the district school  
4 board and the charter school governing board enter into a  
5 written agreement that includes provisions for the reversion  
6 of any unencumbered funds and all equipment and property  
7 purchased with public education funds to the ownership of the  
8 district school board, as provided for in subsection (3), in  
9 the event that the school terminates operations. Any funds  
10 recovered by the state shall be deposited in the General  
11 Revenue Fund. A charter school is not eligible for a funding  
12 allocation if it was created by the conversion of a public  
13 school and operates in facilities provided by the charter  
14 school's sponsor for a nominal fee or at no charge or if it is  
15 directly or indirectly operated by the school district. Unless  
16 otherwise provided in the General Appropriations Act, the  
17 funding allocation for each eligible charter school shall be  
18 determined by multiplying the school's projected student  
19 enrollment by one-fifteenth of the cost-per-student station  
20 specified in s. 1013.64(6)(b) for an elementary, middle, or  
21 high school, as appropriate. If the funds appropriated are not  
22 sufficient, the commissioner shall prorate the available funds  
23 among eligible charter schools. Funds shall be distributed on  
24 the basis of the capital outlay full-time equivalent  
25 membership by grade level, which shall be calculated by  
26 averaging the results of the second and third enrollment  
27 surveys. The Department of Education shall distribute capital  
28 outlay funds monthly, beginning in the first quarter of the  
29 fiscal year, based on one-twelfth of the amount the department  
30 reasonably expects the charter school to receive during that  
31 fiscal year. The commissioner shall adjust subsequent

1 distributions as necessary to reflect each charter school's  
 2 actual student enrollment as reflected in the second and third  
 3 enrollment surveys. The commissioner shall establish the  
 4 intervals and procedures for determining the projected and  
 5 actual student enrollment of eligible charter schools.

6 (2) A charter school's governing body may use charter  
 7 school capital outlay funds for any capital outlay purpose  
 8 that is directly related to the functioning of the charter  
 9 school, including the:

10 (a) Purchase of real property.

11 (b) Construction, renovation, repair, and maintenance  
 12 of school facilities.

13 (c) Purchase, lease-purchase, or lease of permanent or  
 14 relocatable school facilities.

15 (d) Purchase of vehicles to transport students to and  
 16 from the charter school.

17 (3) When a charter school is nonrenewed or terminated,  
 18 any unencumbered funds and all equipment and property  
 19 purchased with district public funds shall revert to the  
 20 ownership of the district school board, as provided for in s.  
 21 1002.33(8)(e) and (f). In the case of a charter lab school,  
 22 any unencumbered funds and all equipment and property  
 23 purchased with university public funds shall revert to the  
 24 ownership of the state university that issued the charter. The  
 25 reversion of such equipment, property, and furnishings shall  
 26 focus on recoverable assets, but not on intangible or  
 27 irrecoverable costs such as rental or leasing fees, normal  
 28 maintenance, and limited renovations. The reversion of all  
 29 property secured with public funds is subject to the complete  
 30 satisfaction of all lawful liens or encumbrances. If there are  
 31 additional local issues such as the shared use of facilities

1 or partial ownership of facilities or property, these issues  
2 shall be agreed to in the charter contract prior to the  
3 expenditure of funds.

4 (4) The Commissioner of Education shall specify  
5 procedures for submitting and approving requests for funding  
6 under this section and procedures for documenting  
7 expenditures.

8 (5) The annual legislative budget request of the  
9 Department of Education shall include a request for capital  
10 outlay funding for charter schools. The request shall be based  
11 on the projected number of students to be served in charter  
12 schools who meet the eligibility requirements of this section.

13 (6) Unless authorized otherwise by the Legislature,  
14 allocation and proration of charter school capital outlay  
15 funds shall be made to eligible charter schools by the  
16 Commissioner of Education in an amount and in a manner  
17 authorized by subsection (1).

18 Section 851. Section 1013.63, Florida Statutes, is  
19 created to read:

20 1013.63 University Concurrency Trust  
21 Fund.--Notwithstanding any other provision of law, the general  
22 revenue service charge deducted pursuant to s. 215.20 on  
23 revenues raised by any local option motor fuel tax levied  
24 pursuant to s. 336.025(1)(b), as created by chapter 93-206,  
25 Laws of Florida, shall be deposited in the University  
26 Concurrency Trust Fund, which is administered by the State  
27 Board of Education. Moneys in such trust fund shall be for the  
28 purpose of funding university offsite improvements required to  
29 meet concurrency standards adopted under part II of chapter  
30 163. In addition, in any year in which campus master plans are  
31 updated pursuant to s. 1013.30, but no more frequently than

1 once every 5 years, up to 25 percent of the balance in the  
2 trust fund for that year may be used to defray the costs  
3 incurred in updating those campus master plans.

4 Section 852. Section 1013.64, Florida Statutes, is  
5 created to read:

6 1013.64 Funds for comprehensive educational plant  
7 needs; construction cost maximums for school district capital  
8 projects.--Allocations from the Public Education Capital  
9 Outlay and Debt Service Trust Fund to the various boards for  
10 capital outlay projects shall be determined as follows:

11 (1)(a) Funds for remodeling, renovation, maintenance,  
12 repairs, and site improvement for existing satisfactory  
13 facilities shall be given priority consideration by the  
14 Legislature for appropriations allocated to the boards from  
15 the total amount of the Public Education Capital Outlay and  
16 Debt Service Trust Fund appropriated. These funds shall be  
17 calculated pursuant to the following basic formula: the  
18 building value times the building age over the sum of the  
19 years' digits assuming a 50-year building life. For  
20 relocatable facilities, a 20-year life shall be used.

21 "Building value" is calculated by multiplying each building's  
22 total assignable square feet times the appropriate  
23 net-to-gross conversion rate found in state board rules and  
24 that product times the current average new construction cost.

25 "Building age" is calculated by multiplying the prior year's  
26 building age times 1 minus the prior year's sum received from  
27 this subsection divided by the prior year's building value. To  
28 the net result shall be added the number 1. Each board shall  
29 receive the percentage generated by the preceding formula of  
30 the total amount appropriated for the purposes of this  
31 section.

1           (b) Each board is prohibited from using the funds  
2 received pursuant to this section to supplant funds in the  
3 current fiscal year approved operating budget, and all  
4 budgeted funds shall be expended at a rate not less than would  
5 have been expended had the funds under this section not been  
6 received.

7           (c) Each remodeling, renovation, maintenance, repair,  
8 or site improvement project will expand or upgrade current  
9 educational plants to prolong the useful life of the plant.

10           (d) Each board shall maintain fund accounting in a  
11 manner which will permit a detailed audit of the funds  
12 expended in this program.

13           (e) Remodeling projects shall be based on the  
14 recommendations of a survey pursuant to s. 1013.31.

15           (f) At least one-tenth of a board's annual allocation  
16 provided under this section shall be spent to correct unsafe,  
17 unhealthy, or unsanitary conditions in its educational  
18 facilities, as required by s. 1013.12, or a lesser amount  
19 sufficient to correct all deficiencies cited in its annual  
20 comprehensive safety inspection reports. This paragraph shall  
21 not be construed to limit the amount a board may expend to  
22 correct such deficiencies.

23           (g) When an existing educational plant is determined  
24 to be unsatisfactory pursuant to the survey conducted under s.  
25 1013.31, the board may, by resolution, designate the plant as  
26 a historic educational facility and may use funds generated  
27 for renovation and remodeling pursuant to this section to  
28 restore the facility for use by the board. The board shall  
29 agree to pay renovation and remodeling costs in excess of  
30 funds which such facility would have generated through the  
31 depreciation formula in paragraph (a) had the facility been



1 determined to be satisfactory. The board shall further agree  
2 that the plant shall continue to house students. The board may  
3 designate a plant as a historic educational facility only if  
4 the Division of Historical Resources of the Department of  
5 State or the appropriate historic preservation board under  
6 chapter 266 certifies that:

7 1. The plant is listed or determined eligible for  
8 listing in the National Register of Historic Places pursuant  
9 to the National Historic Preservation Act of 1966, as amended,  
10 16 U.S.C. s. 470;

11 2. The plant is designated historic within a certified  
12 local district pursuant to s. 48(q)(3)(B)(ii) of the Internal  
13 Revenue Code; or

14 3. The division or historic preservation board  
15 otherwise finds that the plant is historically significant.

16 (h) University boards of trustees may utilize funds  
17 appropriated pursuant to this section for replacement of minor  
18 facilities provided that such projects do not exceed \$500,000  
19 in cost or 5,000 gross square feet in size. Minor facilities  
20 may not be replaced from funds provided pursuant to this  
21 section unless the board determines that the cost of repair or  
22 renovation is greater than or equal to the cost of  
23 replacement.

24 (2)(a) The department shall establish, as a part of  
25 the Public Education Capital Outlay and Debt Service Trust  
26 Fund, a separate account, in an amount determined by the  
27 Legislature, to be known as the "Special Facility Construction  
28 Account." The Special Facility Construction Account shall be  
29 used to provide necessary construction funds to school  
30 districts which have urgent construction needs but which lack  
31 sufficient resources at present, and cannot reasonably

1 anticipate sufficient resources within the period of the next  
 2 3 years, for these purposes from currently authorized sources  
 3 of capital outlay revenue. A school district requesting  
 4 funding from the Special Facility Construction Account shall  
 5 submit one specific construction project, not to exceed one  
 6 complete educational plant, to the Special Facility  
 7 Construction Committee. No district shall receive funding for  
 8 more than one approved project in any 3-year period. The first  
 9 year of the 3-year period shall be the first year a district  
 10 receives an appropriation. The department shall encourage a  
 11 construction program that reduces the average size of schools  
 12 in the district. The request must meet the following criteria  
 13 to be considered by the committee:

14       1. The project must be deemed a critical need and must  
 15 be recommended for funding by the Special Facility  
 16 Construction Committee. Prior to developing plans for the  
 17 proposed facility, the district school board must request a  
 18 preapplication review by the Special Facility Construction  
 19 Committee or a project review subcommittee convened by the  
 20 committee to include two representatives of the department and  
 21 two staff from school districts not eligible to participate in  
 22 the program. Within 60 days after receiving the preapplication  
 23 review request, the committee or subcommittee must meet in the  
 24 school district to review the project proposal and existing  
 25 facilities. To determine whether the proposed project is a  
 26 critical need, the committee or subcommittee shall consider,  
 27 at a minimum, the capacity of all existing facilities within  
 28 the district as determined by the Florida Inventory of School  
 29 Houses; the district's pattern of student growth; the  
 30 district's existing and projected capital outlay full-time  
 31 equivalent student enrollment as determined by the department;

1 the district's existing satisfactory student stations; the use  
2 of all existing district property and facilities; grade level  
3 configurations; and any other information that may affect the  
4 need for the proposed project.

5 2. The construction project must be recommended in the  
6 most recent survey or surveys by the district under the rules  
7 of the State Board of Education.

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

11 4. The district must have selected and had approved a  
12 site for the construction project in compliance with s.  
13 1013.36 and the rules of the State Board of Education.

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

21 6. Upon construction, the total cost per student  
22 station, including change orders, must not exceed the cost per  
23 student station as provided in subsection (6).

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

28 8. The district shall, at the time of the request and  
29 for a continuing period of 3 years, levy the maximum millage  
30 against their nonexempt assessed property value as allowed in  
31 s. 1011.71(2) or shall raise an equivalent amount of revenue

1 from the school capital outlay surtax authorized under s.  
 2 212.055(6). Any district with a new or active project, funded  
 3 under the provisions of this subsection, shall be required to  
 4 budget no more than the value of 1.5 mills per year to the  
 5 project to satisfy the annual participation requirement in the  
 6 Special Facility Construction Account.

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

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

18 11. The district shall have on file with the  
 19 department an adopted resolution acknowledging its 3-year  
 20 commitment of all unencumbered and future revenue acquired  
 21 from s. 9(d), Art. XII of the State Constitution, as amended,  
 22 paragraph (3)(a) of this section, and s. 1011.71(2).

23 12. Final phase III plans must be certified by the  
 24 board as complete and in compliance with the building and life  
 25 safety codes prior to August 1.

26 (b) The Special Facility Construction Committee shall  
 27 be composed of the following: two representatives of the  
 28 Department of Education, a representative from the Governor's  
 29 office, a representative selected annually by the district  
 30 school boards, and a representative selected annually by the  
 31 superintendents.

1           (c) The committee shall review the requests submitted  
 2 from the districts, evaluate the ability of the project to  
 3 relieve critical needs, and rank the requests in priority  
 4 order. This statewide priority list for special facilities  
 5 construction shall be submitted to the Legislature in the  
 6 commissioner's annual capital outlay legislative budget  
 7 request at least 45 days prior to the legislative session.

8           (3)(a) Each district school board shall receive an  
 9 amount from the Public Education Capital Outlay and Debt  
 10 Service Trust Fund to be calculated by computing the capital  
 11 outlay full-time equivalent membership as determined by the  
 12 department. Such membership must include, but is not limited  
 13 to:

14           1. K-12 students, except hospital and homebound  
 15 part-time students; and

16           2. Students who are career and technical education  
 17 students, and adult disabled students and who are enrolled in  
 18 school district technical centers. The capital outlay  
 19 full-time equivalent membership shall be determined for  
 20 kindergarten through the 12th grade and for technical centers  
 21 by averaging the unweighted full-time equivalent student  
 22 membership for the second and third surveys and comparing the  
 23 results on a school-by-school basis with the Florida Inventory  
 24 for School Houses. The capital outlay full-time equivalent  
 25 membership by grade level organization shall be used in making  
 26 the following calculations: The capital outlay full-time  
 27 equivalent membership by grade level organization for the 4th  
 28 prior year must be used to compute the base-year allocation.

29 The capital outlay full-time equivalent membership by  
 30 grade-level organization for the prior year must be used to  
 31 compute the growth over the highest of the 3 years preceding

1 the prior year. From the total amount appropriated by the  
 2 Legislature pursuant to this subsection, 40 percent shall be  
 3 allocated among the base capital outlay full-time equivalent  
 4 membership and 60 percent among the growth capital outlay  
 5 full-time equivalent membership. The allocation within each of  
 6 these groups shall be prorated to the districts based upon  
 7 each district's percentage of base and growth capital outlay  
 8 full-time membership. The most recent 4-year capital outlay  
 9 full-time equivalent membership data shall be used in each  
 10 subsequent year's calculation for the allocation of funds  
 11 pursuant to this subsection. If a change, correction, or  
 12 recomputation of data during any year results in a reduction  
 13 or increase of the calculated amount previously allocated to a  
 14 district, the allocation to that district shall be adjusted  
 15 correspondingly. If such recomputation results in an increase  
 16 or decrease of the calculated amount, such additional or  
 17 reduced amounts shall be added to or reduced from the  
 18 district's future appropriations. However, no change,  
 19 correction, or recomputation of data shall be made subsequent  
 20 to 2 years following the initial annual allocation.

21 (b) Funds accruing to a district school board from the  
 22 provisions of this section shall be expended on needed  
 23 projects as shown by survey or surveys under the rules of the  
 24 State Board of Education.

25 (c) A district school board may lease relocatable  
 26 educational facilities for up to 3 years using nonbonded PECO  
 27 funds and for any time period using local capital outlay  
 28 millage.

29 (d) Funds distributed to the district school boards  
 30 shall be allocated solely based on the provisions of  
 31 paragraphs (1)(a) and (2)(a) and paragraph (a) of this

1 subsection. No individual school district projects shall be  
2 funded off the top of funds allocated to district school  
3 boards.

4 (4)(a) Community college boards of trustees and  
5 university boards of trustees shall receive funds for projects  
6 based on a 3-year priority list, to be updated annually, which  
7 is submitted to the Legislature in the legislative budget  
8 request at least 90 days prior to the legislative session. The  
9 State Board of Education shall submit a 3-year priority list  
10 for community colleges and a 3-year priority list for  
11 universities. The lists shall reflect decisions by the State  
12 Board of Education concerning program priorities that  
13 implement the statewide plan for program growth and quality  
14 improvement in education. No remodeling or renovation project  
15 shall be included on the 3-year priority list unless the  
16 project has been recommended pursuant to s. 1013.31 or is for  
17 the purpose of correcting health and safety deficiencies. No  
18 new construction project shall be included on the first year  
19 of the 3-year priority list unless the educational  
20 specifications have been approved by the commissioner for a  
21 community college or university project, as applicable. The  
22 funds requested for a new construction project in the first  
23 year of the 3-year priority list shall be in conformance with  
24 the scope of the project as defined in the educational  
25 specifications. Any new construction project requested in the  
26 first year of the 3-year priority list which is not funded by  
27 the Legislature shall be carried forward to be listed first in  
28 developing the updated 3-year priority list for the subsequent  
29 year's capital outlay budget. Should the order of the priority  
30 of the projects change from year to year, a justification for  
31 such change shall be included with the updated priority list.

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Bill No. HB 2017

Amendment No. \_\_\_\_ (for drafter's use only)

1           (b) Community college boards of trustees and  
 2 university boards of trustees may lease relocatable  
 3 educational facilities for up to 3 years using nonbonded PECO  
 4 funds.

5           (c) Community college boards of trustees and  
 6 university boards of trustees shall receive funds for  
 7 remodeling, renovation, maintenance and repairs, and site  
 8 improvement for existing satisfactory facilities pursuant to  
 9 subsection (1).

10           (5) District school boards shall identify each fund  
 11 source and the use of each proportionate to the project cost,  
 12 as identified in the bid document, to assure compliance with  
 13 this section. The data shall be submitted to the department,  
 14 which shall track this information as submitted by the boards.  
 15 PECO funds shall not be expended as indicated in the  
 16 following:

17           (a) District school boards shall provide landscaping  
 18 by local funding sources or initiatives. District school  
 19 boards are exempt from local landscape ordinances but may  
 20 comply with the local requirements if such compliance is less  
 21 costly than compliance with the landscape requirements of the  
 22 State Uniform Building Code for Public Educational Facilities.

23           (b) PECO funds shall not be used for the construction  
 24 of football fields, bleachers, site lighting for athletic  
 25 facilities, tennis courts, stadiums, racquetball courts, or  
 26 any other competition-type facilities not required for  
 27 physical education curriculum. Regional or intradistrict  
 28 football stadiums may be constructed with these funds provided  
 29 a minimum of two high schools and two middle schools are  
 30 assigned to the facility and the stadiums are survey  
 31 recommended. Sophisticated auditoria shall be limited to



1 magnet performing arts schools, with all other schools using  
 2 basic lighting and sound systems as determined by rule. Local  
 3 funds shall be used for enhancement of athletic and performing  
 4 arts facilities.

5 (6)(a) Each district school board must meet all  
 6 educational plant space needs of its elementary, middle, and  
 7 high schools before spending funds from the Public Education  
 8 Capital Outlay and Debt Service Trust Fund or the School  
 9 District and Community College District Capital Outlay and  
 10 Debt Service Trust Fund for any ancillary plant or any other  
 11 new construction, renovation, or remodeling of ancillary  
 12 space. Expenditures to meet such space needs may include  
 13 expenditures for site acquisition; new construction of  
 14 educational plants; renovation, remodeling, and maintenance  
 15 and repair of existing educational plants, including auxiliary  
 16 facilities; and the directly related costs of such services of  
 17 school district personnel. It is not the intent of the  
 18 Legislature to preclude the use of capital outlay funding for  
 19 the labor costs necessary to accomplish the authorized uses  
 20 for the capital outlay funding. Day-labor contracts or any  
 21 other educational facilities contracting and construction  
 22 techniques pursuant to s. 1013.45 are authorized.

23 Additionally, if a school district has salaried maintenance  
 24 staff whose duties consist solely of performing the labor  
 25 necessary to accomplish the authorized uses for the capital  
 26 outlay funding, such funding may be used for those salaries;  
 27 however, if a school district has salaried staff whose duties  
 28 consist partially of performing the labor necessary to  
 29 accomplish the authorized uses for the capital outlay funding,  
 30 the district shall prorate the portion of salary of each such  
 31 employee that is based on labor for authorized capital outlay

1 funding, and such funding may be used to pay that portion.

2 (b)1. A district school board must not use funds from  
3 the Public Education Capital Outlay and Debt Service Trust  
4 Fund or the School District and Community College District  
5 Capital Outlay and Debt Service Trust Fund for any new  
6 construction of educational plant space with a total cost per  
7 student station, including change orders, that equals more  
8 than:

- 9 a. \$11,600 for an elementary school,
- 10 b. \$13,300 for a middle school, or
- 11 c. \$17,600 for a high school,

12  
13 (1997) as adjusted annually by the Consumer Price Index.

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

20 (c) Except as otherwise provided, new construction  
21 initiated by a district school board after June 30, 1997, must  
22 not exceed the cost per student station as provided in  
23 paragraph (b).

24 (d) The department shall compute for each calendar  
25 year the statewide average construction costs for facilities  
26 servng each instructional level, for relocatable educational  
27 facilities, for administrative facilities, and for other  
28 ancillary and auxiliary facilities. The department shall  
29 compute the statewide average costs per student station for  
30 each instructional level. Cost per student station includes  
31 contract costs, legal and administrative costs, fees of

1 architects and engineers, furniture and equipment, and site  
2 improvement costs. Cost per student station does not include  
3 the cost of purchasing or leasing the site for the  
4 construction or the cost of related offsite improvements.

5 (e) The restrictions of this subsection on the cost  
6 per student station of new construction do not apply to a  
7 project funded entirely from proceeds received by districts  
8 through provisions of ss. 212.055 and 1011.73 and s. 9, Art.  
9 VII of the State Constitution, if the school board approves  
10 the project by majority vote.

11 Section 853. Section 1013.65, Florida Statutes, is  
12 created to read:

13 1013.65 Educational and ancillary plant construction  
14 funds; Public Education Capital Outlay and Debt Service Trust  
15 Fund; allocation of funds.--

16 (1) The commissioner, through the department, shall  
17 administer the Public Education Capital Outlay and Debt  
18 Service Trust Fund. The commissioner shall allocate or  
19 reallocate funds as authorized by the Legislature. Copies of  
20 each allocation or reallocation shall be provided to members  
21 of the State Board of Education and to the chairs of the House  
22 of Representatives and Senate appropriations committees. The  
23 commissioner shall provide for timely encumbrances of funds  
24 for duly authorized projects. Encumbrances may include  
25 proceeds to be received under a resolution approved by the  
26 State Board of Education authorizing the issuance of public  
27 education capital outlay bonds pursuant to s. 9(a)(2), Art.  
28 XII of the State Constitution, s. 215.61, and other applicable  
29 law. The commissioner shall provide for the timely  
30 disbursement of moneys necessary to meet the encumbrance  
31 authorizations of the boards. Records shall be maintained by

1 the department to identify legislative appropriations,  
 2 allocations, encumbrance authorizations, disbursements,  
 3 transfers, investments, sinking funds, and revenue receipts by  
 4 source. The Department of Education shall pay the  
 5 administrative costs of the Public Education Capital Outlay  
 6 and Debt Service Trust Fund from the funds which comprise the  
 7 trust fund.

8 (2)(a) The Public Education Capital Outlay and Debt  
 9 Service Trust Fund shall be comprised of the following  
 10 sources, which are hereby appropriated to the trust fund:

11 1. Proceeds, premiums, and accrued interest from the  
 12 sale of public education bonds and that portion of the  
 13 revenues accruing from the gross receipts tax as provided by  
 14 s. 9(a)(2), Art. XII of the State Constitution, as amended,  
 15 interest on investments, and federal interest subsidies.

16 2. General revenue funds appropriated to the fund for  
 17 educational capital outlay purposes.

18 3. All capital outlay funds previously appropriated  
 19 and certified forward pursuant to s. 216.301.

20 (b) Any funds required by law to be segregated or  
 21 maintained in separate accounts shall be segregated or  
 22 maintained in such manner that the relationship between  
 23 program and revenue source is retained. Nothing in this  
 24 subsection shall be construed so as to limit the use by the  
 25 Public Education Capital Outlay and Debt Service Trust Fund of  
 26 the resources of funds so segregated or maintained.

27 (3) Upon the request of each board, the department  
 28 shall distribute to the board an amount sufficient to cover  
 29 capital outlay disbursements anticipated from encumbrance  
 30 authorizations for the following month. For projects costing  
 31 in excess of \$50,000, contracts shall be approved and signed

1 before any disbursements are authorized.

2 (4) The department may authorize each board to enter  
3 into contracts for a period exceeding 1 year, within amounts  
4 appropriated and budgeted for fixed capital outlay needs; but  
5 any contract so made shall be executory only for the value of  
6 the services to be rendered, or agreed to be paid for, in  
7 succeeding fiscal years. This subsection shall be incorporated  
8 verbatim in all executory contracts of a board.

9 (5) No board shall, during any fiscal year, expend any  
10 money, incur any liability, or enter into any contract which,  
11 by its terms, involves expenditure of money in excess of the  
12 amounts appropriated and budgeted or in excess of the cash  
13 that will be available to meet the disbursement requirements.  
14 Prior to entering into an executory, or any other, contract, a  
15 board shall obtain certification from the department that  
16 moneys will be available to meet the disbursement  
17 requirements. Any contract, verbal or written, made in  
18 violation of this subsection shall be null and void, and no  
19 payment shall be made thereon.

20 (6) The State Board of Administration is authorized to  
21 invest the trust funds of any state-supported retirement  
22 system, and any other state funds available for loans, to the  
23 trust fund at a rate of interest that is no less favorable  
24 than would have been received had such moneys been invested in  
25 accordance with authorized practices.

26 (7) Boards and entities authorized to participate in  
27 the trust fund are district school boards, the community  
28 college boards of trustees, the Trustees of the Florida School  
29 for the Deaf and the Blind, and university boards of trustees  
30 and other units of the state system of public education, and  
31 other educational entities defined in s. 228.041 for which

1 funds are authorized by the Legislature.

2 (8) The department shall make a monthly report, by  
3 project, of requests for encumbrance authorization from each  
4 agency. Each project shall be tracked in the following manner:

5 (a) The date the request is received;

6 (b) The anticipated encumbrance date requested by the  
7 agency;

8 (c) The date the project is eligible for encumbrance  
9 authorization; and

10 (d) The date the encumbrance authorization is issued.

11 (9) The department shall make a monthly report:

12 (a) Showing the amount of cash disbursed to the agency  
13 from each appropriated allocation and the amount of cash  
14 disbursed by the agency to vendors or contractors from each  
15 appropriated allocation, by month.

16 (b) Showing updated adjustments to the budget fiscal  
17 year forecast for appropriations, encumbrances, disbursements,  
18 and cash available for encumbrance status.

19 Section 854. Section 1013.66, Florida Statutes, is  
20 created to read:

21 1013.66 Financing of approved capital projects.--

22 (1) Capital projects are to be financed in accordance  
23 with s. 9(a)(2), Art. XII of the State Constitution, as  
24 amended, or from other legally available state funds or  
25 grants, donations, or matching funds, or by a combination of  
26 such funds.

27 (2) The sum designated annually by the Legislature is  
28 the maximum sum to be expended from funds accruing under s.  
29 9(a)(2), Art. XII of the State Constitution, as amended, and  
30 from funds accruing under s. 1013.65(2). However, funds  
31 appropriated from this source and remaining unexpended from

1 previously authorized capital projects, along with grants,  
2 donations, and matching funds from other sources, may be added  
3 to such maximum sums for any item or category.

4 (3) No transfers between appropriations shall be made  
5 without prior approval under the provisions of chapter 216.

6 (4) To the extent that appropriations authority for  
7 entitlements from previous years was used for advanced  
8 funding, that authority is hereby restored to the projects for  
9 which appropriations were made by the Legislature in those  
10 previous years.

11 Section 855. Section 1013.67, Florida Statutes, is  
12 created to read:

13 1013.67 Commissioner to provide for encumbrances of  
14 funds.--The Commissioner of Education shall provide for timely  
15 encumbrances of funds for duly authorized projects.  
16 Encumbrances may include proceeds to be received under a  
17 resolution approved by the State Board of Education  
18 authorizing the issuance of 1997 school capital outlay bonds  
19 pursuant to s. 11(d), Art. VII of the State Constitution, s.  
20 1013.70, and other applicable law.

21 Section 856. Section 1013.68, Florida Statutes, is  
22 created to read:

23 1013.68 Classrooms First Program; uses.--

24 (1) The Commissioner of Education shall allocate funds  
25 appropriated for the Classrooms First Program among the  
26 district school boards. It is the intent of the Legislature  
27 that this program be administered as nearly as practicable in  
28 the same manner as the capital outlay program authorized under  
29 s. 9(d), Art. XII of the State Constitution. Each district  
30 school board's share of the annual appropriation for the  
31 Classrooms First Program must be calculated according to the

1 following formula, but the share of each district shall, at a  
2 minimum, be at least equal to the amount required for all  
3 payments of the district relating to bonds issued by the state  
4 on its behalf:

5 (a) Twenty-five percent of the appropriation shall be  
6 prorated to the districts based on each district's percentage  
7 of base capital outlay full-time equivalent membership; and 65  
8 percent shall be based on each district's percentage of growth  
9 capital outlay full-time equivalent membership as specified  
10 for the allocation of funds from the Public Education Capital  
11 Outlay and Debt Service Trust Fund by s. 1013.64(3).

12 (b) Ten percent of the appropriation must be allocated  
13 among district school boards according to the allocation  
14 formula in s. 1013.64(1)(a).

15 (2) A district school board shall expend the funds  
16 received pursuant to this section only to:

17 (a) Construct, renovate, remodel, repair, or maintain  
18 educational facilities; or

19 (b) Pay debt service on bonds issued pursuant to this  
20 section, the proceeds of which must be expended for new  
21 construction, remodeling, renovation, and major repairs. Bond  
22 proceeds shall be expended first for providing permanent  
23 classroom facilities. Bond proceeds shall not be expended for  
24 any other facilities until all unmet needs for permanent  
25 classrooms and auxiliary facilities as defined in s. 1013.01  
26 have been satisfied.

27  
28 However, if more than 9 percent of a district's total square  
29 feet is more than 50 years old, the district must spend at  
30 least 25 percent of its allocation on the renovation, major  
31 repair, or remodeling of existing schools, except that



1 districts with fewer than 10,000 full-time equivalent students  
2 are exempt from this requirement.

3 (3) Each district school board that pledges moneys  
4 under paragraph (2)(b) shall notify the Department of  
5 Education of its election at a time set by the department. The  
6 Department of Education shall review the proposal of each  
7 district school board for compliance with this section and  
8 shall forward all approved proposals to the Division of Bond  
9 Finance with a request to issue bonds on behalf of the  
10 approved school districts. The Division of Bond Finance shall  
11 pool the pledges from all school districts making the election  
12 in that year and shall issue the bonds on behalf of the  
13 districts for a period not to exceed the distributions to be  
14 received under s. 24.121(2). The bonds must be issued in  
15 accordance with s. 11(d), Art. VII of the State Constitution,  
16 and each project to be constructed with the proceeds of bonds  
17 is hereby approved as provided in s. 11(f), Art. VII of the  
18 State Constitution. The bonds shall be issued pursuant to the  
19 State Bond Act to the extent not inconsistent with this  
20 section.

21 (4) Bonds issued under this section must be validated  
22 as prescribed by chapter 75. The complaint for the validation  
23 must be filed in the circuit court of the county where the  
24 seat of state government is situated; the notice required to  
25 be published by s. 75.06 must be published only in the county  
26 where the complaint is filed; and the complaint and order of  
27 the circuit court must be served only on the state attorney of  
28 the circuit in which the action is pending. The state  
29 covenants with holders of bonds issued under this section that  
30 it will not take any action that will materially and adversely  
31 affect the rights of such holders so long as such bonds are

1 outstanding. The state does hereby additionally authorize the  
 2 establishment of a covenant in connection with the bonds which  
 3 provides that any additional funds received by the state from  
 4 new or enhanced lottery programs, video gaming, or other  
 5 similar activities will first be available for payments  
 6 relating to bonds pledging revenues available pursuant to s.  
 7 24.121(2), prior to use for any other purpose.

8       (5) A school district may only receive a distribution  
 9 for use pursuant to paragraph (2)(a) if the district school  
 10 board certifies to the Commissioner of Education that the  
 11 district has no unmet need for permanent classroom facilities  
 12 in its 5-year capital outlay work plan. If the work plan  
 13 contains such unmet needs, the district must use its  
 14 distribution for the payment of bonds pursuant to paragraph  
 15 (2)(b). If the district does not require its full bonded  
 16 distribution to eliminate such unmet need, it may bond only  
 17 that portion of its allocation necessary to meet the needs.

18       Section 857. Section 1013.69, Florida Statutes, is  
 19 created to read:

20       1013.69 Full bonding required to participate in  
 21 programs.--Any district with unused bonding capacity in its  
 22 Capital Outlay and Debt Service Trust Fund allocation that  
 23 certifies in its district facilities work program that it will  
 24 not be able to meet all of its need for new student stations  
 25 within existing revenues must fully bond its Capital Outlay  
 26 and Debt Service Trust Fund allocation before it may  
 27 participate in Classrooms First, the School Infrastructure  
 28 Thrift (SIT) Program, or the Effort Index Grants Program.

29       Section 858. Section 1013.70, Florida Statutes, is  
 30 created to read:

31       1013.70 The 1997 School Capital Outlay Bond

1 Program.--There is hereby established the 1997 School Capital  
2 Outlay Bond Program.

3 (1) The issuance of revenue bonds payable from the  
4 first lottery revenues transferred to the Educational  
5 Enhancement Trust Fund each fiscal year, as provided by s.  
6 24.121(2), is authorized to finance or refinance the  
7 construction, acquisition, reconstruction, or renovation of  
8 educational facilities. Such bonds shall be issued pursuant to  
9 and in compliance with the provisions of s. 11(d), Art. VII of  
10 the State Constitution, the provisions of the State Bond Act,  
11 ss. 215.57-215.83, as amended, and the provisions of this  
12 section. The state does hereby covenant with the holders of  
13 such revenue bonds that it will not take any action which will  
14 materially and adversely affect the rights of such holders so  
15 long as bonds authorized by this section are outstanding. The  
16 state does hereby additionally authorize the establishment of  
17 a covenant in connection with the bonds which provides that  
18 any additional funds received by the state from new or  
19 enhanced lottery programs, video gaming, or other similar  
20 activities will first be available for payments relating to  
21 bonds pledging revenues available pursuant to s. 24.121(2),  
22 prior to use for any other purpose.

23 (2) The bonds shall be issued by the Division of Bond  
24 Finance of the State Board of Administration on behalf of the  
25 Department of Education in such amount as shall be requested  
26 by resolution of the State Board of Education. However, debt  
27 service and other amounts payable with respect to the bonds  
28 issued pursuant to this section shall not exceed \$35 million  
29 in any state fiscal year.

30 (3) Proceeds available from bond sales shall be  
31 deposited in the Educational Enhancement Trust Fund within the

1 Department of Education.

2       (4) The facilities to be financed with the proceeds of  
3 such bonds are designated as state fixed capital outlay  
4 projects for purposes of s. 11(d), Art. VII of the State  
5 Constitution and the specific facilities to be financed shall  
6 be determined by the Department of Education in accordance  
7 with state law and appropriations from the Educational  
8 Enhancement Trust Fund. Each educational facility to be  
9 financed with the proceeds of the bonds issued pursuant to  
10 this section is hereby approved as required by s. 11(f), Art.  
11 VII of the State Constitution.

12       (5) Bonds issued pursuant to this section shall be  
13 validated in the manner provided by chapter 75. The complaint  
14 for such validation shall be filed in the circuit court of the  
15 county where the seat of state government is situated, the  
16 notice required to be published by s. 75.06 shall be published  
17 only in the county where the complaint is filed, and the  
18 complaint and order of the circuit court shall be served only  
19 on the state attorney of the circuit in which the action is  
20 pending.

21       Section 859. Section 1013.71, Florida Statutes, is  
22 created to read:

23       1013.71 Lottery Capital Outlay and Debt Service Trust  
24 Fund.--

25       (1)(a) The Lottery Capital Outlay and Debt Service  
26 Trust Fund is hereby created, to be administered by the  
27 Department of Education. Funds shall be credited to the trust  
28 fund from legislative appropriations and interest earnings.  
29 The purpose of the trust fund is to maintain and account for  
30 lottery funds appropriated for fixed capital outlay and debt  
31 service separately from lottery funds appropriated for current

1 operations.

2 (b) Notwithstanding the provisions of s. 216.301 and  
3 pursuant to s. 216.351, any balance in the trust fund at the  
4 end of any fiscal year shall remain in the trust fund and  
5 shall be available for carrying out the purposes of the trust  
6 fund.

7 (2) Lottery funds appropriated for fixed capital  
8 outlay and debt service, along with any interest earned  
9 thereon, shall be transferred from the Educational Enhancement  
10 Trust Fund to the Lottery Capital Outlay and Debt Service  
11 Trust Fund.

12 (3) Pursuant to the provisions of s. 19(f)(3), Art.  
13 III of the State Constitution, the trust fund is not subject  
14 to termination under s. 19(f)(2), Art. III of the State  
15 Constitution.

16 Section 860. Section 1013.72, Florida Statutes, is  
17 created to read:

18 1013.72 SIT Program award eligibility; maximum cost  
19 per student station of educational facilities; frugality  
20 incentives; recognition awards.--

21 (1) It is the intent of the Legislature that district  
22 school boards that seek awards of SIT Program funds use due  
23 diligence and sound business practices in the design,  
24 construction, and use of educational facilities.

25 (2) A school district may seek an award from the SIT  
26 Program, pursuant to this section and s. 1013.42, based on the  
27 district's new construction of educational facilities if the  
28 cost per student station is less than:

29 (a) \$11,600 for an elementary school,

30 (b) \$13,300 for a middle school, or

31 (c) \$17,600 for a high school,

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(1997) as adjusted annually by the Consumer Price Index. The award shall be up to 50 percent of such savings, as recommended by the Office of Educational Facilities and SMART Schools Clearinghouse.

(3) A school district may seek a SMART school of the year recognition award for building the highest quality functional, frugal school. The commissioner may present a trophy or plaque and a cash award to the school recommended by the Office of Educational Facilities and SMART Schools Clearinghouse for a SMART school of the year recognition award.

Section 861. Section 1013.73, Florida Statutes, is created to read:

1013.73 Effort index grants for school district facilities.--

(1) The Legislature hereby allocates for effort index grants the sum of \$300 million from the funds appropriated from the Educational Enhancement Trust Fund by s. 46, chapter 97-384, Laws of Florida, contingent upon the sale of school capital outlay bonds. From these funds, the Commissioner of Education shall allocate to the four school districts deemed eligible for an effort index grant by the SMART Schools Clearinghouse the sums of \$7,442,890 to the Clay County School District, \$62,755,920 to the Dade County School District, \$1,628,590 to the Hendry County School District, and \$414,950 to the Madison County School District. The remaining funds shall be allocated among the remaining district school boards that qualify for an effort index grant by meeting the local capital outlay effort criteria in paragraph (a) or paragraph (b).

1           (a) Between July 1, 1995, and June 30, 1999, the  
 2 school district received direct proceeds from the  
 3 one-half-cent sales surtax for public school capital outlay  
 4 authorized by s. 212.055(6) or from the local government  
 5 infrastructure sales surtax authorized by s. 212.055(2).

6           (b) The school district met two of the following  
 7 criteria:

8           1. Levied the full 2 mills of nonvoted discretionary  
 9 capital outlay authorized by s. 1011.71(2) during 1995-1996,  
 10 1996-1997, 1997-1998, and 1998-1999.

11           2. Levied a cumulative voted millage for capital  
 12 outlay and debt service equal to 2.5 mills for fiscal years  
 13 1995 through 1999.

14           3. Received proceeds of school impact fees greater  
 15 than \$500 per dwelling unit which were in effect on July 1,  
 16 1998.

17           4. Received direct proceeds from either the  
 18 one-half-cent sales surtax for public school capital outlay  
 19 authorized by s. 212.055(6) or from the local government  
 20 infrastructure sales surtax authorized by s. 212.055(2).

21           (2) It is the intent of the Legislature that this  
 22 program be administered as nearly as is practicable in the  
 23 same manner as the capital outlay program authorized under s.  
 24 9(d), Art. XII of the State Constitution. Each district school  
 25 board's share of the appropriation for the effort index grants  
 26 must be calculated according to the following formula using  
 27 the same basis as the Classrooms First allocation formula, but  
 28 the share of each district shall, at a minimum, be at least  
 29 equal to the amount required for all payments of the district  
 30 relating to bonds issued by the state on its behalf:

31           (a) Twenty-five percent of the appropriation shall be

1 prorated to the districts based on each district's percentage  
 2 of base capital outlay full-time-equivalent membership; and 65  
 3 percent shall be based on each district's percentage of growth  
 4 capital outlay full-time-equivalent membership as specified  
 5 for the allocation of funds from the Public Education Capital  
 6 Outlay and Debt Service Trust Fund by s. 1013.64(3).

7 (b) Ten percent of the appropriation must be allocated  
 8 among district school boards according to the allocation  
 9 formula in s. 1013.64(1)(a).

10 (3) A district school board shall expend the funds  
 11 received under this section only to:

12 (a) Construct, renovate, remodel, repair, or maintain  
 13 educational facilities; or

14 (b) Pay debt service on bonds issued under this  
 15 section, the proceeds of which must be expended for new  
 16 construction, remodeling, renovation, and major repairs. Bond  
 17 proceeds shall be expended first for providing permanent  
 18 classroom facilities and related auxiliary facilities. Bond  
 19 proceeds may not be expended for any other facilities until  
 20 all unmet needs for permanent classrooms and auxiliary  
 21 facilities as defined in s. 1013.01 have been satisfied.

22  
 23 However, if more than 9 percent of a district's total square  
 24 feet is more than 50 years old, the district must spend at  
 25 least 25 percent of its allocation on the renovation, major  
 26 repair, or remodeling of existing schools, except that  
 27 districts having fewer than 10,000 full-time equivalent  
 28 students are exempt from this requirement.

29 (4) Each district school board that pledges moneys  
 30 under paragraph (3)(b) shall notify the Department of  
 31 Education of its election at a time set by the department. The



1 Department of Education shall review the proposal of each  
 2 district school board for compliance with this section and  
 3 shall forward all approved proposals to the Division of Bond  
 4 Finance with a request to issue bonds on behalf of the  
 5 approved school districts.

6 (5) A district school board that chooses to pledge  
 7 allocations from the Classrooms First Program for the issuance  
 8 of bonds must encumber those bond proceeds before pledging  
 9 funds for the payment of debt service on bonds issued pursuant  
 10 to this section.

11 (6) A school district may receive a distribution for  
 12 use pursuant to paragraph (3)(a) only if the district school  
 13 board certifies to the Commissioner of Education that the  
 14 district has no unmet need for permanent classroom facilities  
 15 in its 5-year capital outlay work plan. If the work plan  
 16 contains such unmet needs, the district must use its  
 17 distribution for the payment of bonds under paragraph (2)(b).  
 18 If the district does not require its full bonded distribution  
 19 to eliminate such unmet needs, it may bond only that portion  
 20 of its allocation necessary to meet the needs.

21 Section 862. Section 1013.74, Florida Statutes, is  
 22 created to read:

23 1013.74 University authorization for fixed capital  
 24 outlay projects.--

25 (1) Notwithstanding the provisions of chapter 216,  
 26 including s. 216.351, a university may accomplish fixed  
 27 capital outlay projects consistent with the provisions of this  
 28 section. Projects authorized by this section shall not require  
 29 educational plant survey approval as prescribed in chapter  
 30 235.

31 (2) The following types of projects may be

1 accomplished pursuant to this section:

2 (a) Construction of any new buildings, or remodeling  
3 of existing buildings, when funded from nonstate sources such  
4 as federal grant funds, private gifts, grants, or lease  
5 arrangements if such grants or gifts are given for the  
6 specific purpose of construction;

7 (b) The replacement of any buildings destroyed by fire  
8 or other calamity;

9 (c) Construction of projects financed as provided in  
10 ss. 1010.60-1010.619 or 1013.71;

11 (d) Construction of new facilities or remodeling of  
12 existing facilities to meet needs for research, provided that  
13 such projects are financed pursuant to s. 1004.22; or

14 (e) Construction of facilities or remodeling of  
15 existing facilities to meet needs as determined by the  
16 university, provided that the amount of funds for any such  
17 project does not exceed \$500,000, and the trust funds, other  
18 than the funds used to accomplish projects contemplated in  
19 this subsection, are authorized and available for such  
20 purposes.

21 (3) Other than those projects currently authorized, no  
22 project proposed by a university which is to be funded from  
23 Capital Improvement Trust Fund fees or building fees shall be  
24 submitted to the State Board of Education for approval without  
25 prior consultation with the student government association of  
26 that university. The State Board of Education shall promulgate  
27 rules which are consistent with this requirement.

28 (4) The university board of trustees shall, in  
29 consultation with local and state emergency management  
30 agencies, assess existing facilities to identify the extent to  
31 which each campus has public hurricane evacuation shelter

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1 space. The board shall submit to the Governor and the  
2 Legislature by August 1 of each year a 5-year capital  
3 improvements program that identifies new or retrofitted  
4 facilities that will incorporate enhanced hurricane resistance  
5 standards and that can be used as public hurricane evacuation  
6 shelters. Enhanced hurricane resistance standards include  
7 fixed passive protection for window and door applications to  
8 provide mitigation protection, security protection with  
9 egress, and energy efficiencies that meet standards required  
10 in the 130-mile-per-hour wind zone areas. The board must also  
11 submit proposed facility retrofit projects to the Department  
12 of Community Affairs for assessment and inclusion in the  
13 annual report prepared in accordance with s. 252.385(3). Until  
14 a regional planning council region in which a campus is  
15 located has sufficient public hurricane evacuation shelter  
16 space, any campus building for which a design contract is  
17 entered into subsequent to July 1, 2001, and which has been  
18 identified by the board, with the concurrence of the local  
19 emergency management agency or the Department of Community  
20 Affairs, to be appropriate for use as a public hurricane  
21 evacuation shelter, must be constructed in accordance with  
22 public shelter standards.

23 Section 863. Section 1013.75, Florida Statutes, is  
24 created to read:

25 1013.75 Cooperative funding of career and technical  
26 educational facilities.--

27 (1) Each district school board operating a designated  
28 technical center may submit, prior to August 1 of each year, a  
29 request to the commissioner for funds from the Public  
30 Education Capital Outlay and Debt Service Trust Fund to plan,  
31 construct, and equip a career and technical educational

1 facility identified as being critical to the economic  
2 development and the workforce needs of the school district.  
3 Prior to submitting a request, each school district shall:  
4       (a) Adopt and submit to the commissioner a resolution  
5 indicating its commitment to fund the planning, construction,  
6 and equipping of the proposed facility at 40 percent of the  
7 requested project amount. The resolution shall also designate  
8 the locale of the proposed facility. If funds from a private  
9 or noneducational public entity are to be committed to the  
10 project, then a joint resolution shall be required.  
11       (b) Except as provided in paragraph (5)(b), levy the  
12 maximum millage against the nonexempt assessed property value  
13 as provided in s. 1011.71(2).  
14       (c) Certify to the Office of Workforce and Economic  
15 Development that the project has been survey recommended.  
16       (d) Certify to the Office of Workforce and Economic  
17 Development that final phase III construction documents comply  
18 with applicable building codes and life safety codes.  
19       (e) Sign an agreement that the district school board  
20 shall advertise for bids within 90 days of receiving an  
21 encumbrance authorization from the department.  
22       (f) If a construction contract has not been signed 90  
23 days after the advertising of bids, certify to the Office of  
24 Workforce and Economic Development and the department the  
25 cause for delay. Upon request, an additional 90 days may be  
26 granted by the commissioner.  
27       (2) The Office of Workforce and Economic Development  
28 shall establish the need for additional career and technical  
29 education programs and the continuation of existing programs  
30 before facility construction or renovation related to career  
31 and technical education can be included in the educational

1 plant survey. Information used by the Office of Workforce and  
 2 Economic Development to establish facility needs shall  
 3 include, but not be limited to, labor market needs analysis  
 4 and information submitted by the school districts.

5 (3) The total cost of the proposed facility shall be  
 6 determined by the district school board using established  
 7 state board averages for determining new construction cost.

8 (4)(a) A career and technical education construction  
 9 committee shall be composed of the following: three  
 10 representatives from the Department of Education and one  
 11 representative from the Executive Office of the Governor.

12 (b) The committee shall review and evaluate the  
 13 requests submitted from the school districts and rank the  
 14 requests in priority order in accordance with statewide  
 15 critical needs. This statewide priority list shall be  
 16 submitted to the commissioner.

17 (c) The commissioner's legislative capital outlay  
 18 budget request may include up to 2 percent of the new  
 19 construction allocation to public schools for career and  
 20 technical capital outlay projects recommended by the career  
 21 and technical education construction committee.

22 (5)(a) Upon approval of a project, the commissioner  
 23 shall include up to 60 percent of the total cost of the  
 24 project in the legislative capital outlay budget request as  
 25 provided in s. 1013.60 for educational plants. The  
 26 participating district school board shall provide 40 percent  
 27 of the total cost of the project. When practical, the district  
 28 school board shall solicit and encourage a private or  
 29 noneducational public entity to commit to finance a portion of  
 30 the funds to complete the planning, construction, and  
 31 equipping of the facility. If a site does not exist, the

1 purchase price or, if donated, the assessed value of a site  
 2 may be included in meeting the funding requirements of the  
 3 district school board, a private or noneducational public  
 4 entity, or the educational agency. The value of existing  
 5 sites, intended to satisfy any portion of the funding  
 6 requirement of a private or noneducational public entity,  
 7 shall be determined by an independent appraiser under contract  
 8 with the board. The size of the site to adequately provide for  
 9 the implementation of the proposed educational programs shall  
 10 be determined by the board. Funds from the Public Education  
 11 Capital Outlay and Debt Service Trust Fund may not be expended  
 12 on any project unless specifically authorized by the  
 13 Legislature.

14 (b) In the event that a school district is not levying  
 15 the maximum millage against the nonexempt assessed property  
 16 value pursuant to paragraph (1)(b), state and school district  
 17 funding pursuant to paragraph (a) shall be reduced by the same  
 18 proportion as the millage actually being levied bears to the  
 19 maximum allowable millage.

20 Section 864. Section 1013.76, Florida Statutes, is  
 21 created to read:

22 1013.76 Multiyear capital improvement contracts.--Any  
 23 provision of chapters 1010 and 1011 to the contrary  
 24 notwithstanding, school districts are authorized to award  
 25 capital improvement contracts involving expenditures to be  
 26 incurred for a period of more than 1 year on the basis of  
 27 voter-authorized and unissued general obligation bonding  
 28 authority, provided that sufficient funds are available to,  
 29 and budgeted by, the school district to pay actual  
 30 disbursements during any fiscal year.

31 Section 865. Section 1013.77, Florida Statutes, is

1 created to read:

2 1013.77 Direct-support organization; use of property;  
3 board of directors; audit.--

4 (1) DEFINITIONS.--For the purposes of this section,  
5 the term:

6 (a) "District school board direct-support  
7 organization" means an organization that:

8 1. Is approved by the district school board;

9 2. Is a Florida corporation not for profit,  
10 incorporated under the provisions of chapter 617 and approved  
11 by the Department of State; and

12 3. Is organized and operated exclusively to receive,  
13 hold, invest, and administer property and to make expenditures  
14 to or for the benefit of public prekindergarten through 12th  
15 grade education and adult career and technical and community  
16 education programs in this state.

17 (b) "Personal services" includes full-time or  
18 part-time personnel, as well as payroll processing.

19 (2) USE OF PROPERTY.--A district school board:

20 (a) Is authorized to permit the use of property,  
21 facilities, and personal services of the district by a  
22 direct-support organization, subject to the provisions of this  
23 section.

24 (b) Shall prescribe by rule conditions with which a  
25 district school board direct-support organization must comply  
26 in order to use property, facilities, or personal services of  
27 the district. Adoption of such rules shall be coordinated with  
28 the Department of Education. The rules shall provide for  
29 budget and audit review and oversight by the district school  
30 board and the department.

31 (c) Shall not permit the use of property, facilities,

1 or personal services of a direct-support organization if such  
2 organization does not provide equal employment opportunities  
3 to all persons, regardless of race, color, religion, sex, age,  
4 or national origin.

5 (3) BOARD OF DIRECTORS.--The board of directors of the  
6 district school board direct-support organization shall be  
7 approved by the district school board.

8 (4) ANNUAL AUDIT.--Each direct-support organization  
9 shall provide for an annual financial audit of its accounts  
10 and records, to be conducted by an independent certified  
11 public accountant in accordance with rules adopted by the  
12 Auditor General pursuant to s. 11.45(8) and the Commissioner  
13 of Education. The annual audit report shall be submitted  
14 within 9 months after the fiscal year's end to the district  
15 school board and the Auditor General. The Commissioner of  
16 Education, the Auditor General, and the Office of Program  
17 Policy Analysis and Government Accountability have the  
18 authority to require and receive from the organization or the  
19 district auditor any records relative to the operation of the  
20 organization. The identity of donors and all information  
21 identifying donors and prospective donors are confidential and  
22 exempt from the provisions of s. 119.07(1), and that anonymity  
23 shall be maintained in the auditor's report. All other records  
24 and information shall be considered public records for the  
25 purposes of chapter 119.

26 Section 866. Section 1013.78, Florida Statutes, is  
27 created to read:

28 1013.78 Approval required for certain  
29 university-related facility acquisitions.--

30 (1) No university or university direct-support  
31 organization shall construct, accept, or purchase facilities



1 for which the state will be asked for operating funds unless  
2 there has been prior approval for construction or acquisition  
3 granted by the Legislature.

4 (2) Legislative approval shall not be required for  
5 renovations, remodeling, replacement of existing facilities or  
6 construction of minor projects as defined in s. 1013.64.

7 Section 867. Section 1013.79, Florida Statutes, is  
8 created to read:

9 1013.79 University Facility Enhancement Challenge  
10 Grant Program.--

11 (1) The Legislature recognizes that the universities  
12 do not have sufficient physical facilities to meet the current  
13 demands of their instructional and research programs. It  
14 further recognizes that, to strengthen and enhance  
15 universities, it is necessary to provide facilities in  
16 addition to those currently available from existing revenue  
17 sources. It further recognizes that there are sources of  
18 private support that, if matched with state support, can  
19 assist in constructing much-needed facilities and strengthen  
20 the commitment of citizens and organizations in promoting  
21 excellence throughout the state universities. Therefore, it is  
22 the intent of the Legislature to establish a trust fund to  
23 provide the opportunity for each university to receive and  
24 match challenge grants for instructional and research-related  
25 capital facilities within the university.

26 (2) There is hereby established the Alec P. Courtelis  
27 University Facility Enhancement Challenge Grant Program for  
28 the purpose of assisting universities build high priority  
29 instructional and research-related capital facilities,  
30 including common areas connecting such facilities. The  
31 associated foundations that serve the universities shall

1 solicit gifts from private sources to provide matching funds  
 2 for capital facilities. For the purposes of this act, private  
 3 sources of funds shall not include any federal, state, or  
 4 local government funds that a university may receive.

5 (3) There is established the Alec P. Courtelis Capital  
 6 Facilities Matching Trust Fund for the purpose of providing  
 7 matching funds from private contributions for the development  
 8 of high priority instructional and research-related capital  
 9 facilities, including common areas connecting such facilities,  
 10 within a university. The Legislature shall appropriate funds  
 11 to be transferred to the trust fund. The Public Education  
 12 Capital Outlay and Debt Service Trust Fund, Capital  
 13 Improvement Trust Fund, Division of Sponsored Research Trust  
 14 Fund, and Contracts and Grants Trust Fund shall not be used as  
 15 the source of the state match for private contributions. All  
 16 appropriated funds deposited into the trust fund shall be  
 17 invested pursuant to the provisions of s. 18.125. Interest  
 18 income accruing to that portion of the trust fund shall  
 19 increase the total funds available for the challenge grant  
 20 program. Interest income accruing from the private donations  
 21 shall be returned to the participating foundation upon  
 22 completion of the project. The State Board of Education shall  
 23 administer the trust fund and all related construction  
 24 activities.

25 (4) No project shall be initiated unless all private  
 26 funds for planning, construction, and equipping the facility  
 27 have been received and deposited in the trust fund and the  
 28 state's share for the minimum amount of funds needed to begin  
 29 the project has been appropriated by the Legislature. The  
 30 Legislature may appropriate the state's matching funds in one  
 31 or more fiscal years for the planning, construction, and

1 equipping of an eligible facility. However, these requirements  
 2 shall not preclude the university from expending available  
 3 funds from private sources to develop a prospectus, including  
 4 preliminary architectural schematics and/or models, for use in  
 5 its efforts to raise private funds for a facility.  
 6 Additionally, any private sources of funds expended for this  
 7 purpose are eligible for state matching funds should the  
 8 project materialize as provided for in this section.

9       (5) To be eligible to participate in the Alec P.  
 10 Courtelis Capital Facilities Matching Trust Fund, a university  
 11 shall raise a contribution equal to one-half of the total cost  
 12 of a facilities construction project from private  
 13 nongovernmental sources which shall be matched by a state  
 14 appropriation equal to the amount raised for a facilities  
 15 construction project subject to the General Appropriations  
 16 Act.

17       (6) If the state's share of the required match is  
 18 insufficient to meet the requirements of subsection (5), the  
 19 university shall renegotiate the terms of the contribution  
 20 with the donors. If the project is terminated, each private  
 21 donation, plus accrued interest, reverts to the foundation for  
 22 remittance to the donor.

23       (7) By September 1 of each year, the State Board of  
 24 Education shall transmit to the Legislature a list of projects  
 25 which meet all eligibility requirements to participate in the  
 26 Alec P. Courtelis Capital Facilities Matching Trust Fund and a  
 27 budget request which includes the recommended schedule  
 28 necessary to complete each project.

29       (8) In order for a project to be eligible under this  
 30 program, it must be included in the university 5-year Capital  
 31 Improvement Plan and must receive prior approval from the

1 State Board of Education and the Legislature.

2 (9) No university's project shall be removed from the  
3 approved 3-year PECO priority list because of its successful  
4 participation in this program until approved by the  
5 Legislature and provided for in the General Appropriations  
6 Act. When such a project is completed and removed from the  
7 list, all other projects shall move up on the 3-year PECO  
8 priority list. A university shall not use PECO funds,  
9 including the Capital Improvement Trust Fund fee and the  
10 building fee, to complete a project under this section.

11 (10) Any project funds that are unexpended after a  
12 project is completed shall revert to the Capital Facilities  
13 Matching Trust Fund. Fifty percent of such unexpended funds  
14 shall be reserved for the university which originally received  
15 the private contribution for the purpose of providing private  
16 matching funds for future facility construction projects as  
17 provided in this section. The balance of such unexpended funds  
18 shall be available to any state university for future facility  
19 construction projects conducted pursuant to this section.

20 (11) The surveys, architectural plans, facility, and  
21 equipment shall be the property of the State of Florida. A  
22 facility constructed pursuant to this section may be named in  
23 honor of a donor at the option of the university and the State  
24 Board of Education. No facility shall be named after a living  
25 person without prior approval by the Legislature.

26 Section 868. Section 1013.81, Florida Statutes, is  
27 created to read:

28 1013.81 Community college indebtedness; bonds and tax  
29 anticipation certificates; payment.--

30 (1) The indebtedness incurred for the benefit of  
31 community colleges and represented by bonds or motor vehicle

1 tax anticipation certificates issued from time to time by the  
 2 State Board of Education, hereinafter called "state board,"  
 3 pursuant to s. 18, Art. XII of the State Constitution of 1885  
 4 on behalf of the several former county boards of public  
 5 instruction shall not be considered by the state board in  
 6 determining the amount of bonds or motor vehicle tax  
 7 anticipation certificates which the state board may issue from  
 8 time to time on behalf of the several school districts under  
 9 the provisions of s. 9(d), Art. XII of the State Constitution,  
 10 as amended at the general election held on November 7, 1972,  
 11 hereinafter called "school capital outlay amendment." Such  
 12 indebtedness incurred on behalf of community colleges, as  
 13 described above, shall be considered by the state board in  
 14 determining the amount of bonds or motor vehicle tax  
 15 anticipation certificates which the state board may issue from  
 16 time to time on behalf of the several community college  
 17 districts under the provisions of the school capital outlay  
 18 amendment.

19       (2) The debt service requirements on the indebtedness  
 20 incurred for the benefit of community colleges and represented  
 21 by bonds or motor vehicle tax anticipation certificates issued  
 22 from time to time by the state board on behalf of the several  
 23 former county boards of public instruction, as described in  
 24 subsection (1), shall be paid from funds distributable  
 25 pursuant to the school capital outlay amendment to the credit  
 26 of the several community college districts, and not from funds  
 27 distributable pursuant to the school capital outlay amendment  
 28 to the credit of the several school districts.

29       (3) Nothing herein shall be construed to authorize the  
 30 state board to affect adversely or impair the contractual  
 31 rights created and vested by reason of the prior issuance of

1 bonds or motor vehicle tax anticipation certificates by the  
2 state board.

3 Section 869. Section 1013.82, Florida Statutes, is  
4 created to read:

5 1013.82 Contracts of institutions for supplies,  
6 utility services, and building construction exempt from  
7 operation of county or municipal ordinance or charter.--

8 (1) University boards of trustees are authorized to  
9 contract for supplies, utility services, and building  
10 construction without regulation or restriction by municipal or  
11 county charter or ordinance. Contractual arrangements shall be  
12 in the best interests of the state and shall give  
13 consideration to rates, adequacy of service, and the  
14 dependability of the contractor.

15 (2) Any municipal or county charter, ordinance, or  
16 regulation that serves to restrict or prohibit the intent of  
17 subsection (1) shall be inoperative.

18 Section 870. Section 11.061, Florida Statutes, is  
19 amended to read:

20 11.061 State, state university, and community college  
21 employee lobbyists; registration; recording attendance;  
22 penalty; exemptions.--

23 (1) Any person employed by any executive, judicial, or  
24 quasi-judicial department of the state or community college or  
25 state university ~~of the state~~ who seeks to encourage the  
26 passage, defeat, or modification of any legislation by  
27 personal appearance or attendance before the House of  
28 Representatives or the Senate, or any committee thereof,  
29 shall, prior thereto, register as a lobbyist with the joint  
30 legislative office on a form to be provided by the joint  
31 legislative office in the same manner as any other lobbyist is

1 required to register, whether by rule of either house or  
 2 otherwise. This shall not preclude any person from contacting  
 3 her or his legislator regarding any matter during hours other  
 4 than the established business hours of the person's respective  
 5 agency, state university, or community college.

6 (2)(a) Each state, state university, or community  
 7 college employee ~~or employee of a community college~~ registered  
 8 pursuant to the provisions of this section shall:

9 1. Record with the chair of the committee any  
 10 attendance before any committee during established business  
 11 hours of the agency, state university, or community college  
 12 employing the person.

13 2. Record with the joint legislative office any  
 14 attendance in the legislative chambers, committee rooms,  
 15 legislative offices, legislative hallways, and other areas in  
 16 the immediate vicinity during the established business hours  
 17 of the agency, state university, or community college  
 18 employing the person.

19 (b) Any person who appears before a committee or  
 20 subcommittee of the House of Representatives or the Senate at  
 21 the request of the committee or subcommittee chair as a  
 22 witness or for informational purposes shall be exempt from the  
 23 provisions of this subsection.

24 (3) Any state, state university, or community college  
 25 ~~employee or employee of a community college~~ who violates any  
 26 provision of this section by not registering with the joint  
 27 legislative office as a lobbyist or by failing to record hours  
 28 spent as a lobbyist in areas and activities as set forth in  
 29 this section during the established business hours of the  
 30 agency, state university, or community college employing the  
 31 person shall have deducted from her or his salary an amount

1 equivalent to her or his hourly wage times the number of hours  
2 that she or he was in violation of this section.

3 (4) Any person employed by any executive, judicial, or  
4 quasi-judicial department of the state or by any community  
5 college or state university ~~of the state~~ whose position is  
6 designated in that department's budget as being used during  
7 all, or a portion of, the fiscal year for lobbying shall  
8 comply with the provisions of subsection (1), but shall be  
9 exempt from the provisions of subsections (2) and (3).

10 Section 871. Paragraph (c) of subsection (5) of  
11 section 11.40, Florida Statutes, is amended to read:

12 11.40 Legislative Auditing Committee.--

13 (5) Following notification by the Auditor General, the  
14 Department of Banking and Finance, or the Division of Bond  
15 Finance of the State Board of Administration of the failure of  
16 a local governmental entity, district school board, charter  
17 school, or charter technical career center to comply with the  
18 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or  
19 s. 218.38, the Legislative Auditing Committee may schedule a  
20 hearing. If a hearing is scheduled, the committee shall  
21 determine if the entity should be subject to further state  
22 action. If the committee determines that the entity should be  
23 subject to further state action, the committee shall:

24 (c) In the case of a charter school or charter  
25 technical career center, notify the appropriate sponsoring  
26 entity, which may terminate the charter pursuant to ss.  
27 1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

28 Section 872. Paragraph (a) of subsection (3) and  
29 subsection (8) of section 11.45, Florida Statutes, are amended  
30 to read:

31 11.45 Definitions; duties; authorities; reports;



1 rules.--

2 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

3 (a) The Auditor General may, pursuant to his or her  
4 own authority, or at the direction of the Legislative Auditing  
5 Committee, conduct audits or other engagements as determined  
6 appropriate by the Auditor General of:

7 1. The accounts and records of any governmental entity  
8 created or established by law.

9 2. The information technology programs, activities,  
10 functions, or systems of any governmental entity created or  
11 established by law.

12 3. The accounts and records of any charter school  
13 created or established by law.

14 4. The accounts and records of any direct-support  
15 organization or citizen support organization created or  
16 established by law. The Auditor General is authorized to  
17 require and receive any records from the direct-support  
18 organization or citizen support organization, or from its  
19 independent auditor.

20 5. The public records associated with any  
21 appropriation made by the General Appropriations Act to a  
22 nongovernmental agency, corporation, or person. All records of  
23 a nongovernmental agency, corporation, or person with respect  
24 to the receipt and expenditure of such an appropriation shall  
25 be public records and shall be treated in the same manner as  
26 other public records are under general law.

27 6. State financial assistance provided to any nonstate  
28 entity.

29 7. The Tobacco Settlement Financing Corporation  
30 created pursuant to s. 215.56005.

31 8. The Florida On-Line High School created pursuant to

1 s. 1002.37 ~~228.082~~.

2 9. Any purchases of federal surplus lands for use as  
3 sites for correctional facilities as described in s. 253.037.

4 10. Enterprise Florida, Inc., including any of its  
5 boards, advisory committees, or similar groups created by  
6 Enterprise Florida, Inc., and programs. The audit report may  
7 not reveal the identity of any person who has anonymously made  
8 a donation to Enterprise Florida, Inc., pursuant to this  
9 subparagraph. The identity of a donor or prospective donor to  
10 Enterprise Florida, Inc., who desires to remain anonymous and  
11 all information identifying such donor or prospective donor  
12 are confidential and exempt from the provisions of s.

13 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
14 anonymity shall be maintained in the auditor's report.

15 11. The Florida Development Finance Corporation or the  
16 capital development board or the programs or entities created  
17 by the board. The audit or report may not reveal the identity  
18 of any person who has anonymously made a donation to the board  
19 pursuant to this subparagraph. The identity of a donor or  
20 prospective donor to the board who desires to remain anonymous  
21 and all information identifying such donor or prospective  
22 donor are confidential and exempt from the provisions of s.

23 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
24 anonymity shall be maintained in the auditor's report.

25 12. The records pertaining to the use of funds from  
26 voluntary contributions on a motor vehicle registration  
27 application or on a driver's license application authorized  
28 pursuant to ss. 320.023 and 322.081.

29 13. The records pertaining to the use of funds from  
30 the sale of specialty license plates described in chapter 320.

31 14. The transportation corporations under contract

1 with the Department of Transportation that are acting on  
 2 behalf of the state to secure and obtain rights-of-way for  
 3 urgently needed transportation systems and to assist in the  
 4 planning and design of such systems pursuant to ss.  
 5 339.401-339.421.

6 15. The acquisitions and divestitures related to the  
 7 Florida Communities Trust Program created pursuant to chapter  
 8 380.

9 16. The Florida Water Pollution Control Financing  
 10 Corporation created pursuant to s. 403.1837.

11 17. The Florida Partnership for School Readiness  
 12 created pursuant to s. 411.01.

13 18. The Occupational Access and Opportunity Commission  
 14 created pursuant to s. 413.83.

15 19. The Florida Special Disability Trust Fund  
 16 Financing Corporation created pursuant to s. 440.49.

17 20. Workforce Florida, Inc., or the programs or  
 18 entities created by Workforce Florida, Inc., created pursuant  
 19 to s. 445.004.

20 21. The corporation defined in s. 455.32 that is under  
 21 contract with the Department of Business and Professional  
 22 Regulation to provide administrative, investigative,  
 23 examination, licensing, and prosecutorial support services in  
 24 accordance with the provisions of s. 455.32 and the practice  
 25 act of the relevant profession.

26 22. The Florida Engineers Management Corporation  
 27 created pursuant to chapter 471.

28 23. The Investment Fraud Restoration Financing  
 29 Corporation created pursuant to chapter 517.

30 24. The books and records of any permitholder that  
 31 conducts race meetings or jai alai exhibitions under chapter

1 550.

2 25. The corporation defined in part II of chapter 946,  
3 known as the Prison Rehabilitative Industries and Diversified  
4 Enterprises, Inc., or PRIDE Enterprises.

5 (8) RULES OF THE AUDITOR GENERAL.--The Auditor  
6 General, in consultation with the Board of Accountancy, shall  
7 adopt rules for the form and conduct of all financial audits  
8 performed by independent certified public accountants pursuant  
9 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77~~237.40,~~  
10 ~~240.299, and 240.331~~. The rules for audits of local  
11 governmental entities and district school boards must include,  
12 but are not limited to, requirements for the reporting of  
13 information necessary to carry out the purposes of the Local  
14 Government Financial Emergencies Act as stated in s. 218.501.

15 Section 873. Notwithstanding subsection (7) of section  
16 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida  
17 Statutes, shall not stand repealed on January 7, 2003, as  
18 scheduled by that act, but is reenacted and amended to read:

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

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

31 (2) COMMISSIONER OF EDUCATION.--The Commissioner of

1 Education is appointed by the State Board of Education and  
 2 serves as the Executive Director of the Department of  
 3 Education head of the Department of Education is the  
 4 Commissioner of Education who shall be elected by vote of the  
 5 qualified electors of the state pursuant to s. 5, Art. IV of  
 6 the State Constitution.

7       ~~(a) The Commissioner of Education shall appoint a~~  
 8 ~~Deputy Commissioner for Educational Programs who has such~~  
 9 ~~powers, duties, responsibilities, and functions as are~~  
 10 ~~necessary to ensure the greatest possible coordination,~~  
 11 ~~efficiency, and effectiveness of kindergarten through~~  
 12 ~~12th grade education and vocational and continuing education~~  
 13 ~~programs, including workforce development.~~

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

20       ~~(c) The Commissioner of Education shall appoint a~~  
 21 ~~Deputy Commissioner for Technology and Administration who has~~  
 22 ~~such powers, duties, responsibilities, and functions as are~~  
 23 ~~necessary to ensure the greatest possible coordination and~~  
 24 ~~development of technological supports for the education system~~  
 25 ~~and efficient administration of the department.~~

26       (3) DIVISIONS.--The following divisions of the  
 27 Department of Education are established:

28       (a) Division of Community Colleges.

29       (b) Division of Public Schools ~~and Community~~  
 30 ~~Education.~~

31       (c) Division of Colleges and Universities.

1 (d) Division of Vocational Rehabilitation Workforce  
2 Development.

3 ~~(e) Division of Professional Educators.~~

4 ~~(f) Division of Administration.~~

5 ~~(g) Division of Financial Services.~~

6 ~~(h) Division of Support Services.~~

7 ~~(i) Division of Technology.~~

8 ~~(e)(j)~~ Division of Blind Services.

9 (4) DIRECTORS.--~~The Board of Regents is the director~~  
10 ~~of the Division of Universities, and the State Board of~~  
11 ~~Community Colleges is the director of the Division of~~  
12 ~~Community Colleges, pursuant to chapter 240.~~ The directors of  
13 all ~~other~~ divisions shall be appointed by the commissioner  
14 subject to approval by the state board.

15 (5) POWERS AND DUTIES.--The State Board of Education  
16 and the Commissioner of Education+

17 (a) shall assign to the divisions ~~Division of Public~~  
18 ~~Schools and Community Education~~ such powers, duties,  
19 responsibilities, and functions as are necessary to ensure the  
20 greatest possible coordination, efficiency, and effectiveness  
21 of education for students in K-20 education ~~prekindergarten~~  
22 ~~through 12th grade, for secondary school vocational education,~~  
23 ~~and for community education.~~

24 (b) ~~Shall assign to the Division of Workforce~~  
25 ~~Development such powers, duties, responsibilities, and~~  
26 ~~functions as are necessary to ensure the greatest possible~~  
27 ~~coordination, efficiency, and effectiveness of workforce~~  
28 ~~development education.~~

29 (c) ~~Shall assign to the State Board of Community~~  
30 ~~Colleges such powers, duties, responsibilities, and functions~~  
31 ~~as are necessary to ensure the coordination, efficiency, and~~

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Amendment No. \_\_\_\_ (for drafter's use only)

1 ~~effectiveness of community colleges, except those duties~~  
 2 ~~specifically assigned to the Commissioner of Education in ss.~~  
 3 ~~229.512 and 229.551, the duties concerning physical facilities~~  
 4 ~~in chapter 235, and the duties assigned to the Division of~~  
 5 ~~Workforce Development in chapter 239.~~

6 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
 7 contained in law to the contrary, the commissioner of  
 8 ~~Education~~ shall appoint all members of all councils and  
 9 committees of the Department of Education, except the  
 10 ~~Commission for Independent Education and Board of Regents, the~~  
 11 ~~State Board of Community Colleges, the community college~~  
 12 ~~district boards of trustees, the Postsecondary Education~~  
 13 ~~Planning Commission, the Education Practices Commission, the~~  
 14 ~~Education Standards Commission, the State Board of Independent~~  
 15 ~~Colleges and Universities, and the State Board of Nonpublic~~  
 16 ~~Career Education.~~

17 (7) BOARDS.--Notwithstanding anything contained in law  
 18 to the contrary, all members of the university Board of  
 19 ~~Regents, the State Board of Community Colleges, and the~~  
 20 community college ~~district~~ boards of trustees must be  
 21 appointed according to chapter 1001 240.

22 Section 874. Paragraphs (a) and (b) of subsection (1),  
 23 paragraph (d) of subsection (3), and paragraph (a) of  
 24 subsection (5) of section 23.1225, Florida Statutes, are  
 25 amended to read:

26 23.1225 Mutual aid agreements.--

27 (1) The term "mutual aid agreement," as used in this  
 28 part, refers to one of the following types of agreement:

29 (a) A voluntary cooperation written agreement between  
 30 two or more law enforcement agencies, or between one or more  
 31 law enforcement agencies and either a school board that

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1 employs school safety officers or a state university that  
 2 employs or appoints university police officers in accordance  
 3 with s. 1012.97 ~~240-268~~, which agreement permits voluntary  
 4 cooperation and assistance of a routine law enforcement nature  
 5 across jurisdictional lines. The agreement must specify the  
 6 nature of the law enforcement assistance to be rendered, the  
 7 agency or entity that shall bear any liability arising from  
 8 acts undertaken under the agreement, the procedures for  
 9 requesting and for authorizing assistance, the agency or  
 10 entity that has command and supervisory responsibility, a time  
 11 limit for the agreement, the amount of any compensation or  
 12 reimbursement to the assisting agency or entity, and any other  
 13 terms and conditions necessary to give it effect. Examples of  
 14 law enforcement activities that may be addressed in a  
 15 voluntary cooperation written agreement include, but are not  
 16 limited to, establishing a joint city-county task force on  
 17 narcotics smuggling, authorizing school safety officers to  
 18 enforce laws in an area within 1,000 feet of a school or  
 19 school board property, or establishing a joint city-county  
 20 traffic enforcement task force.

21 (b) A requested operational assistance written  
 22 agreement between two or more law enforcement agencies, or  
 23 between one or more law enforcement agencies and either a  
 24 school board that employs school safety officers or a state  
 25 university that employs or appoints university police officers  
 26 in accordance with s. 1012.97 ~~240-268~~, which agreement is for  
 27 the rendering of assistance in a law enforcement emergency.  
 28 The agreement must specify the nature of the law enforcement  
 29 assistance to be rendered, the agency or entity that shall  
 30 bear any liability arising from acts undertaken under the  
 31 agreement, the procedures for requesting and for authorizing



1 assistance, the agency or entity that has command and  
 2 supervisory responsibility, a time limit for the agreement,  
 3 the amount of any compensation or reimbursement to the  
 4 assisting agency or entity, and any other terms and conditions  
 5 necessary to give it effect. An example of the use of a  
 6 requested operational assistance written agreement is to meet  
 7 a request for assistance due to a civil disturbance or other  
 8 emergency as defined in s. 252.34.

9 (3) A mutual aid agreement may be entered into by:

10 (d) A state university that employs or appoints  
 11 university police officers in accordance with s. 1012.97  
 12 ~~240.268~~.

13 (5) In the event of a disaster or emergency such that  
 14 a state of emergency is declared by the Governor pursuant to  
 15 chapter 252, the requirement that a requested operational  
 16 assistance agreement be a written agreement for rendering of  
 17 assistance in a law enforcement emergency may be waived by the  
 18 participating agencies for a period of up to 90 days from the  
 19 declaration of the disaster.

20 (a) When a law enforcement agency, a school board  
 21 employing school safety officers, or a state university  
 22 employing or appointing university police officers in  
 23 accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant  
 24 to this subsection, all powers, privileges, and immunities  
 25 listed in s. 23.127, except with regard to interstate mutual  
 26 aid agreements, apply to the agency or entity, provided that  
 27 the law enforcement, school board, or university employees  
 28 rendering services are being requested and coordinated by the  
 29 affected local law enforcement executive in charge of law  
 30 enforcement operations.

31 Section 875. Subsection (2) and paragraphs (c) and (d)

1 of subsection (5) of section 24.121, Florida Statutes, are  
2 amended to read:

3           24.121 Allocation of revenues and expenditure of funds  
4 for public education.--

5           (2) Each fiscal year, at least 38 percent of the gross  
6 revenue from the sale of lottery tickets and other earned  
7 revenue, excluding application processing fees, shall be  
8 deposited in the Educational Enhancement Trust Fund, which is  
9 hereby created in the State Treasury to be administered by the  
10 Department of Education. The Department of the Lottery shall  
11 transfer moneys to the Educational Enhancement Trust Fund at  
12 least once each quarter. Funds in the Educational Enhancement  
13 Trust Fund shall be used to the benefit of public education in  
14 accordance with the provisions of this act. Notwithstanding  
15 any other provision of law, a maximum of \$180 million of  
16 lottery revenues transferred to the Educational Enhancement  
17 Trust Fund in fiscal year 1997-1998 and for 30 years  
18 thereafter shall be reserved as needed and used to meet the  
19 requirements of the documents authorizing the bonds issued by  
20 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70  
21 ~~235.2195~~ or distributed to school districts for the Classrooms  
22 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery  
23 revenues are hereby pledged to the payment of debt service on  
24 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.  
25 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the  
26 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~  
27 shall be payable from the first lottery revenues transferred  
28 to the Educational Enhancement Trust Fund in each fiscal year.  
29 Amounts distributable to school districts that request the  
30 issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are  
31 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of

1 the State Constitution. The amounts distributed through the  
 2 Classrooms First Program shall equal \$145 million in each  
 3 fiscal year. These funds are intended to provide up to \$2.5  
 4 billion for public school facilities.

5 (5)

6 (c) A portion of such net revenues, as determined  
 7 annually by the Legislature, shall be distributed to each  
 8 school district and shall be made available to each public  
 9 school in the district for enhancing school performance  
 10 through development and implementation of a school improvement  
 11 plan pursuant to s. 1001.42(16) ~~230.23(16)~~. A portion of these  
 12 moneys, as determined annually in the General Appropriations  
 13 Act, must be allocated to each school in an equal amount for  
 14 each student enrolled. These moneys may be expended only on  
 15 programs or projects selected by the school advisory council  
 16 or by a parent advisory committee created pursuant to this  
 17 paragraph. If a school does not have a school advisory  
 18 council, the district advisory council must appoint a parent  
 19 advisory committee composed of parents of students enrolled in  
 20 that school, which committee is representative of the ethnic,  
 21 racial, and economic community served by the school, to advise  
 22 the school's principal on the programs or projects to be  
 23 funded. A principal may not override the recommendations of  
 24 the school advisory council or the parent advisory committee.  
 25 These moneys may not be used for capital improvements, nor may  
 26 they be used for any project or program that has a duration of  
 27 more than 1 year; however, a school advisory council or parent  
 28 advisory committee may independently determine that a program  
 29 or project formerly funded under this paragraph should receive  
 30 funds in a subsequent year.

31 (d) No funds shall be released for any purpose from

1 the Educational Enhancement Trust Fund to any school district  
 2 in which one or more schools do not have an approved school  
 3 improvement plan pursuant to s. 1001.42(16) ~~230.23(16)~~ or do  
 4 not comply with school advisory council membership composition  
 5 requirements pursuant to s. 229.58(1). Effective July 1, 2002,  
 6 the Commissioner of Education shall withhold disbursements  
 7 from the trust fund to any school district that fails to adopt  
 8 the performance-based salary schedule required by s.  
 9 1012.22(1) ~~230.23(5)~~.

10 Section 876. Paragraph (a) of subsection (5) of  
 11 section 39.0015, Florida Statutes, is amended to read:

12 39.0015 Child abuse prevention training in the  
 13 district school system.--

14 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION  
 15 PROCESS; MONITORING AND EVALUATION.--

16 (a) Each training center shall perform the following  
 17 functions:

18 1. Act as a clearinghouse to provide information on  
 19 prevention curricula which meet the requirements of this  
 20 section and the requirements of s. ss. 39.001 ~~and 231.17~~.

21 2. Assist the local school district in selecting a  
 22 prevention program model which meets the needs of the local  
 23 community.

24 3. At the request of the local school district, design  
 25 and administer training sessions to develop or expand local  
 26 primary prevention and training programs.

27 4. Provide assistance to local school districts,  
 28 including, but not limited to, all of the following:  
 29 administration, management, program development, multicultural  
 30 staffing, and community education, in order to better meet the  
 31 requirements of this section and of s. ss. 39.001 ~~and 231.17~~.

1           5. At the request of the department or the local  
2 school district, provide ongoing program development and  
3 training to achieve all of the following:

4           a. Meet the special needs of children, including, but  
5 not limited to, the needs of disabled and high-risk children.

6           b. Conduct an outreach program to inform the  
7 surrounding communities of the existence of primary prevention  
8 and training programs and of funds to conduct such programs.

9           6. Serve as a resource to the Department of Children  
10 and Family Services and its districts.

11           Section 877. Paragraph (c) of subsection (3) of  
12 section 39.407, Florida Statutes, is amended to read:

13           39.407 Medical, psychiatric, and psychological  
14 examination and treatment of child; physical or mental  
15 examination of parent or person requesting custody of child.--

16           (3)

17           (c) The judge may also order such child to be  
18 evaluated by a district school board educational needs  
19 assessment team. The educational needs assessment provided by  
20 the district school board educational needs assessment team  
21 shall include, but not be limited to, reports of intelligence  
22 and achievement tests, screening for learning disabilities and  
23 other handicaps, and screening for the need for alternative  
24 education as defined in s. 1001.42 ~~230-23~~.

25           Section 878. Subsection (1) of section 61.13015,  
26 Florida Statutes, is amended to read:

27           61.13015 Petition for suspension or denial of  
28 professional licenses and certificates.--

29           (1) An obligee may petition the court which entered  
30 the support order or the court which is enforcing the support  
31 order for an order to suspend or deny the license or

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1 certificate issued pursuant to chapters ~~231~~, 409, 455, 456,  
 2 ~~and~~ 559, and 1012 of any obligor with a delinquent support  
 3 obligation. However, no petition may be filed until the  
 4 obligee has exhausted all other available remedies. The  
 5 purpose of this section is to promote the public policy of s.  
 6 409.2551.

7 Section 879. Subsection (2) of section 105.061,  
 8 Florida Statutes, is amended to read:

9 105.061 Electors qualified to vote.--

10 (2) The election of members of a school board shall be  
 11 by vote of the qualified electors as prescribed in chapter  
 12 1001 ~~230~~.

13 Section 880. Paragraph (a) of subsection (1) of  
 14 section 110.1228, Florida Statutes, is amended to read:

15 110.1228 Participation by small counties, small  
 16 municipalities, and district school boards located in small  
 17 counties.--

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

19 (a) "District school board" means a district school  
 20 board located in a small county or a district school board  
 21 that receives funding pursuant to s. 1011.62(6) ~~236-081(6)~~.

22 Section 881. Paragraphs (b), (c), (f), (g), and (h) of  
 23 subsection (2) of section 110.123, Florida Statutes, are  
 24 amended to read:

25 110.123 State group insurance program.--

26 (2) DEFINITIONS.--As used in this section, the term:

27 (b) "Enrollee" means all state officers and employees,  
 28 retired state officers and employees, surviving spouses of  
 29 deceased state officers and employees, and terminated  
 30 employees or individuals with continuation coverage who are  
 31 enrolled in an insurance plan offered by the state group

1 insurance program."Enrollee" includes all state university  
 2 officers and employees, retired state university officers and  
 3 employees, surviving spouses of deceased state university  
 4 officers and employees, and terminated state university  
 5 employees or individuals with continuation coverage who are  
 6 enrolled in an insurance plan offered by the state group  
 7 insurance program.

8 (c) "Full-time state employees" includes all full-time  
 9 employees of all branches or agencies of state government  
 10 holding salaried positions and paid by state warrant or from  
 11 agency funds, and employees paid from regular salary  
 12 appropriations for 8 months' employment, including university  
 13 personnel on academic contracts, but in no case shall "state  
 14 employee" or "salaried position" include persons paid from  
 15 other-personal-services (OPS) funds."Full-time employees  
 16 includes all full-time employees of the state universities.

17 (f) "Part-time state employee" means any employee of  
 18 any branch or agency of state government paid by state warrant  
 19 from salary appropriations or from agency funds, and who is  
 20 employed for less than the normal full-time workweek  
 21 established by the department or, if on academic contract or  
 22 seasonal or other type of employment which is less than  
 23 year-round, is employed for less than 8 months during any  
 24 12-month period, but in no case shall "part-time" employee  
 25 include a person paid from other-personal-services (OPS)  
 26 funds."Part-time state employee" includes any part-time  
 27 employee of the state universities.

28 (g) "Retired state officer or employee" or "retiree"  
 29 means any state or state university officer or ~~state~~ employee  
 30 who retires under a state retirement system or a state  
 31 optional annuity or retirement program or is placed on

1 disability retirement, and who was insured under the state  
 2 group insurance program at the time of retirement, and who  
 3 begins receiving retirement benefits immediately after  
 4 retirement from state or state university office or  
 5 employment.

6 (h) "State agency" or "agency" means any branch,  
 7 department, or agency of state government. "State agency" or  
 8 "agency" includes any state university for purposes of this  
 9 section only.

10 Section 882. Subsection (1) of section 110.151,  
 11 Florida Statutes, is amended to read:

12 110.151 State officers' and employees' child care  
 13 services.--

14 (1) The Department of Management Services shall  
 15 approve, administer, and coordinate child care services for  
 16 state officers' and employees' children or dependents. Duties  
 17 shall include, but not be limited to, reviewing and approving  
 18 requests from state agencies for child care services;  
 19 providing technical assistance on child care program startup  
 20 and operation; and assisting other agencies in conducting  
 21 needs assessments, designing centers, and selecting service  
 22 providers. Primary emphasis for child care services shall be  
 23 given to children who are not subject to compulsory school  
 24 attendance pursuant to part II of chapter 1003 ~~chapter 232~~,  
 25 and, to the extent possible, emphasis shall be placed on child  
 26 care for children aged 2 and under.

27 Section 883. Subsection (5) of section 110.181,  
 28 Florida Statutes, is amended to read:

29 110.181 Florida State Employees' Charitable  
 30 Campaign.--

31 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each



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1 university may elect to participate in the Florida State  
 2 Employees' Charitable Campaign, upon timely notice to the  
 3 department. Each university may also conduct annual  
 4 charitable fundraising drives for employees under the  
 5 authority granted in s. 1001.74(19) ~~240.209(3)(f)~~.

6 Section 884. Paragraph (d) of subsection (2) of  
 7 section 110.205, Florida Statutes, is amended to read:

8 110.205 Career service; exemptions.--

9 (2) EXEMPT POSITIONS.--The exempt positions that are  
 10 not covered by this part include the following:

11 (d) All officers and employees of the state  
 12 universities ~~University System~~ and the Correctional Education  
 13 Program within the Department of Corrections, and the academic  
 14 personnel and academic administrative personnel of the Florida  
 15 School for the Deaf and the Blind. In accordance with the  
 16 provisions of s. 1002.36 ~~chapter 242~~, the salaries for  
 17 academic personnel and academic administrative personnel of  
 18 the Florida School for the Deaf and the Blind shall be set by  
 19 the board of trustees for the school, subject only to the  
 20 approval of the State Board of Education. The salaries for all  
 21 instructional personnel and all administrative and  
 22 noninstructional personnel of the Correctional Education  
 23 Program shall be set by the Department of Corrections, subject  
 24 to the approval of the Department of Management Services.

25 Section 885. Paragraphs (b) and (c) of subsection (1)  
 26 of section 112.1915, Florida Statutes, are amended to read:

27 112.1915 Teachers and school administrators; death  
 28 benefits.--Any other provision of law to the contrary  
 29 notwithstanding:

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

31 (b) "Teacher" means any instructional staff personnel

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1 as described in s. 1012.01(2) ~~228.041(9)~~.

2 (c) "School administrator" means any school  
3 administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

4 Section 886. Paragraph (h) of subsection (12) of  
5 section 112.313, Florida Statutes, is amended to read:

6 112.313 Standards of conduct for public officers,  
7 employees of agencies, and local government attorneys.--

8 (12) EXEMPTION.--The requirements of subsections (3)  
9 and (7) as they pertain to persons serving on advisory boards  
10 may be waived in a particular instance by the body which  
11 appointed the person to the advisory board, upon a full  
12 disclosure of the transaction or relationship to the  
13 appointing body prior to the waiver and an affirmative vote in  
14 favor of waiver by two-thirds vote of that body. In instances  
15 in which appointment to the advisory board is made by an  
16 individual, waiver may be effected, after public hearing, by a  
17 determination by the appointing person and full disclosure of  
18 the transaction or relationship by the appointee to the  
19 appointing person. In addition, no person shall be held in  
20 violation of subsection (3) or subsection (7) if:

21 (h) The transaction is made pursuant to s. 1004.22  
22 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by  
23 the president and the chair of the university board of  
24 trustees Chancellor. The chair of the university board of  
25 trustees Chancellor shall submit to the Governor and the  
26 Legislature by March 1 of each year a report of the  
27 transactions approved pursuant to this paragraph during the  
28 preceding year.

29 Section 887. Paragraphs (a), (c), (e), (g), (i), and  
30 (j) of subsection (1) of section 120.81, Florida Statutes, are  
31 amended to read:

1           120.81 Exceptions and special requirements; general  
2 areas.--

3           (1) EDUCATIONAL UNITS.--

4           (a) Notwithstanding s. 120.536(1) and the flush left  
5 provisions of s. 120.52(8), district school boards may adopt  
6 rules to implement their general powers under s. 1001.41  
7 ~~230.22~~.

8           (c) Notwithstanding s. 120.52(15), any tests, test  
9 scoring criteria, or testing procedures relating to student  
10 assessment which are developed or administered by the  
11 Department of Education pursuant to s. 1003.43 ~~229.57~~, s.  
12 1003.438, s. 1008.22 ~~232.245~~, or s. 1008.25 ~~232.246~~, or s.  
13 ~~232.247~~, or any other statewide educational tests required by  
14 law, are not rules.

15           (e) Educational units, other than the state  
16 universities ~~units of the State University System~~ and the  
17 Florida School for the Deaf and the Blind, shall not be  
18 required to make filings with the committee of the documents  
19 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

20           (g) Sections 120.569 and 120.57 do not apply to any  
21 proceeding in which the substantial interests of a student are  
22 determined by a state university ~~the State University System~~  
23 or a community college district. Each university board of  
24 trustees ~~The Board of Regents~~ shall establish a committee, at  
25 least half of whom shall be appointed by the student  
26 government association ~~Council of Student Body Presidents~~,  
27 which shall establish rules and guidelines ensuring fairness  
28 and due process in judicial proceedings involving students in  
29 the state university ~~State University System~~.

30           (i) For purposes of s. 120.68, a district school board  
31 whose decision is reviewed under the provisions of s. 1012.33

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1 ~~231.36~~ and whose final action is modified by a superior  
2 administrative decision shall be a party entitled to judicial  
3 review of the final action.

4 (j) Notwithstanding s. 120.525(2), the agenda for a  
5 special meeting of a district school board under authority of  
6 s. 1001.372(1) ~~230.16~~ shall be prepared upon the calling of  
7 the meeting, but not less than 48 hours prior to the meeting.

8 Section 888. Paragraph (c) of subsection (2) of  
9 section 121.051, Florida Statutes, is amended to read:

10 121.051 Participation in the system.--

11 (2) OPTIONAL PARTICIPATION.--

12 (c) Employees of ~~members of the Florida~~ community  
13 colleges ~~College System~~ or charter technical career centers  
14 sponsored by members of the ~~Florida~~ community colleges ~~College~~  
15 ~~System~~, as designated in s. 1000.21(3) ~~240.3031~~, who are  
16 members of the Regular Class of the Florida Retirement System  
17 and who comply with the criteria set forth in this paragraph  
18 and in s. 1012.875 ~~240.3195~~ may elect, in lieu of  
19 participating in the Florida Retirement System, to withdraw  
20 from the Florida Retirement System altogether and participate  
21 in a lifetime monthly annuity program, to be known as the  
22 State Community College System Optional Retirement Program,  
23 which may be provided by the employing agency under s.  
24 1012.875 ~~240.3195~~. Pursuant thereto:

25 1. Through June 30, 2001, the cost to the employer for  
26 such annuity shall equal the normal cost portion of the  
27 employer retirement contribution which would be required if  
28 the employee were a member of the Regular Class defined  
29 benefit program, plus the portion of the contribution rate  
30 required by s. 112.363(8) that would otherwise be assigned to  
31 the Retiree Health Insurance Subsidy Trust Fund. Effective

1 July 1, 2001, each employer shall contribute on behalf of each  
 2 participant in the optional program an amount equal to 10.43  
 3 percent of the participant's gross monthly compensation. The  
 4 employer shall deduct an amount to provide for the  
 5 administration of the optional retirement program. The  
 6 employer providing such annuity shall contribute an additional  
 7 amount to the Florida Retirement System Trust Fund equal to  
 8 the unfunded actuarial accrued liability portion of the  
 9 Regular Class contribution rate.

10 2. The decision to participate in such an optional  
 11 retirement program shall be irrevocable for as long as the  
 12 employee holds a position eligible for participation. Any  
 13 service creditable under the Florida Retirement System shall  
 14 be retained after the member withdraws from the Florida  
 15 Retirement System; however, additional service credit in the  
 16 Florida Retirement System shall not be earned while a member  
 17 of the optional retirement program.

18 3. Participation in an optional annuity program shall  
 19 be limited to those employees who satisfy the following  
 20 eligibility criteria:

21 a. The employee must be otherwise eligible for  
 22 membership in the Regular Class of the Florida Retirement  
 23 System, as provided in s. 121.021(11) and (12).

24 b. The employee must be employed in a full-time  
 25 position classified in the Accounting Manual for Florida's  
 26 Public Community Colleges as:

27 (I) Instructional; or

28 (II) Executive Management, Instructional Management,  
 29 or Institutional Management, if a community college determines  
 30 that recruiting to fill a vacancy in the position is to be  
 31 conducted in the national or regional market, and:

1 (A) The duties and responsibilities of the position  
2 include either the formulation, interpretation, or  
3 implementation of policies; or

4 (B) The duties and responsibilities of the position  
5 include the performance of functions that are unique or  
6 specialized within higher education and that frequently  
7 involve the support of the mission of the community college.

8 c. The employee must be employed in a position not  
9 included in the Senior Management Service Class of the Florida  
10 Retirement System, as described in s. 121.055.

11 4. Participants in the program are subject to the same  
12 reemployment limitations, renewed membership provisions, and  
13 forfeiture provisions as are applicable to regular members of  
14 the Florida Retirement System under ss. 121.091(9), 121.122,  
15 and 121.091(5), respectively.

16 5. Eligible community college employees shall be  
17 compulsory members of the Florida Retirement System until,  
18 pursuant to the procedures set forth in s. ~~1012.875~~ ~~240-3195~~,  
19 the first day of the next full calendar month following the  
20 filing of both a written election to withdraw and a completed  
21 application for an individual contract or certificate with the  
22 program administrator and receipt of such election by the  
23 division.

24 Section 889. Paragraph (a) of subsection (13) of  
25 section 121.091, Florida Statutes, is amended to read:

26 121.091 Benefits payable under the system.--Benefits  
27 may not be paid under this section unless the member has  
28 terminated employment as provided in s. 121.021(39)(a) or  
29 begun participation in the Deferred Retirement Option Program  
30 as provided in subsection (13), and a proper application has  
31 been filed in the manner prescribed by the department. The

1 department may cancel an application for retirement benefits  
 2 when the member or beneficiary fails to timely provide the  
 3 information and documents required by this chapter and the  
 4 department's rules. The department shall adopt rules  
 5 establishing procedures for application for retirement  
 6 benefits and for the cancellation of such application when the  
 7 required information or documents are not received.

8 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,  
 9 and subject to the provisions of this section, the Deferred  
 10 Retirement Option Program, hereinafter referred to as the  
 11 DROP, is a program under which an eligible member of the  
 12 Florida Retirement System may elect to participate, deferring  
 13 receipt of retirement benefits while continuing employment  
 14 with his or her Florida Retirement System employer. The  
 15 deferred monthly benefits shall accrue in the System Trust  
 16 Fund on behalf of the participant, plus interest compounded  
 17 monthly, for the specified period of the DROP participation,  
 18 as provided in paragraph (c). Upon termination of employment,  
 19 the participant shall receive the total DROP benefits and  
 20 begin to receive the previously determined normal retirement  
 21 benefits. Participation in the DROP does not guarantee  
 22 employment for the specified period of DROP.

23 (a) Eligibility of member to participate in the  
 24 DROP.--All active Florida Retirement System members in a  
 25 regularly established position, and all active members of  
 26 either the Teachers' Retirement System established in chapter  
 27 238 or the State and County Officers' and Employees'  
 28 Retirement System established in chapter 122 which systems are  
 29 consolidated within the Florida Retirement System under s.  
 30 121.011, are eligible to elect participation in the DROP  
 31 provided that:

1           1. The member is not a renewed member of the Florida  
 2 Retirement System under s. 121.122, or a member of the State  
 3 Community College System Optional Retirement Program under s.  
 4 121.051, the Senior Management Service Optional Annuity  
 5 Program under s. 121.055, or the optional retirement program  
 6 for the State University System under s. 121.35.

7           2. Except as provided in subparagraph 6., election to  
 8 participate is made within 12 months immediately following the  
 9 date on which the member first reaches normal retirement date,  
 10 or, for a member who reaches normal retirement date based on  
 11 service before he or she reaches age 62, or age 55 for Special  
 12 Risk Class members, election to participate may be deferred to  
 13 the 12 months immediately following the date the member  
 14 attains 57, or age 52 for Special Risk Class members. For a  
 15 member who first reached normal retirement date or the  
 16 deferred eligibility date described above prior to the  
 17 effective date of this section, election to participate shall  
 18 be made within 12 months after the effective date of this  
 19 section. A member who fails to make an election within such  
 20 12-month limitation period shall forfeit all rights to  
 21 participate in the DROP. The member shall advise his or her  
 22 employer and the division in writing of the date on which the  
 23 DROP shall begin. Such beginning date may be subsequent to the  
 24 12-month election period, but must be within the 60-month  
 25 limitation period as provided in subparagraph (b)1. When  
 26 establishing eligibility of the member to participate in the  
 27 DROP for the 60-month maximum participation period, the member  
 28 may elect to include or exclude any optional service credit  
 29 purchased by the member from the total service used to  
 30 establish the normal retirement date. A member with dual  
 31 normal retirement dates shall be eligible to elect to



1 participate in DROP within 12 months after attaining normal  
2 retirement date in either class.

3 3. The employer of a member electing to participate in  
4 the DROP, or employers if dually employed, shall acknowledge  
5 in writing to the division the date the member's participation  
6 in the DROP begins and the date the member's employment and  
7 DROP participation will terminate.

8 4. Simultaneous employment of a participant by  
9 additional Florida Retirement System employers subsequent to  
10 the commencement of participation in the DROP shall be  
11 permissible provided such employers acknowledge in writing a  
12 DROP termination date no later than the participant's existing  
13 termination date or the 60-month limitation period as provided  
14 in subparagraph (b)1.

15 5. A DROP participant may change employers while  
16 participating in the DROP, subject to the following:

17 a. A change of employment must take place without a  
18 break in service so that the member receives salary for each  
19 month of continuous DROP participation. If a member receives  
20 no salary during a month, DROP participation shall cease  
21 unless the employer verifies a continuation of the employment  
22 relationship for such participant pursuant to s.  
23 121.021(39)(b).

24 b. Such participant and new employer shall notify the  
25 division on forms required by the division as to the identity  
26 of the new employer.

27 c. The new employer shall acknowledge, in writing, the  
28 participant's DROP termination date, which may be extended but  
29 not beyond the original 60-month period provided in  
30 subparagraph (b)1., shall acknowledge liability for any  
31 additional retirement contributions and interest required if

1 the participant fails to timely terminate employment, and  
2 shall be subject to the adjustment required in  
3 sub-subparagraph (c)5.d.

4           6. Effective July 1, 2001, for instructional personnel  
5 as defined in s. 1012.01(2) ~~228.041(9)(a)-(d)~~, election to  
6 participate in the DROP shall be made at any time following  
7 the date on which the member first reaches normal retirement  
8 date. The member shall advise his or her employer and the  
9 division in writing of the date on which the Deferred  
10 Retirement Option Program shall begin. When establishing  
11 eligibility of the member to participate in the DROP for the  
12 60-month maximum participation period, as provided in  
13 subparagraph (b)1., the member may elect to include or exclude  
14 any optional service credit purchased by the member from the  
15 total service used to establish the normal retirement date. A  
16 member with dual normal retirement dates shall be eligible to  
17 elect to participate in either class.

18           Section 890. Subsection (2) of section 145.131,  
19 Florida Statutes, is amended to read:

20           145.131 Repeal of other laws relating to compensation;  
21 exceptions.--

22           (2) The compensation of any official whose salary is  
23 fixed by this chapter shall be the subject of general law  
24 only, except that the compensation of certain school  
25 superintendents may be set by school boards in accordance with  
26 the provisions of s. 1001.47 ~~230-303~~.

27           Section 891. Subsection (2) of section 145.19, Florida  
28 Statutes, is amended to read:

29           145.19 Annual percentage increases based on increase  
30 for state career service employees; limitation.--

31           (2) Each fiscal year, the salaries of all officials

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1 listed in this chapter and ss. 1001.395 ~~230.202~~ and 1001.47  
2 ~~230.303~~ shall be adjusted by the annual factor. The Department  
3 of Management Services shall certify the annual factor and the  
4 cumulative annual factors. The adjusted salary rate shall be  
5 the product, rounded to the nearest dollar, of the salary rate  
6 granted by the appropriate section of this chapter multiplied  
7 first by the initial factor, then by the cumulative annual  
8 factor, and finally by the annual factor. Any special  
9 qualification salary received under this chapter shall be  
10 added to such adjusted salary rate, which special  
11 qualification salary shall be \$2,000, but shall not exceed  
12 \$2,000.

13 Section 892. Section 153.77, Florida Statutes, is  
14 amended to read:

15 153.77 District bonds as securities for public  
16 bodies.--All revenue bonds, general obligation bonds, or  
17 assessment bonds issued pursuant to this law shall be and  
18 constitute legal investments for state, county, municipal, and  
19 all other public funds and for banks, savings banks, insurance  
20 companies, executors, administrators, trustees, and all other  
21 fiduciaries and shall also be and constitute securities  
22 eligible as collateral security for all state, county,  
23 municipal, or other public funds, subject to the restrictions  
24 and limitations of chapters 18, 136, ~~237~~, 518, 655, 657, 658,  
25 ~~and~~ 660-665, and 1011.

26 Section 893. Subsection (22) of section 159.27,  
27 Florida Statutes, is amended to read:

28 159.27 Definitions.--The following words and terms,  
29 unless the context clearly indicates a different meaning,  
30 shall have the following meanings:

31 (22) "Educational facility" means:

1           (a) Property, limited to a structure suitable for use  
 2 as a dormitory or other housing facility or a dining facility,  
 3 that is operated in the public sector and used for or useful  
 4 in connection with the operation of an institution for higher  
 5 education, as defined in s. 243.20(8), which offers the  
 6 baccalaureate or a higher degree and that is constructed in  
 7 compliance with applicable codes as determined by appropriate  
 8 state agencies.

9           (b) Property that comprises the buildings and  
 10 equipment, structures, and special education use areas that  
 11 are built, installed, or established to serve primarily the  
 12 educational purposes of operating any nonprofit private  
 13 preschool, kindergarten, elementary school, middle school, or  
 14 high school that is established under chapter 617 or chapter  
 15 623, or that is owned or operated by an organization described  
 16 in s. 501(c)(3) of the United States Internal Revenue Code, or  
 17 operating any preschool, kindergarten, elementary school,  
 18 middle school, or high school that is owned or operated as  
 19 part of the state's system of public education, including, but  
 20 not limited to, a charter school or a developmental research  
 21 school operated under chapter 1002 ~~228~~. The requirements of  
 22 this part for the financing of projects through local agencies  
 23 shall also apply to such schools. Bonds issued under the  
 24 provisions of this part for such schools shall not be deemed  
 25 to constitute a debt, liability, or obligation of the state or  
 26 any political subdivision thereof, or a pledge of the faith  
 27 and credit of the state or of any such political subdivision,  
 28 but shall be payable solely from the revenues provided  
 29 therefor.

30           Section 894. Paragraph (h) of subsection (6) and  
 31 paragraph (a) of subsection (12) of section 163.3177, Florida

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1 Statutes, are amended to read:

2 163.3177 Required and optional elements of  
3 comprehensive plan; studies and surveys.--

4 (6) In addition to the requirements of subsections  
5 (1)-(5), the comprehensive plan shall include the following  
6 elements:

7 (h)1. An intergovernmental coordination element  
8 showing relationships and stating principles and guidelines to  
9 be used in the accomplishment of coordination of the adopted  
10 comprehensive plan with the plans of school boards and other  
11 units of local government providing services but not having  
12 regulatory authority over the use of land, with the  
13 comprehensive plans of adjacent municipalities, the county,  
14 adjacent counties, or the region, and with the state  
15 comprehensive plan, as the case may require and as such  
16 adopted plans or plans in preparation may exist. This element  
17 of the local comprehensive plan shall demonstrate  
18 consideration of the particular effects of the local plan,  
19 when adopted, upon the development of adjacent municipalities,  
20 the county, adjacent counties, or the region, or upon the  
21 state comprehensive plan, as the case may require.

22 a. The intergovernmental coordination element shall  
23 provide for procedures to identify and implement joint  
24 planning areas, especially for the purpose of annexation,  
25 municipal incorporation, and joint infrastructure service  
26 areas.

27 b. The intergovernmental coordination element shall  
28 provide for recognition of campus master plans prepared  
29 pursuant to s. 1013.30 ~~240.155~~.

30 c. The intergovernmental coordination element may  
31 provide for a voluntary dispute resolution process as

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1 established pursuant to s. 186.509 for bringing to closure in  
2 a timely manner intergovernmental disputes. A local  
3 government may develop and use an alternative local dispute  
4 resolution process for this purpose.

5           2. The intergovernmental coordination element shall  
6 further state principles and guidelines to be used in the  
7 accomplishment of coordination of the adopted comprehensive  
8 plan with the plans of school boards and other units of local  
9 government providing facilities and services but not having  
10 regulatory authority over the use of land. In addition, the  
11 intergovernmental coordination element shall describe joint  
12 processes for collaborative planning and decisionmaking on  
13 population projections and public school siting, the location  
14 and extension of public facilities subject to concurrency, and  
15 siting facilities with countywide significance, including  
16 locally unwanted land uses whose nature and identity are  
17 established in an agreement. Within 1 year of adopting their  
18 intergovernmental coordination elements, each county, all the  
19 municipalities within that county, the district school board,  
20 and any unit of local government service providers in that  
21 county shall establish by interlocal or other formal agreement  
22 executed by all affected entities, the joint processes  
23 described in this subparagraph consistent with their adopted  
24 intergovernmental coordination elements.

25           3. To foster coordination between special districts  
26 and local general-purpose governments as local general-purpose  
27 governments implement local comprehensive plans, each  
28 independent special district must submit a public facilities  
29 report to the appropriate local government as required by s.  
30 189.415.

31           4. The state land planning agency shall establish a

1 schedule for phased completion and transmittal of plan  
 2 amendments to implement subparagraphs 1., 2., and 3. from all  
 3 jurisdictions so as to accomplish their adoption by December  
 4 31, 1999. A local government may complete and transmit its  
 5 plan amendments to carry out these provisions prior to the  
 6 scheduled date established by the state land planning agency.  
 7 The plan amendments are exempt from the provisions of s.  
 8 163.3187(1).

9 (12) A public school facilities element adopted to  
 10 implement a school concurrency program shall meet the  
 11 requirements of this subsection.

12 (a) A public school facilities element shall be based  
 13 upon data and analyses that address, among other items, how  
 14 level-of-service standards will be achieved and maintained.  
 15 Such data and analyses must include, at a minimum, such items  
 16 as: the 5-year school district facilities work program adopted  
 17 pursuant to s. 1013.35 ~~235.185~~; the educational plant survey  
 18 and an existing educational and ancillary plant map or map  
 19 series; information on existing development and development  
 20 anticipated for the next 5 years and the long-term planning  
 21 period; an analysis of problems and opportunities for existing  
 22 schools and schools anticipated in the future; an analysis of  
 23 opportunities to collocate future schools with other public  
 24 facilities such as parks, libraries, and community centers; an  
 25 analysis of the need for supporting public facilities for  
 26 existing and future schools; an analysis of opportunities to  
 27 locate schools to serve as community focal points; projected  
 28 future population and associated demographics, including  
 29 development patterns year by year for the upcoming 5-year and  
 30 long-term planning periods; and anticipated educational and  
 31 ancillary plants with land area requirements.

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1           Section 895. Paragraph (k) of subsection (2) of  
2 section 163.3191, Florida Statutes, is amended to read:

3           163.3191 Evaluation and appraisal of comprehensive  
4 plan.--

5           (2) The report shall present an evaluation and  
6 assessment of the comprehensive plan and shall contain  
7 appropriate statements to update the comprehensive plan,  
8 including, but not limited to, words, maps, illustrations, or  
9 other media, related to:

10           (k) The coordination of the comprehensive plan with  
11 existing public schools and those identified in the applicable  
12 5-year school district facilities work program adopted  
13 pursuant to s. 1013.35 ~~235.185~~. The assessment shall address,  
14 where relevant, the success or failure of the coordination of  
15 the future land use map and associated planned residential  
16 development with public schools and their capacities, as well  
17 as the joint decisionmaking processes engaged in by the local  
18 government and the school board in regard to establishing  
19 appropriate population projections and the planning and siting  
20 of public school facilities. If the issues are not relevant,  
21 the local government shall demonstrate that they are not  
22 relevant.

23           Section 896. Paragraph (b) of subsection (3) of  
24 section 195.096, Florida Statutes, is amended to read:

25           195.096 Review of assessment rolls.--

26           (3)

27           (b) When necessary for compliance with s. 1011.62  
28 ~~236.081~~, and for those counties not being studied in the  
29 current year, the department shall project value-weighted mean  
30 levels of assessment for each county. The department shall  
31 make its projection based upon the best information available,



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- 1 utilizing professionally accepted methodology, and shall
- 2 separately allocate changes in total assessed value to:
- 3       1. New construction, additions, and deletions.
- 4       2. Changes in the value of the dollar.
- 5       3. Changes in the market value of property other than
- 6 those attributable to changes in the value of the dollar.
- 7       4. Changes in the level of assessment.

8

9 In lieu of the statistical and analytical measures published

10 pursuant to paragraph (a), the department shall publish

11 details concerning the computation of estimated assessment

12 levels and the allocation of changes in assessed value for

13 those counties not subject to an in-depth review.

14       Section 897. Subsection (5) of section 196.012,

15 Florida Statutes, is amended to read:

16       196.012 Definitions.--For the purpose of this chapter,

17 the following terms are defined as follows, except where the

18 context clearly indicates otherwise:

19       (5) "Educational institution" means a federal, state,

20 parochial, church, or private school, college, or university

21 conducting regular classes and courses of study required for

22 eligibility to certification by, accreditation to, or

23 membership in the State Department of Education of Florida,

24 Southern Association of Colleges and Schools, or the Florida

25 Council of Independent Schools; a nonprofit private school the

26 principal activity of which is conducting regular classes and

27 courses of study accepted for continuing postgraduate dental

28 education credit by a board of the Division of Medical Quality

29 Assurance; educational direct-support organizations created

30 pursuant to ss. 1001.24, 1004.28, and 1004.70 ~~229.8021,~~

31 ~~240.299, and 240.331~~; facilities located on the property of

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1 eligible entities which will become owned by those entities on  
2 a date certain; and institutions of higher education, as  
3 defined under and participating in the Higher Educational  
4 Facilities Financing Act.

5 Section 898. Subsection (4) of section 196.031,  
6 Florida Statutes, is amended to read:

7 196.031 Exemption of homesteads.--

8 (4) The property appraisers of the various counties  
9 shall each year compile a list of taxable property and its  
10 value removed from the assessment rolls of each school  
11 district as a result of the excess of exempt value above that  
12 amount allowed for nonschool levies as provided in subsections  
13 (1) and (3), as well as a statement of the loss of tax revenue  
14 to each school district from levies other than the minimum  
15 financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~,  
16 and shall deliver a copy thereof to the Department of Revenue  
17 upon certification of the assessment roll to the tax  
18 collector.

19 Section 899. Section 196.1983, Florida Statutes, is  
20 amended to read:

21 196.1983 Charter school exemption from ad valorem  
22 taxes.--Any facility, or portion thereof, used to house a  
23 charter school whose charter has been approved by the sponsor  
24 and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~  
25 shall be exempt from ad valorem taxes. For leasehold  
26 properties, the landlord must certify by affidavit to the  
27 charter school that the lease payments shall be reduced to the  
28 extent of the exemption received. The owner of the property  
29 shall disclose to a charter school the full amount of the  
30 benefit derived from the exemption and the method for ensuring  
31 that the charter school receives such benefit. The charter

1 school shall receive the full benefit derived from the  
2 exemption through either an annual or monthly credit to the  
3 charter school's lease payments.

4 Section 900. Paragraphs (a), (b), and (d) of  
5 subsection (3) of section 200.001, Florida Statutes, are  
6 amended to read:

7 200.001 Millages; definitions and general  
8 provisions.--

9 (3) School millages shall be composed of five  
10 categories of millage rates, as follows:

11 (a) Nonvoted required school operating millage, which  
12 shall be that nonvoted millage rate set by the county school  
13 board for current operating purposes and imposed pursuant to  
14 s. 1011.60(6) ~~236.02(6)~~.

15 (b) Nonvoted discretionary school operating millage,  
16 which shall be that nonvoted millage rate set by the county  
17 school board for operating purposes other than the rate  
18 imposed pursuant to s. 1011.60(6) ~~236.02(6)~~ and other than the  
19 rate authorized in s. 1011.71(2) ~~236.25(2)~~.

20 (d) Nonvoted district school capital improvement  
21 millage, which shall be that millage rate set by the district  
22 school board for capital improvements as authorized in s.  
23 1011.71(2) ~~236.25(2)~~.

24 Section 901. Paragraph (a) of subsection (2),  
25 paragraphs (c) and (d) of subsection (3), paragraph (a) of  
26 subsection (9), subsection (10), and paragraph (b) of  
27 subsection (12) of section 200.065, Florida Statutes, are  
28 amended to read:

29 200.065 Method of fixing millage.--

30 (2) No millage shall be levied until a resolution or  
31 ordinance has been approved by the governing board of the

1 taxing authority which resolution or ordinance must be  
2 approved by the taxing authority according to the following  
3 procedure:

4 (a)1. Upon preparation of a tentative budget, but  
5 prior to adoption thereof, each taxing authority shall compute  
6 a proposed millage rate necessary to fund the tentative budget  
7 other than the portion of the budget to be funded from sources  
8 other than ad valorem taxes. In computing proposed or final  
9 millage rates, each taxing authority shall utilize not less  
10 than 95 percent of the taxable value certified pursuant to  
11 subsection (1).

12 2. The tentative budget of the county commission shall  
13 be prepared and submitted in accordance with s. 129.03.

14 3. The tentative budget of the school district shall  
15 be prepared and submitted in accordance with chapter 1011 ~~237~~,  
16 provided that the date of submission shall not be later than  
17 24 days after certification of value pursuant to subsection  
18 (1).

19 4. Taxing authorities other than the county and school  
20 district shall prepare and consider tentative and final  
21 budgets in accordance with this section and applicable  
22 provisions of law, including budget procedures applicable to  
23 the taxing authority, provided such procedures do not conflict  
24 with general law.

25 (3) The advertisement shall be no less than  
26 one-quarter page in size of a standard size or a tabloid size  
27 newspaper, and the headline in the advertisement shall be in a  
28 type no smaller than 18 point. The advertisement shall not be  
29 placed in that portion of the newspaper where legal notices  
30 and classified advertisements appear. The advertisement shall  
31 be published in a newspaper of general paid circulation in the

1 county or in a geographically limited insert of such  
 2 newspaper. The geographic boundaries in which such insert is  
 3 circulated shall include the geographic boundaries of the  
 4 taxing authority. It is the legislative intent that, whenever  
 5 possible, the advertisement appear in a newspaper that is  
 6 published at least 5 days a week unless the only newspaper in  
 7 the county is published less than 5 days a week, or that the  
 8 advertisement appear in a geographically limited insert of  
 9 such newspaper which insert is published throughout the taxing  
 10 authority's jurisdiction at least twice each week. It is  
 11 further the legislative intent that the newspaper selected be  
 12 one of general interest and readership in the community and  
 13 not one of limited subject matter, pursuant to chapter 50.

14 (c) For school districts which have proposed a millage  
 15 rate in excess of 100 percent of the rolled-back rate computed  
 16 pursuant to subsection (1) and which propose to levy nonvoted  
 17 millage in excess of the minimum amount required pursuant to  
 18 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be in the  
 19 following form:

20  
 21 NOTICE OF PROPOSED TAX INCREASE  
 22

23 The ...(name of school district)... will soon consider  
 24 a measure to increase its property tax levy.

25 Last year's property tax levy:

- 26 A. Initially proposed tax levy.....\$XX,XXX,XXX
- 27 B. Less tax reductions due to Value Adjustment Board
- 28 and other assessment changes.....(\$XX,XXX,XXX)
- 29 C. Actual property tax levy.....\$XX,XXX,XXX

30 This year's proposed tax levy.....\$XX,XXX,XXX

31 A portion of the tax levy is required under state law

1 in order for the school board to receive \$...(amount A)... in  
2 state education grants. The required portion has ...(increased  
3 or decreased)... by ...(amount B)... percent and represents  
4 approximately ...(amount C)... of the total proposed taxes.

5 The remainder of the taxes is proposed solely at the  
6 discretion of the school board.

7 All concerned citizens are invited to a public hearing  
8 on the tax increase to be held on ...(date and time)... at  
9 ...(meeting place)....

10 A DECISION on the proposed tax increase and the budget  
11 will be made at this hearing.

12

13 1. AMOUNT A shall be an estimate, provided by the  
14 Department of Education, of the amount to be received in the  
15 current fiscal year by the district from state appropriations  
16 for the Florida Education Finance Program.

17 2. AMOUNT B shall be the percent increase over the  
18 rolled-back rate necessary to levy only the required local  
19 effort in the current fiscal year, computed as though in the  
20 preceding fiscal year only the required local effort was  
21 levied.

22 3. AMOUNT C shall be the quotient of required  
23 local-effort millage divided by the total proposed nonvoted  
24 millage, rounded to the nearest tenth and stated in words;  
25 however, the stated amount shall not exceed nine-tenths.

26

27 (d) For school districts which have proposed a millage  
28 rate in excess of 100 percent of the rolled-back rate computed  
29 pursuant to subsection (1) and which propose to levy as  
30 nonvoted millage only the minimum amount required pursuant to  
31 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be the same

1 as provided in paragraph (c), except that the second and third  
2 paragraphs shall be replaced with the following paragraph:

3

4 This increase is required under state law in order for  
5 the school board to receive \$...(amount A)... in state  
6 education grants.

7

8 (9)(a) In addition to the notice required in  
9 subsection (3), a district school board shall publish a second  
10 notice of intent to levy additional taxes under s. 1011.71(2)  
11 ~~236.25(2)~~. Such notice shall specify the projects or number  
12 of school buses anticipated to be funded by such additional  
13 taxes and shall be published in the size, within the time  
14 periods, adjacent to, and in substantial conformity with the  
15 advertisement required under subsection (3). The projects  
16 shall be listed in priority within each category as follows:  
17 construction and remodeling; maintenance, renovation, and  
18 repair; motor vehicle purchases; new and replacement  
19 equipment; payments for educational facilities and sites due  
20 under a lease-purchase agreement; payments for renting and  
21 leasing educational facilities and sites; payments of loans  
22 approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~;  
23 payment of costs of compliance with environmental statutes and  
24 regulations; and payment of costs of leasing relocatable  
25 educational facilities. The additional notice shall be in the  
26 following form, except that if the district school board is  
27 proposing to levy the same millage under s. 1011.71(2)  
28 ~~236.25(2)~~ which it levied in the prior year, the words  
29 "continue to" shall be inserted before the word "impose" in  
30 the first sentence, and except that the second sentence of the  
31 second paragraph shall be deleted if the district is

1 advertising pursuant to paragraph (3)(e):

2

3

NOTICE OF TAX FOR SCHOOL

4

CAPITAL OUTLAY

5

6

The ...(name of school district)... will soon consider a measure to impose a ...(number)... mill property tax for the capital outlay projects listed herein.

9

This tax is in addition to the school board's proposed tax of ...(number)... mills for operating expenses and is proposed solely at the discretion of the school board. THE PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

10

11

12

13

14

The capital outlay tax will generate approximately \$...(amount)..., to be used for the following projects:

15

16

17

...(list of capital outlay projects)...

18

19

All concerned citizens are invited to a public hearing to be held on ...(date and time)... at ...(meeting place)....

20

21

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

22

23

24

(10) Notwithstanding the provisions of paragraph (2)(b) and s. 200.069(4)(c) to the contrary, the proposed millage rates provided to the property appraiser by the taxing authority, except for millage rates adopted by referendum, for rates authorized by s. 1011.71 ~~236.25~~, and for rates required by law to be in a specified millage amount, shall be adjusted in the event that a review notice is issued pursuant to s. 193.1142(4) and the taxable value on the approved roll is at

25

26

27

28

29

30

31



1 variance with the taxable value certified pursuant to  
 2 subsection (1). The adjustment shall be made by the property  
 3 appraiser, who shall notify the taxing authorities affected by  
 4 the adjustment within 5 days of the date the roll is approved  
 5 pursuant to s. 193.1142(4). The adjustment shall be such as  
 6 to provide for no change in the dollar amount of taxes levied  
 7 from that initially proposed by the taxing authority.

8 (12)

9 (b) Within 30 days of the deadline for certification  
 10 of compliance required by s. 200.068, the department shall  
 11 notify any taxing authority in violation of this section that  
 12 it is subject to paragraph (c). Except for revenues from voted  
 13 levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~,  
 14 the revenues of any taxing authority in violation of this  
 15 section collected in excess of the rolled-back rate shall be  
 16 held in escrow until the process required by paragraph (c) is  
 17 completed and approved by the department. The department shall  
 18 direct the tax collector to so hold such funds.

19 Section 902. Subsection (3) and paragraph (a) of  
 20 subsection (4) of section 200.069, Florida Statutes, are  
 21 amended to read:

22 200.069 Notice of proposed property taxes and non-ad  
 23 valorem assessments.--Pursuant to s. 200.065(2)(b), the  
 24 property appraiser, in the name of the taxing authorities and  
 25 local governing boards levying non-ad valorem assessments  
 26 within his or her jurisdiction and at the expense of the  
 27 county, shall prepare and deliver by first-class mail to each  
 28 taxpayer to be listed on the current year's assessment roll a  
 29 notice of proposed property taxes, which notice shall be in  
 30 substantially the following form. Notwithstanding the  
 31 provisions of s. 195.022, no county officer shall use a form

1 other than that provided by the department for this purpose,  
2 except as provided in s. 200.065(13).

3 (3) There shall be under each column heading an entry  
4 for the county; the school district levy required pursuant to  
5 s. 1011.60(6) ~~236.02(6)~~; other operating school levies; the  
6 municipality or municipal service taxing unit or units in  
7 which the parcel lies, if any; the water management district  
8 levying pursuant to s. 373.503; the independent special  
9 districts in which the parcel lies, if any; and for all voted  
10 levies for debt service applicable to the parcel, if any.

11 (4) For each entry listed in subsection (3), there  
12 shall appear on the notice the following:

13 (a) In the first column, a brief, commonly used name  
14 for the taxing authority or its governing body. The entry in  
15 the first column for the levy required pursuant to s.  
16 1011.60(6) ~~236.02(6)~~ shall be "By State Law." The entry for  
17 other operating school district levies shall be "By Local  
18 Board." Both school levy entries shall be indented and  
19 preceded by the notation "Public Schools:". For each voted  
20 levy for debt service, the entry shall be "Voter Approved Debt  
21 Payments."

22 Section 903. Subsection (2) of section 201.24, Florida  
23 Statutes, is amended to read:

24 201.24 Obligations of municipalities, political  
25 subdivisions, and agencies of the state.--There shall be  
26 exempt from all taxes imposed by this chapter:

27 (2) Any assignment, transfer, or other disposition, or  
28 any document, which arises out of a rental, lease, or  
29 lease-purchase for real property agreement entered pursuant to  
30 s. 1013.15(2) or (4) ~~235.056(2) or (3)~~.

31 Section 904. Paragraph (b) of subsection (2) of

1 section 210.20, Florida Statutes, is amended to read:

2 210.20 Employees and assistants; distribution of  
3 funds.--

4 (2) As collections are received by the division from  
5 such cigarette taxes, it shall pay the same into a trust fund  
6 in the State Treasury designated "Cigarette Tax Collection  
7 Trust Fund" which shall be paid and distributed as follows:

8 (b) Beginning January 1, 1999, and continuing for 10  
9 years thereafter, the division shall from month to month  
10 certify to the Comptroller the amount derived from the  
11 cigarette tax imposed by s. 210.02, less the service charges  
12 provided for in s. 215.20 and less 0.9 percent of the amount  
13 derived from the cigarette tax imposed by s. 210.02 which  
14 shall be deposited into the Alcoholic Beverage and Tobacco  
15 Trust Fund, specifying an amount equal to 2.59 percent of the  
16 net collections, and that amount shall be paid to the Board of  
17 Directors of the H. Lee Moffitt Cancer Center and Research  
18 Institute, established under s. 1004.43 ~~240.512~~, by warrant  
19 drawn by the Comptroller upon the State Treasury. These funds  
20 are hereby appropriated monthly out of the Cigarette Tax  
21 Collection Trust Fund, to be used for the purpose of  
22 constructing, furnishing, and equipping a cancer research  
23 facility at the University of South Florida adjacent to the H.  
24 Lee Moffitt Cancer Center and Research Institute. In fiscal  
25 years 1999-2000 and thereafter with the exception of fiscal  
26 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer  
27 Center and Research Institute authorized by this paragraph  
28 shall not be less than the amount which would have been paid  
29 to the H. Lee Moffitt Cancer Center and Research Institute for  
30 fiscal year 1998-1999 had payments been made for the entire  
31 fiscal year rather than for a 6-month period thereof.

1 Section 905. Paragraph (a) of subsection (2) of  
2 section 212.04, Florida Statutes, is amended to read:

3 212.04 Admissions tax; rate, procedure, enforcement.--

4 (2)(a)1. No tax shall be levied on admissions to  
5 athletic or other events sponsored by elementary schools,  
6 junior high schools, middle schools, high schools, community  
7 colleges, public or private colleges and universities, deaf  
8 and blind schools, facilities of the youth services programs  
9 of the Department of Children and Family Services, and state  
10 correctional institutions when only student, faculty, or  
11 inmate talent is used. However, this exemption shall not apply  
12 to admission to athletic events sponsored by ~~a an institution~~  
13 ~~within the~~ state university System, and the proceeds of the  
14 tax collected on such admissions shall be retained and used by  
15 each institution to support women's athletics as provided in  
16 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

17 2.a. No tax shall be levied on dues, membership fees,  
18 and admission charges imposed by not-for-profit sponsoring  
19 organizations. To receive this exemption, the sponsoring  
20 organization must qualify as a not-for-profit entity under the  
21 provisions of s. 501(c)(3) of the Internal Revenue Code of  
22 1954, as amended.

23 b. No tax shall be levied on admission charges to an  
24 event sponsored by a governmental entity, sports authority, or  
25 sports commission when held in a convention hall, exhibition  
26 hall, auditorium, stadium, theater, arena, civic center,  
27 performing arts center, or publicly owned recreational  
28 facility and when 100 percent of the risk of success or  
29 failure lies with the sponsor of the event and 100 percent of  
30 the funds at risk for the event belong to the sponsor, and  
31 student or faculty talent is not exclusively used. As used in

1 this sub-subparagraph, the terms "sports authority" and  
 2 "sports commission" mean a nonprofit organization that is  
 3 exempt from federal income tax under s. 501(c)(3) of the  
 4 Internal Revenue Code and that contracts with a county or  
 5 municipal government for the purpose of promoting and  
 6 attracting sports-tourism events to the community with which  
 7 it contracts.

8           3. No tax shall be levied on an admission paid by a  
 9 student, or on the student's behalf, to any required place of  
 10 sport or recreation if the student's participation in the  
 11 sport or recreational activity is required as a part of a  
 12 program or activity sponsored by, and under the jurisdiction  
 13 of, the student's educational institution, provided his or her  
 14 attendance is as a participant and not as a spectator.

15           4. No tax shall be levied on admissions to the  
 16 National Football League championship game, on admissions to  
 17 any semifinal game or championship game of a national  
 18 collegiate tournament, or on admissions to a Major League  
 19 Baseball all-star game.

20           5. A participation fee or sponsorship fee imposed by a  
 21 governmental entity as described in s. 212.08(6) for an  
 22 athletic or recreational program is exempt when the  
 23 governmental entity by itself, or in conjunction with an  
 24 organization exempt under s. 501(c)(3) of the Internal Revenue  
 25 Code of 1954, as amended, sponsors, administers, plans,  
 26 supervises, directs, and controls the athletic or recreational  
 27 program.

28           6. Also exempt from the tax imposed by this section to  
 29 the extent provided in this subparagraph are admissions to  
 30 live theater, live opera, or live ballet productions in this  
 31 state which are sponsored by an organization that has received

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1 a determination from the Internal Revenue Service that the  
2 organization is exempt from federal income tax under s.  
3 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
4 the organization actively participates in planning and  
5 conducting the event, is responsible for the safety and  
6 success of the event, is organized for the purpose of  
7 sponsoring live theater, live opera, or live ballet  
8 productions in this state, has more than 10,000 subscribing  
9 members and has among the stated purposes in its charter the  
10 promotion of arts education in the communities which it  
11 serves, and will receive at least 20 percent of the net  
12 profits, if any, of the events which the organization sponsors  
13 and will bear the risk of at least 20 percent of the losses,  
14 if any, from the events which it sponsors if the organization  
15 employs other persons as agents to provide services in  
16 connection with a sponsored event. Prior to March 1 of each  
17 year, such organization may apply to the department for a  
18 certificate of exemption for admissions to such events  
19 sponsored in this state by the organization during the  
20 immediately following state fiscal year. The application shall  
21 state the total dollar amount of admissions receipts collected  
22 by the organization or its agents from such events in this  
23 state sponsored by the organization or its agents in the year  
24 immediately preceding the year in which the organization  
25 applies for the exemption. Such organization shall receive the  
26 exemption only to the extent of \$1.5 million multiplied by the  
27 ratio that such receipts bear to the total of such receipts of  
28 all organizations applying for the exemption in such year;  
29 however, in no event shall such exemption granted to any  
30 organization exceed 6 percent of such admissions receipts  
31 collected by the organization or its agents in the year

1 immediately preceding the year in which the organization  
 2 applies for the exemption. Each organization receiving the  
 3 exemption shall report each month to the department the total  
 4 admissions receipts collected from such events sponsored by  
 5 the organization during the preceding month and shall remit to  
 6 the department an amount equal to 6 percent of such receipts  
 7 reduced by any amount remaining under the exemption. Tickets  
 8 for such events sold by such organizations shall not reflect  
 9 the tax otherwise imposed under this section.

10           7. Also exempt from the tax imposed by this section  
 11 are entry fees for participation in freshwater fishing  
 12 tournaments.

13           8. Also exempt from the tax imposed by this section  
 14 are participation or entry fees charged to participants in a  
 15 game, race, or other sport or recreational event if spectators  
 16 are charged a taxable admission to such event.

17           9. No tax shall be levied on admissions to any  
 18 postseason collegiate football game sanctioned by the National  
 19 Collegiate Athletic Association.

20           Section 906. Effective July 1, 2003, paragraph (a) of  
 21 subsection (2) of section 212.04, Florida Statutes, as amended  
 22 by section 4 of chapter 2000-345, Laws of Florida, is amended  
 23 to read:

24           212.04 Admissions tax; rate, procedure, enforcement.--

25           (2)(a)1. No tax shall be levied on admissions to  
 26 athletic or other events sponsored by elementary schools,  
 27 junior high schools, middle schools, high schools, community  
 28 colleges, public or private colleges and universities, deaf  
 29 and blind schools, facilities of the youth services programs  
 30 of the Department of Children and Family Services, and state  
 31 correctional institutions when only student, faculty, or

1 inmate talent is used. However, this exemption shall not apply  
 2 to admission to athletic events sponsored by ~~a an institution~~  
 3 ~~within the~~ state university System, and the proceeds of the  
 4 tax collected on such admissions shall be retained and used by  
 5 each institution to support women's athletics as provided in  
 6 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

7           2. No tax shall be levied on dues, membership fees,  
 8 and admission charges imposed by not-for-profit sponsoring  
 9 organizations. To receive this exemption, the sponsoring  
 10 organization must qualify as a not-for-profit entity under the  
 11 provisions of s. 501(c)(3) of the Internal Revenue Code of  
 12 1954, as amended.

13           3. No tax shall be levied on an admission paid by a  
 14 student, or on the student's behalf, to any required place of  
 15 sport or recreation if the student's participation in the  
 16 sport or recreational activity is required as a part of a  
 17 program or activity sponsored by, and under the jurisdiction  
 18 of, the student's educational institution, provided his or her  
 19 attendance is as a participant and not as a spectator.

20           4. No tax shall be levied on admissions to the  
 21 National Football League championship game, on admissions to  
 22 any semifinal game or championship game of a national  
 23 collegiate tournament, or on admissions to a Major League  
 24 Baseball all-star game.

25           5. A participation fee or sponsorship fee imposed by a  
 26 governmental entity as described in s. 212.08(6) for an  
 27 athletic or recreational program is exempt when the  
 28 governmental entity by itself, or in conjunction with an  
 29 organization exempt under s. 501(c)(3) of the Internal Revenue  
 30 Code of 1954, as amended, sponsors, administers, plans,  
 31 supervises, directs, and controls the athletic or recreational



1 program.

2           6. Also exempt from the tax imposed by this section to

3 the extent provided in this subparagraph are admissions to

4 live theater, live opera, or live ballet productions in this

5 state which are sponsored by an organization that has received

6 a determination from the Internal Revenue Service that the

7 organization is exempt from federal income tax under s.

8 501(c)(3) of the Internal Revenue Code of 1954, as amended, if

9 the organization actively participates in planning and

10 conducting the event, is responsible for the safety and

11 success of the event, is organized for the purpose of

12 sponsoring live theater, live opera, or live ballet

13 productions in this state, has more than 10,000 subscribing

14 members and has among the stated purposes in its charter the

15 promotion of arts education in the communities which it

16 serves, and will receive at least 20 percent of the net

17 profits, if any, of the events which the organization sponsors

18 and will bear the risk of at least 20 percent of the losses,

19 if any, from the events which it sponsors if the organization

20 employs other persons as agents to provide services in

21 connection with a sponsored event. Prior to March 1 of each

22 year, such organization may apply to the department for a

23 certificate of exemption for admissions to such events

24 sponsored in this state by the organization during the

25 immediately following state fiscal year. The application shall

26 state the total dollar amount of admissions receipts collected

27 by the organization or its agents from such events in this

28 state sponsored by the organization or its agents in the year

29 immediately preceding the year in which the organization

30 applies for the exemption. Such organization shall receive the

31 exemption only to the extent of \$1.5 million multiplied by the

1 ratio that such receipts bear to the total of such receipts of  
 2 all organizations applying for the exemption in such year;  
 3 however, in no event shall such exemption granted to any  
 4 organization exceed 6 percent of such admissions receipts  
 5 collected by the organization or its agents in the year  
 6 immediately preceding the year in which the organization  
 7 applies for the exemption. Each organization receiving the  
 8 exemption shall report each month to the department the total  
 9 admissions receipts collected from such events sponsored by  
 10 the organization during the preceding month and shall remit to  
 11 the department an amount equal to 6 percent of such receipts  
 12 reduced by any amount remaining under the exemption. Tickets  
 13 for such events sold by such organizations shall not reflect  
 14 the tax otherwise imposed under this section.

15         7. Also exempt from the tax imposed by this section  
 16 are entry fees for participation in freshwater fishing  
 17 tournaments.

18         8. Also exempt from the tax imposed by this section  
 19 are participation or entry fees charged to participants in a  
 20 game, race, or other sport or recreational event if spectators  
 21 are charged a taxable admission to such event.

22         9. No tax shall be levied on admissions to any  
 23 postseason collegiate football game sanctioned by the National  
 24 Collegiate Athletic Association.

25         Section 907. Section 212.0602, Florida Statutes, is  
 26 amended to read:

27         212.0602 Education; limited exemption.--To facilitate  
 28 investment in education and job training, there is also exempt  
 29 from the taxes levied under this chapter, subject to the  
 30 provisions of this section, the purchase or lease of  
 31 materials, equipment, and other items or the license in or

1 lease of real property by any entity, institution, or  
 2 organization that is primarily engaged in teaching students to  
 3 perform any of the activities or services described in s.  
 4 212.031(1)(a)9., that conducts classes at a fixed location  
 5 located in this state, that is licensed under chapter 1005  
 6 ~~246~~, and that has at least 500 enrolled students. Any entity,  
 7 institution, or organization meeting the requirements of this  
 8 section shall be deemed to qualify for the exemptions in ss.  
 9 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for  
 10 an exemption for its purchase or lease of materials,  
 11 equipment, and other items used for education or demonstration  
 12 of the school's curriculum, including supporting operations.  
 13 Nothing in this section shall preclude an entity described in  
 14 this section from qualifying for any other exemption provided  
 15 for in this chapter.

16 Section 908. Paragraph (q) of subsection (5) of  
 17 section 212.08, Florida Statutes, is amended to read:

18 212.08 Sales, rental, use, consumption, distribution,  
 19 and storage tax; specified exemptions.--The sale at retail,  
 20 the rental, the use, the consumption, the distribution, and  
 21 the storage to be used or consumed in this state of the  
 22 following are hereby specifically exempt from the tax imposed  
 23 by this chapter.

24 (5) EXEMPTIONS; ACCOUNT OF USE.--

25 (q) Community contribution tax credit for donations.--

26 1. Authorization.--Beginning July 1, 2001, persons who  
 27 are registered with the department under s. 212.18 to collect  
 28 or remit sales or use tax and who make donations to eligible  
 29 sponsors are eligible for tax credits against their state  
 30 sales and use tax liabilities as provided in this paragraph:

31 a. The credit shall be computed as 50 percent of the

1 person's approved annual community contribution;

2           b. The credit shall be granted as a refund against

3 state sales and use taxes reported on returns and remitted in

4 the 12 months preceding the date of application to the

5 department for the credit as required in sub-subparagraph 3.c.

6 If the annual credit is not fully used through such refund

7 because of insufficient tax payments during the applicable

8 12-month period, the unused amount may be included in an

9 application for a refund made pursuant to sub-subparagraph

10 3.c. in subsequent years against the total tax payments made

11 for such year. Carryover credits may be applied for a 3-year

12 period without regard to any time limitation that would

13 otherwise apply under s. 215.26;

14           c. No person shall receive more than \$200,000 in

15 annual tax credits for all approved community contributions

16 made in any one year;

17           d. All proposals for the granting of the tax credit

18 shall require the prior approval of the Office of Tourism,

19 Trade, and Economic Development;

20           e. The total amount of tax credits which may be

21 granted for all programs approved under this paragraph, s.

22 220.183, and s. 624.5105 is \$10 million annually; and

23           f. A person who is eligible to receive the credit

24 provided for in this paragraph, s. 220.183, or s. 624.5105 may

25 receive the credit only under the one section of the person's

26 choice.

27           2. Eligibility requirements.--

28           a. A community contribution by a person must be in the

29 following form:

30           (I) Cash or other liquid assets;

31           (II) Real property;

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1 (III) Goods or inventory; or  
2 (IV) Other physical resources as identified by the  
3 Office of Tourism, Trade, and Economic Development.  
4 b. All community contributions must be reserved  
5 exclusively for use in a project. As used in this  
6 sub-subparagraph, the term "project" means any activity  
7 undertaken by an eligible sponsor which is designed to  
8 construct, improve, or substantially rehabilitate housing that  
9 is affordable to low-income or very-low-income households as  
10 defined in s. 420.9071(19) and (28); designed to provide  
11 commercial, industrial, or public resources and facilities; or  
12 designed to improve entrepreneurial and job-development  
13 opportunities for low-income persons. A project may be the  
14 investment necessary to increase access to high-speed  
15 broadband capability in rural communities with enterprise  
16 zones, including projects that result in improvements to  
17 communications assets that are owned by a business. A project  
18 may include the provision of museum educational programs and  
19 materials that are directly related to any project approved  
20 between January 1, 1996, and December 31, 1999, and located in  
21 an enterprise zone as referenced in s. 290.00675. This  
22 paragraph does not preclude projects that propose to construct  
23 or rehabilitate housing for low-income or very-low-income  
24 households on scattered sites. The Office of Tourism, Trade,  
25 and Economic Development may reserve up to 50 percent of the  
26 available annual tax credits for housing for very-low-income  
27 households pursuant to s. 420.9071(28) for the first 6 months  
28 of the fiscal year. With respect to housing, contributions may  
29 be used to pay the following eligible low-income and  
30 very-low-income housing-related activities:

31 (I) Project development impact and management fees for

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- 1 low-income or very-low-income housing projects;
- 2       (II) Down payment and closing costs for eligible
- 3 persons, as defined in s. 420.9071(19) and (28);
- 4       (III) Administrative costs, including housing
- 5 counseling and marketing fees, not to exceed 10 percent of the
- 6 community contribution, directly related to low-income or
- 7 very-low-income projects; and
- 8       (IV) Removal of liens recorded against residential
- 9 property by municipal, county, or special district local
- 10 governments when satisfaction of the lien is a necessary
- 11 precedent to the transfer of the property to an eligible
- 12 person, as defined in s. 420.9071(19) and (28), for the
- 13 purpose of promoting home ownership. Contributions for lien
- 14 removal must be received from a nonrelated third party.
- 15       c. The project must be undertaken by an "eligible
- 16 sponsor," which includes:
- 17       (I) A community action program;
- 18       (II) A nonprofit community-based development
- 19 organization whose mission is the provision of housing for
- 20 low-income or very-low-income households or increasing
- 21 entrepreneurial and job-development opportunities for
- 22 low-income persons;
- 23       (III) A neighborhood housing services corporation;
- 24       (IV) A local housing authority created under chapter
- 25 421;
- 26       (V) A community redevelopment agency created under s.
- 27 163.356;
- 28       (VI) The Florida Industrial Development Corporation;
- 29       (VII) A historic preservation district agency or
- 30 organization;
- 31       (VIII) A regional workforce board;

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1 (IX) A direct-support organization as provided in s.  
2 1009.983 ~~240.551~~;

3 (X) An enterprise zone development agency created  
4 under s. 290.0056;

5 (XI) A community-based organization incorporated under  
6 chapter 617 which is recognized as educational, charitable, or  
7 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
8 Code and whose bylaws and articles of incorporation include  
9 affordable housing, economic development, or community  
10 development as the primary mission of the corporation;

11 (XII) Units of local government;

12 (XIII) Units of state government; or

13 (XIV) Any other agency that the Office of Tourism,  
14 Trade, and Economic Development designates by rule.

15

16 In no event may a contributing person have a financial  
17 interest in the eligible sponsor.

18 d. The project must be located in an area designated  
19 an enterprise zone or a Front Porch Florida Community pursuant  
20 to s. 14.2015(9)(b), unless the project increases access to  
21 high-speed broadband capability for rural communities with  
22 enterprise zones but is physically located outside the  
23 designated rural zone boundaries. Any project designed to  
24 construct or rehabilitate housing for low-income or  
25 very-low-income households as defined in s. 420.0971(19) and  
26 (28) is exempt from the area requirement of this  
27 sub-subparagraph.

28 3. Application requirements.--

29 a. Any eligible sponsor seeking to participate in this  
30 program must submit a proposal to the Office of Tourism,  
31 Trade, and Economic Development which sets forth the name of

1 the sponsor, a description of the project, and the area in  
 2 which the project is located, together with such supporting  
 3 information as is prescribed by rule. The proposal must also  
 4 contain a resolution from the local governmental unit in which  
 5 the project is located certifying that the project is  
 6 consistent with local plans and regulations.

7           b. Any person seeking to participate in this program  
 8 must submit an application for tax credit to the Office of  
 9 Tourism, Trade, and Economic Development which sets forth the  
 10 name of the sponsor, a description of the project, and the  
 11 type, value, and purpose of the contribution. The sponsor  
 12 shall verify the terms of the application and indicate its  
 13 receipt of the contribution, which verification must be in  
 14 writing and accompany the application for tax credit. The  
 15 person must submit a separate tax credit application to the  
 16 office for each individual contribution that it makes to each  
 17 individual project.

18           c. Any person who has received notification from the  
 19 Office of Tourism, Trade, and Economic Development that a tax  
 20 credit has been approved must apply to the department to  
 21 receive the refund. Application must be made on the form  
 22 prescribed for claiming refunds of sales and use taxes and be  
 23 accompanied by a copy of the notification. A person may submit  
 24 only one application for refund to the department within any  
 25 12-month period.

26           4. Administration.--

27           a. The Office of Tourism, Trade, and Economic  
 28 Development may adopt rules pursuant to ss. 120.536(1) and  
 29 120.54 necessary to administer this paragraph, including rules  
 30 for the approval or disapproval of proposals by a person.

31           b. The decision of the Office of Tourism, Trade, and



1 Economic Development must be in writing, and, if approved, the  
2 notification shall state the maximum credit allowable to the  
3 person. Upon approval, the office shall transmit a copy of the  
4 decision to the Department of Revenue.

5 c. The Office of Tourism, Trade, and Economic  
6 Development shall periodically monitor all projects in a  
7 manner consistent with available resources to ensure that  
8 resources are used in accordance with this paragraph; however,  
9 each project must be reviewed at least once every 2 years.

10 d. The Office of Tourism, Trade, and Economic  
11 Development shall, in consultation with the Department of  
12 Community Affairs, the Florida Housing Finance Corporation,  
13 and the statewide and regional housing and financial  
14 intermediaries, market the availability of the community  
15 contribution tax credit program to community-based  
16 organizations.

17 5. Expiration.--This paragraph expires June 30, 2005;  
18 however, any accrued credit carryover that is unused on that  
19 date may be used until the expiration of the 3-year carryover  
20 period for such credit.

21 Section 909. Subsection (6) of section 213.053,  
22 Florida Statutes, is amended to read:

23 213.053 Confidentiality and information sharing.--

24 (6) Any information received by the Department of  
25 Revenue in connection with the administration of taxes,  
26 including, but not limited to, information contained in  
27 returns, reports, accounts, or declarations filed by persons  
28 subject to tax, shall be made available by the department to  
29 the Auditor General or his or her authorized agent, the  
30 director of the Office of Program Policy Analysis and  
31 Government Accountability or his or her authorized agent, the

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1 Comptroller or his or her authorized agent, the Insurance  
2 Commissioner or his or her authorized agent, the Treasurer or  
3 his or her authorized agent, or a property appraiser or tax  
4 collector or their authorized agents pursuant to s.  
5 195.084(1), in the performance of their official duties, or to  
6 designated employees of the Department of Education solely for  
7 determination of each school district's price level index  
8 pursuant to s. 1011.62(2) ~~236.081(2)~~; however, no information  
9 shall be disclosed to the Auditor General or his or her  
10 authorized agent, the director of the Office of Program Policy  
11 Analysis and Government Accountability or his or her  
12 authorized agent, the Comptroller or his or her authorized  
13 agent, the Insurance Commissioner or his or her authorized  
14 agent, the Treasurer or his or her authorized agent, or to a  
15 property appraiser or tax collector or their authorized  
16 agents, or to designated employees of the Department of  
17 Education if such disclosure is prohibited by federal law. The  
18 Auditor General or his or her authorized agent, the director  
19 of the Office of Program Policy Analysis and Government  
20 Accountability or his or her authorized agent, the Comptroller  
21 or his or her authorized agent, the Treasurer or his or her  
22 authorized agent, and the property appraiser or tax collector  
23 and their authorized agents, or designated employees of the  
24 Department of Education shall be subject to the same  
25 requirements of confidentiality and the same penalties for  
26 violation of the requirements as the department. For the  
27 purpose of this subsection, "designated employees of the  
28 Department of Education" means only those employees directly  
29 responsible for calculation of price level indices pursuant to  
30 s. 1011.62(2) ~~236.081(2)~~. It does not include the supervisors  
31 of such employees or any other employees or elected officials

1 within the Department of Education.

2 Section 910. Paragraph (j) of subsection (4) of  
3 section 215.20, Florida Statutes, is amended to read:

4 215.20 Certain income and certain trust funds to  
5 contribute to the General Revenue Fund.--

6 (4) The income of a revenue nature deposited in the  
7 following described trust funds, by whatever name designated,  
8 is that from which the deductions authorized by subsection (3)  
9 shall be made:

10 (j) The Educational Certification and Service Trust  
11 Fund created by s. 1012.59 ~~231.30~~.

12

13 The enumeration of the foregoing moneys or trust funds shall  
14 not prohibit the applicability thereto of s. 215.24 should the  
15 Governor determine that for the reasons mentioned in s. 215.24  
16 the money or trust funds should be exempt herefrom, as it is  
17 the purpose of this law to exempt income from its force and  
18 effect when, by the operation of this law, federal matching  
19 funds or contributions or private grants to any trust fund  
20 would be lost to the state.

21 Section 911. Subsection (2) of section 215.82, Florida  
22 Statutes, is amended to read:

23 215.82 Validation; when required.--

24 (2) Any bonds issued pursuant to this act which are  
25 validated shall be validated in the manner provided by chapter  
26 75. In actions to validate bonds to be issued in the name of  
27 the State Board of Education under s. 9(a) and (d), Art. XII  
28 of the State Constitution and bonds to be issued pursuant to  
29 chapter 259, the Land Conservation Act of 1972, the complaint  
30 shall be filed in the circuit court of the county where the  
31 seat of state government is situated, the notice required to

1 be published by s. 75.06 shall be published only in the county  
 2 where the complaint is filed, and the complaint and order of  
 3 the circuit court shall be served only on the state attorney  
 4 of the circuit in which the action is pending. In any action  
 5 to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part~~  
 6 ~~of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of  
 7 the State Constitution or issued pursuant to s. 215.605 or s.  
 8 338.227, the complaint shall be filed in the circuit court of  
 9 the county where the seat of state government is situated, the  
 10 notice required to be published by s. 75.06 shall be published  
 11 in a newspaper of general circulation in the county where the  
 12 complaint is filed and in two other newspapers of general  
 13 circulation in the state, and the complaint and order of the  
 14 circuit court shall be served only on the state attorney of  
 15 the circuit in which the action is pending; provided, however,  
 16 that if publication of notice pursuant to this section would  
 17 require publication in more newspapers than would publication  
 18 pursuant to s. 75.06, such publication shall be made pursuant  
 19 to s. 75.06.

20 Section 912. Subsection (7) of section 216.181,  
 21 Florida Statutes, is amended to read:

22 216.181 Approved budgets for operations and fixed  
 23 capital outlay.--

24 (7) The Executive Office of the Governor may, for the  
 25 purpose of improved contract administration, authorize the  
 26 consolidation of two or more fixed capital outlay  
 27 appropriations for an agency, and the Chief Justice of the  
 28 Supreme Court for the judicial branch, except for projects  
 29 authorized under chapter 1013 ~~235~~, provided the original scope  
 30 and purpose of each project are not changed.

31 Section 913. Subsection (3) of section 216.301,

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1 Florida Statutes, is amended to read:

2           216.301 Appropriations; undisbursed balances.--

3           (3) Notwithstanding the provisions of subsection (2),  
4 the unexpended balance of any appropriation for fixed capital  
5 outlay subject to but not under the terms of a binding  
6 contract or a general construction contract prior to February  
7 1 of the second fiscal year, or the third fiscal year if it is  
8 for an educational facility as defined in chapter 1013 235 or  
9 a construction project of the Board of Regents, of the  
10 appropriation shall revert on February 1 of such year to the  
11 fund from which appropriated and shall be available for  
12 reappropriation. The Executive Office of the Governor shall,  
13 not later than February 20 of each year, furnish the  
14 Comptroller, the legislative appropriations committees, and  
15 the Auditor General a report listing in detail the items and  
16 amounts reverting under the authority of this subsection,  
17 including the fund to which reverted and the agency affected.

18           Section 914. Paragraphs (e) and (f) of subsection (1)  
19 of section 218.39, Florida Statutes, are amended to read:

20           218.39 Annual financial audit reports.--

21           (1) If, by the first day in any fiscal year, a local  
22 governmental entity, district school board, charter school, or  
23 charter technical career center has not been notified that a  
24 financial audit for that fiscal year will be performed by the  
25 Auditor General, each of the following entities shall have an  
26 annual financial audit of its accounts and records completed  
27 within 12 months after the end of its fiscal year by an  
28 independent certified public accountant retained by it and  
29 paid from its public funds:

30           (e) Each charter school established under s. 1002.33  
31 ~~228.056~~.

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1 (f) Each charter technical center established under s.  
2 1002.34 ~~228.505~~.

3 Section 915. Paragraph (c) of subsection (2) of  
4 section 220.183, Florida Statutes, is amended to read:

5 220.183 Community contribution tax credit.--

6 (2) ELIGIBILITY REQUIREMENTS.--

7 (c) The project must be undertaken by an "eligible  
8 sponsor," defined here as:

9 1. A community action program;

10 2. A nonprofit community-based development  
11 organization whose mission is the provision of housing for  
12 low-income or very-low-income households or increasing  
13 entrepreneurial and job-development opportunities for  
14 low-income persons;

15 3. A neighborhood housing services corporation;

16 4. A local housing authority, created pursuant to  
17 chapter 421;

18 5. A community redevelopment agency, created pursuant  
19 to s. 163.356;

20 6. The Florida Industrial Development Corporation;

21 7. An historic preservation district agency or  
22 organization;

23 8. A regional workforce board;

24 9. A direct-support organization as provided in s.  
25 1009.983 ~~240.551~~;

26 10. An enterprise zone development agency created  
27 pursuant to s. 290.0056;

28 11. A community-based organization incorporated under  
29 chapter 617 which is recognized as educational, charitable, or  
30 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
31 Code and whose bylaws and articles of incorporation include

1 affordable housing, economic development, or community  
2 development as the primary mission of the corporation;

3 12. Units of local government;

4 13. Units of state government; or

5 14. Such other agency as the Office of Tourism, Trade,  
6 and Economic Development may, from time to time, designate by  
7 rule.

8

9 In no event shall a contributing business firm have a  
10 financial interest in the eligible sponsor.

11 Section 916. Subsection (1) of section 222.22, Florida  
12 Statutes, is amended to read:

13 222.22 Exemption of moneys in the Prepaid College  
14 Trust Fund or in a Medical Savings Account from legal  
15 process.--

16 (1)(a) Moneys paid into or out of the Florida Prepaid  
17 College Trust Fund by or on behalf of a purchaser or qualified  
18 beneficiary pursuant to an advance payment contract made under  
19 part IV of chapter 1009 s. 240.551, which contract has not  
20 been terminated, are not liable to attachment, garnishment, or  
21 legal process in the state in favor of any creditor of the  
22 purchaser or beneficiary of such advance payment contract.

23 (b) Moneys paid into or out of the Prepaid College  
24 Trust Fund by or on behalf of a benefactor or designated  
25 beneficiary pursuant to a participation agreement made under  
26 s. 1009.981 240.553, which agreement has not been terminated,  
27 are not liable to attachment, garnishment, or legal process in  
28 the state in favor of any creditor of the purchaser or  
29 beneficiary of such participation agreement.

30 Section 917. Subsection (4) of section 250.115,  
31 Florida Statutes, is amended to read:

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1           250.115 Department of Military Affairs direct-support  
2 organization.--

3           (4) ACTIVITIES; RESTRICTIONS.--Any transaction or  
4 agreement between the direct-support organization organized  
5 pursuant to this section and another direct-support  
6 organization or center of technology innovation designated  
7 under s. 1004.77 ~~240.3335~~ must be approved by the Adjutant  
8 General.

9           Section 918. Section 255.0515, Florida Statutes, is  
10 amended to read:

11           255.0515 Bids for state contracts; substitution of  
12 subcontractors.--With respect to state contracts let pursuant  
13 to competitive bidding, whether under chapter 1013 ~~235~~,  
14 relating to educational facilities, or this chapter, relating  
15 to public buildings, the contractor shall not remove or  
16 replace subcontractors listed in the bid subsequent to the  
17 lists being made public at the bid opening, except upon good  
18 cause shown.

19           Section 919. Section 255.0516, Florida Statutes, is  
20 amended to read:

21           255.0516 Bid protests by educational boards.--With  
22 respect to state contracts and bids pursuant to competitive  
23 bidding, whether under chapter 1013 ~~235~~, relating to  
24 educational facilities, or under this chapter, relating to  
25 public buildings, if a school board, a community college board  
26 of trustees, or a state university board of trustees ~~the Board~~  
27 ~~of Regents~~ uses procedures pursuant to chapter 120 for bid  
28 protests, the board may require the protestor to post a bond  
29 amounting to:

30           (1) Twenty-five thousand dollars or 2 percent of the  
31 lowest accepted bid, whichever is greater, for projects valued



1 over \$500,000; and

2 (2) Five percent of the lowest accepted bid for all  
3 other projects,

4  
5 conditioned upon payment of all costs and fees which may be  
6 adjudged against the protestor in the administrative hearing.  
7 If at the hearing the agency prevails, it shall recover all  
8 costs and attorney's fees from the protestor; if the protestor  
9 prevails, the protestor shall recover from the agency all  
10 costs and attorney's fees.

11 Section 920. Paragraph (e) of subsection (1) of  
12 section 265.2861, Florida Statutes, is amended to read:

13 265.2861 Cultural Institutions Program; trust fund.--

14 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is  
15 created a Cultural Institutions Trust Fund to be administered  
16 by the Department of State for the purposes set forth in this  
17 section and to support the following programs as follows:

18 (e)1. For the officially designated Art Museum of the  
19 State of Florida described in s. 1004.45 ~~240.711~~, \$2.2  
20 million, and for state-owned cultural facilities assigned to  
21 the Department of State, which receive a portion of any  
22 operating funds from the Department of State and one of the  
23 primary purposes of which is the presentation of fine arts or  
24 performing arts, \$500,000.

25 2. For fiscal year 2001-2002 only, the provisions of  
26 subparagraph 1. relating to state-owned cultural facilities  
27 shall not be applicable. This subparagraph expires July 1,  
28 2002.

29  
30 The trust fund shall consist of moneys appropriated by the  
31 Legislature, moneys deposited pursuant to s. 607.1901(2), and

1 moneys contributed to the fund from any other source.

2 Section 921. Paragraph (d) of subsection (5) of  
3 section 265.603, Florida Statutes, is amended to read:

4 265.603 Definitions relating to Cultural Endowment  
5 Program.--The following terms and phrases when used in ss.  
6 265.601-265.607 shall have the meaning ascribed to them in  
7 this section, except where the context clearly indicates a  
8 different meaning:

9 (5) "Sponsoring organization" means a cultural  
10 organization which:

11 (d) Is primarily and directly responsible for  
12 conducting, creating, producing, presenting, staging, or  
13 sponsoring a cultural exhibit, performance, or event. This  
14 provision includes museums owned and operated by political  
15 subdivisions of the state, except those constituted pursuant  
16 to s. 1004.67 ~~240.317~~.

17 Section 922. Subsection (8) of section 267.173,  
18 Florida Statutes, is amended to read:

19 267.173 Historic preservation in West Florida; goals;  
20 contracts for historic preservation; powers and duties.--

21 (8) Notwithstanding any other provision of law, the  
22 University of West Florida and its direct-support organization  
23 are eligible to match state funds in the Trust Fund for Major  
24 Gifts established pursuant to s. 1011.94 ~~240.2605~~.

25 Section 923. Subsections (4), (5), (7), and (9) of  
26 section 267.1732, Florida Statutes, are amended to read:

27 267.1732 Direct-support organization.--

28 (4) The university may authorize a direct-support  
29 organization to use its property (except money), facilities,  
30 and personal services, subject to the provisions of this  
31 section and s. 1004.28 ~~240.299~~. A direct-support organization

1 that does not provide equal employment opportunities to all  
 2 persons regardless of race, color, religion, sex, age, or  
 3 national origin may not use the property, facilities, or  
 4 personal services of the university. For the purposes of this  
 5 subsection, the term "personal services" includes full-time  
 6 personnel and part-time personnel as well as payroll  
 7 processing.

8 (5) The university shall establish policies and may  
 9 adopt rules pursuant to s. 1004.28 ~~240.299~~ prescribing the  
 10 procedures by which the direct-support organization is  
 11 governed and any conditions with which a direct-support  
 12 organization must comply to use property, facilities, or  
 13 personal services of the university.

14 (7) The direct-support organization shall provide for  
 15 an annual financial and compliance audit of its financial  
 16 accounts and records by an independent certified public  
 17 accountant in accordance with s. 251.981 and generally  
 18 accepted accounting standards. The annual audit report must be  
 19 submitted to the university for review and approval. The  
 20 university, the Auditor General, and others authorized in s.  
 21 1004.28 ~~240.299~~ shall have the authority to require and  
 22 receive from the direct-support organization, or from its  
 23 independent auditor, any detail or supplemental data relative  
 24 to the operation of the organization. Upon approval, the  
 25 university shall certify the audit report to the Auditor  
 26 General for review.

27 (9) Provisions governing direct-support organizations  
 28 in s. 1004.28 ~~240.99~~ and not provided in this section shall  
 29 apply to the direct-support organization.

30 Section 924. Subsection (9) of section 282.005,  
 31 Florida Statutes, is amended to read:

1           282.005 Legislative findings and intent.--The  
 2 Legislature finds that:  
 3           (9) To ensure the best management of the state's  
 4 information technology and notwithstanding other provisions of  
 5 law to the contrary, the functions of information technology  
 6 are ~~hereby~~ assigned to the university boards of trustees Board  
 7 ~~of Regents as the agency responsible~~ for the development and  
 8 implementation of ~~policy,~~ planning, management, rulemaking,  
 9 standards, and guidelines for the state universities State  
 10 ~~University System;~~ to the community college boards of trustees  
 11 ~~State Board of Community Colleges as the agency responsible~~  
 12 for establishing and developing rules ~~and policies~~ for the  
 13 community colleges Florida Community College System; to the  
 14 Supreme Court, for the judicial branch; to each state attorney  
 15 and public defender; and to the State Technology Office for  
 16 the executive branch of state government.

17           Section 925. Subsections (1) and (3) of section  
 18 282.103, Florida Statutes, are amended to read:

19           282.103 SUNCOM Network; exemptions from the required  
 20 use.--

21           (1) There is created within the State Technology  
 22 Office the SUNCOM Network which shall be developed to serve as  
 23 the state communications system for providing local and  
 24 long-distance communications services to state agencies,  
 25 political subdivisions of the state, municipalities, state  
 26 universities, and nonprofit corporations pursuant to ss.  
 27 282.101-282.111. The SUNCOM Network shall be developed to  
 28 transmit all types of communications signals, including, but  
 29 not limited to, voice, data, video, image, and radio. State  
 30 agencies shall cooperate and assist in the development and  
 31 joint use of communications systems and services.

1           (3) All state agencies and state universities are  
2 required to use the SUNCOM Network for agency and state  
3 university communications services as the services become  
4 available; however, no agency or university is relieved of  
5 responsibility for maintaining communications services  
6 necessary for effective management of its programs and  
7 functions. If a SUNCOM Network service does not meet the  
8 communications requirements of an agency or university, the  
9 agency or university shall notify the State Technology Office  
10 in writing and detail the requirements for that communications  
11 service. If the office is unable to meet an agency's or  
12 university's requirements by enhancing SUNCOM Network service,  
13 the office may grant the agency or university an exemption  
14 from the required use of specified SUNCOM Network services.

15           Section 926. Subsection (4) of section 282.105,  
16 Florida Statutes, is amended to read:

17           282.105 Use of state SUNCOM Network by nonprofit  
18 corporations.--

19           (4) Institutions qualified to participate in the  
20 William L. Boyd, IV, Florida Resident Access Grant Program  
21 pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the  
22 state SUNCOM Network, subject to the terms and conditions of  
23 the office. Such entities shall not be required to satisfy the  
24 other criteria of this section.

25           Section 927. Section 282.106, Florida Statutes, is  
26 amended to read:

27           282.106 Use of SUNCOM Network by libraries.--The State  
28 Technology Office may provide SUNCOM Network services to any  
29 library in the state, including libraries in public schools,  
30 community colleges, state universities ~~the State University~~  
31 ~~System~~, and nonprofit private postsecondary educational

1 institutions, and libraries owned and operated by  
2 municipalities and political subdivisions.

3 Section 928. Section 282.3031, Florida Statutes, is  
4 amended to read:

5 282.3031 Assignment of information resources  
6 management responsibilities.--For purposes of ss.  
7 282.303-282.322, to ensure the best management of state  
8 information technology resources, and notwithstanding other  
9 provisions of law to the contrary, the functions of  
10 information resources management are ~~hereby~~ assigned to the  
11 university boards of trustees ~~Board of Regents as the agency~~  
12 ~~responsible~~ for the development and implementation of ~~policy,~~  
13 planning, management, rulemaking, standards, and guidelines  
14 for the state universities ~~State University System~~; to the  
15 community college boards of trustees ~~State Board of Community~~  
16 ~~Colleges as the agency responsible~~ for establishing and  
17 developing rules ~~and policies~~ for the community colleges  
18 ~~Florida Community College System~~; to the Supreme Court for the  
19 judicial branch; to each state attorney and public defender;  
20 and to the State Technology Office for the agencies within the  
21 executive branch of state government.

22 Section 929. Subsection (1) of section 282.3063,  
23 Florida Statutes, is amended to read:

24 282.3063 Agency Annual Enterprise Resource Planning  
25 and Management Report.--

26 (1) By September 1 of each year, ~~and for the State~~  
27 ~~University System within 90 days after completion of the~~  
28 ~~expenditure analysis developed pursuant to s. 240.271(4),~~ each  
29 Agency Chief Information Officer shall prepare and submit to  
30 the State Technology Office an Agency Annual Enterprise  
31 Resource Planning and Management Report. Following

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1 consultation with the State Technology Office and the Agency  
2 Chief Information Officers Council, the Executive Office of  
3 the Governor and the fiscal committees of the Legislature  
4 shall jointly develop and issue instructions for the format  
5 and contents of the report.

6 Section 930. Subsection (2) of section 282.310,  
7 Florida Statutes, is amended to read:

8 282.310 State Annual Report on Enterprise Resource  
9 Planning and Management.--

10 (2) The State Annual Report on Enterprise Resource  
11 Planning and Management shall contain, at a minimum, the  
12 following:

13 (a) The state vision for enterprise resource planning  
14 and management.

15 (b) A forecast of the state enterprise resource  
16 planning and management priorities and initiatives for the  
17 ensuing 2 years.

18 (c) A summary of major statewide policies recommended  
19 by the State Technology Office for enterprise resource  
20 planning and management.

21 (d) A summary of memoranda issued by the Executive  
22 Office of the Governor.

23 (e) An assessment of the overall progress toward an  
24 integrated electronic system for deploying government  
25 products, services, and information to individuals and  
26 businesses and state enterprise resource planning and  
27 management initiatives and priorities for the past fiscal  
28 year.

29 (f) A summary of major statewide issues related to  
30 improving enterprise resource planning and management by the  
31 state.

1 (g) An inventory list, by major categories, of state  
2 information technology resources.

3 (h) A summary of the total agency expenditures or  
4 descriptions of agreements, contracts, or partnerships for  
5 enterprise resource planning and management and of  
6 enterprise-wide procurements done by the office on behalf of  
7 the state.

8 (i) A summary of the opportunities for government  
9 agencies or entities to share enterprise resource planning and  
10 management projects or initiatives with other governmental or  
11 private sector entities.

12

13 The state annual report shall also include enterprise resource  
14 planning and management information from the annual reports  
15 prepared by the state universities and the community colleges  
16 ~~Board of Regents for the State University System, from the~~  
17 ~~State Board of Community Colleges for the Florida Community~~  
18 ~~College System~~, from the Supreme Court for the judicial  
19 branch, and from the Justice Administrative Commission on  
20 behalf of the state attorneys and public defenders.

21 Expenditure information shall be taken from each agency's  
22 annual report as well as the annual reports of the state  
23 universities and the community colleges ~~Board of Regents, the~~  
24 ~~State Board of Community Colleges~~, the Supreme Court, and the  
25 Justice Administrative Commission.

26 Section 931. Section 284.34, Florida Statutes, is  
27 amended to read:

28 284.34 Professional medical liability of the  
29 university boards of trustees ~~Board of Regents~~ and nuclear  
30 energy liability excluded.--Unless specifically authorized by  
31 the Department of Insurance, no coverages shall be provided by



1 this fund for professional medical liability insurance for the  
 2 university boards of trustees ~~Board of Regents~~ or the  
 3 physicians, officers, employees, or agents of any ~~the~~ board or  
 4 for liability related to nuclear energy which is ordinarily  
 5 subject to the standard nuclear energy liability exclusion of  
 6 conventional liability insurance policies. This section does  
 7 ~~shall not affect~~ ~~be construed as affecting~~ the self-insurance  
 8 programs of the university boards of trustees ~~Board of Regents~~  
 9 established pursuant to s. 1004.24 ~~240.213~~.

10 Section 932. Paragraph (b) of subsection (2) of  
 11 section 285.18, Florida Statutes, is amended to read:

12 285.18 Tribal council as governing body; powers and  
 13 duties.--

14 (2) The governing bodies of the special improvement  
 15 districts shall have the duty and power:

16 (b) To contract with the district school board of any  
 17 district adjoining the local school district, when deemed  
 18 necessary by the tribal council, to provide public education  
 19 and educational programs for their members, notwithstanding  
 20 the provisions of s. 1001.42 ~~230.23~~ that authorize school  
 21 boards to establish attendance areas for their districts or  
 22 approve plans for attendance in other districts.

23 Section 933. Paragraph (a) of subsection (2) of  
 24 section 287.042, Florida Statutes, is amended to read:

25 287.042 Powers, duties, and functions.--The department  
 26 shall have the following powers, duties, and functions:

27 (2)(a) To plan and coordinate purchases in volume and  
 28 to negotiate and execute purchasing agreements and contracts  
 29 for commodities and contractual services under which state  
 30 agencies shall make purchases pursuant to s. 287.056, and  
 31 under which a federal, county, municipality, institutions

1 qualified to participate in the William L. Boyd, IV, Florida  
2 Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~,  
3 private nonprofit community transportation coordinator  
4 designated pursuant to chapter 427, while conducting business  
5 related solely to the Commission for the Transportation  
6 Disadvantaged, or other local public agency may make  
7 purchases. The department may restrict purchases from some  
8 term contracts to state agencies only for those term contracts  
9 where the inclusion of other governmental entities will have  
10 an adverse effect on competition or to those federal  
11 facilities located in this state. In such planning or  
12 purchasing the Office of Supplier Diversity may monitor to  
13 ensure that opportunities are afforded for contracting with  
14 minority business enterprises. The department, for state term  
15 contracts, and all agencies, for multiyear contractual  
16 services or term contracts, shall explore reasonable and  
17 economical means to utilize certified minority business  
18 enterprises. Purchases by any county, municipality, private  
19 nonprofit community transportation coordinator designated  
20 pursuant to chapter 427, while conducting business related  
21 solely to the Commission for the Transportation Disadvantaged,  
22 or other local public agency under the provisions in the state  
23 purchasing contracts, and purchases, from the corporation  
24 operating the correctional work programs, of products or  
25 services that are subject to paragraph (1)(f), are exempt from  
26 the competitive sealed bid requirements otherwise applying to  
27 their purchases.

28 Section 934. Paragraph (c) of subsection (9) and  
29 subsections (10) and (11) of section 287.055, Florida  
30 Statutes, are amended to read:

31 287.055 Acquisition of professional architectural,

1 engineering, landscape architectural, or surveying and mapping  
2 services; definitions; procedures; contingent fees prohibited;  
3 penalties.--

4 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

5 (c) Except as otherwise provided in ~~s. 240.209(3)~~ or  
6 s. 337.11(7), the Department of Management Services shall  
7 adopt rules for the award of design-build contracts to be  
8 followed by state agencies. Each other agency must adopt  
9 rules or ordinances for the award of design-build contracts.  
10 Municipalities, political subdivisions, school districts, and  
11 school boards shall award design-build contracts by the use of  
12 a competitive proposal selection process as described in this  
13 subsection, or by the use of a qualifications-based selection  
14 process pursuant to subsections (3), (4), and (5) for entering  
15 into a contract whereby the selected firm will subsequently  
16 establish a guaranteed maximum price and guaranteed completion  
17 date. If the procuring agency elects the option of  
18 qualifications-based selection, during the selection of the  
19 design-build firm the procuring agency shall employ or retain  
20 a licensed design professional appropriate to the project to  
21 serve as the agency's representative. Procedures for the use  
22 of a competitive proposal selection process must include as a  
23 minimum the following:

24 1. The preparation of a design criteria package for  
25 the design and construction of the public construction  
26 project.

27 2. The qualification and selection of no fewer than  
28 three design-build firms as the most qualified, based on the  
29 qualifications, availability, and past work of the firms,  
30 including the partners or members thereof.

31 3. The criteria, procedures, and standards for the

1 evaluation of design-build contract proposals or bids, based  
2 on price, technical, and design aspects of the public  
3 construction project, weighted for the project.

4 4. The solicitation of competitive proposals, pursuant  
5 to a design criteria package, from those qualified  
6 design-build firms and the evaluation of the responses or bids  
7 submitted by those firms based on the evaluation criteria and  
8 procedures established prior to the solicitation of  
9 competitive proposals.

10 5. For consultation with the employed or retained  
11 design criteria professional concerning the evaluation of the  
12 responses or bids submitted by the design-build firms, the  
13 supervision or approval by the agency of the detailed working  
14 drawings of the project; and for evaluation of the compliance  
15 of the project construction with the design criteria package  
16 by the design criteria professional.

17 6. In the case of public emergencies, for the agency  
18 head to declare an emergency and authorize negotiations with  
19 the best qualified design-build firm available at that time.

20 (10) REUSE OF EXISTING PLANS.--Notwithstanding any  
21 other provision of this section, there shall be no public  
22 notice requirement or utilization of the selection process as  
23 provided in this section for projects in which the agency is  
24 able to reuse existing plans from a prior project of the  
25 agency, or, in the case of a board as defined in s. 1013.01  
26 ~~chapter 235~~, a prior project of that or any other board.  
27 Except for plans of a board as defined in s. 1013.01 ~~chapter~~  
28 ~~235~~, public notice for any plans that are intended to be  
29 reused at some future time must contain a statement that  
30 provides that the plans are subject to reuse in accordance  
31 with the provisions of this subsection.

1           (11) CONSTRUCTION OF LAW.--Nothing in the amendment of  
 2 this section by chapter 75-281, Laws of Florida, is intended  
 3 to supersede the provisions of ss. 1013.45 and 1013.46 ~~235.211~~  
 4 ~~and 235.31~~.

5           Section 935. Subsection (1) of section 287.064,  
 6 Florida Statutes, is amended to read:

7           287.064 Consolidated financing of deferred-payment  
 8 purchases.--

9           (1) The Division of Bond Finance of the State Board of  
 10 Administration and the Comptroller shall plan and coordinate  
 11 deferred-payment purchases made by or on behalf of the state  
 12 or its agencies or by or on behalf of state community colleges  
 13 participating under this section pursuant to s. 1001.64(26)  
 14 ~~240.319(4)(p)~~. The Division of Bond Finance shall negotiate  
 15 and the Comptroller shall execute agreements and contracts to  
 16 establish master equipment financing agreements for  
 17 consolidated financing of deferred-payment, installment sale,  
 18 or lease purchases with a financial institution or a  
 19 consortium of financial institutions. As used in this act, the  
 20 term "deferred-payment" includes installment sale and  
 21 lease-purchase.

22           (a) The period during which equipment may be acquired  
 23 under any one master equipment financing agreement shall be  
 24 limited to not more than 3 years.

25           (b) Repayment of the whole or a part of the funds  
 26 drawn pursuant to the master equipment financing agreement may  
 27 continue beyond the period established pursuant to paragraph  
 28 (a).

29           (c) The interest rate component of any master  
 30 equipment financing agreement shall be deemed to comply with  
 31 the interest rate limitation imposed in s. 287.063 so long as

1 the interest rate component of every interagency or community  
 2 college agreement entered into under such master equipment  
 3 financing agreement complies with the interest rate limitation  
 4 imposed in s. 287.063. Such interest rate limitation does not  
 5 apply when the payment obligation under the master equipment  
 6 financing agreement is rated by a nationally recognized rating  
 7 service in any one of the three highest classifications, which  
 8 rating services and classifications are determined pursuant to  
 9 rules adopted by the Comptroller.

10 Section 936. Paragraph (f) of subsection (1) of  
 11 section 288.039, Florida Statutes, is amended to read:

12 288.039 Employing and Training our Youths (ENTRY).--

13 (1) DEFINITIONS.--As used in this section:

14 (f) "Public school" shall have the same meaning as in  
 15 s. 1000.04(1) ~~228.041(1)(a)~~.

16 Section 937. Subsection (6) of section 288.8175,  
 17 Florida Statutes, is amended to read:

18 288.8175 Linkage institutes between postsecondary  
 19 institutions in this state and foreign countries.--

20 (6) Each institute is allowed to exempt from s.  
 21 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per  
 22 year from the respective host countries to study in any of the  
 23 state universities or community colleges in this state as  
 24 resident students for tuition purposes. The institute  
 25 directors shall develop criteria, to be approved by the  
 26 Department of Education, for the selection of these students.  
 27 Students must return home within 3 years after their tenure of  
 28 graduate or undergraduate study for a length of time equal to  
 29 their exemption period.

30 Section 938. Subsection (2) of section 295.01, Florida  
 31 Statutes, is amended to read:

1           295.01 Children of deceased or disabled veterans;  
2 education.--

3           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
4 295.05, and 1009.40 shall apply.

5           Section 939. Subsection (2) of section 295.015,  
6 Florida Statutes, is amended to read:

7           295.015 Children of prisoners of war and persons  
8 missing in action; education.--

9           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
10 295.05, and 1009.40 shall apply.

11          Section 940. Subsection (2) of section 295.016,  
12 Florida Statutes, is amended to read:

13          295.016 Children of service members who died or became  
14 disabled in Operation Eagle Claw.--

15          (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
16 295.05, and 1009.40 shall apply.

17          Section 941. Subsection (2) of section 295.017,  
18 Florida Statutes, is amended to read:

19          295.017 Children of service members who died or became  
20 disabled in the Lebanon and Grenada military arenas;  
21 educational opportunity.--

22          (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
23 295.05, and 1009.40 shall apply.

24          Section 942. Subsection (2) of section 295.018,  
25 Florida Statutes, is amended to read:

26          295.018 Children of service members who died in  
27 Newfoundland air tragedy; educational opportunity.--

28          (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
29 295.05, and 1009.40 shall apply.

30          Section 943. Subsection (2) of section 295.019,  
31 Florida Statutes, is amended to read:

1           295.019 Children of service members who died in U.S.S.  
2 Stark attack.--

3           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
4 295.05, and 1009.40 shall apply.

5           Section 944. Subsection (2) of section 295.0195,  
6 Florida Statutes, is amended to read:

7           295.0195 Children of deceased or disabled military  
8 personnel who died or became disabled in the Mideast Persian  
9 Gulf military arena during hostilities with Iraq or in the  
10 military action in Panama known as Operation Just Cause.--

11           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~  
12 295.05, and 1009.40 shall apply.

13           Section 945. Subsection (45) of section 316.003,  
14 Florida Statutes, is amended to read:

15           316.003 Definitions.--The following words and phrases,  
16 when used in this chapter, shall have the meanings  
17 respectively ascribed to them in this section, except where  
18 the context otherwise requires:

19           (45) SCHOOL BUS.--Any motor vehicle that complies with  
20 the color and identification requirements of chapter 1006 ~~234~~  
21 and is used to transport children to or from public or private  
22 school or in connection with school activities, but not  
23 including buses operated by common carriers in urban  
24 transportation of school children. The term "school" includes  
25 all preelementary, elementary, secondary, and postsecondary  
26 schools.

27           Section 946. Subsection (4) of section 316.027,  
28 Florida Statutes, is amended to read:

29           316.027 Crash involving death or personal injuries.--

30           (4) A person whose commission of a noncriminal traffic  
31 infraction or any violation of this chapter or s. 1006.66



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1 ~~240-265~~ causes or results in the death of another person may,  
 2 in addition to any other civil, criminal, or administrative  
 3 penalty imposed, be required by the court to serve 120  
 4 community service hours in a trauma center or hospital that  
 5 regularly receives victims of vehicle accidents, under the  
 6 supervision of a registered nurse, an emergency room  
 7 physician, or an emergency medical technician pursuant to a  
 8 voluntary community service program operated by the trauma  
 9 center or hospital.

10 Section 947. Paragraph (b) of subsection (9) of  
 11 section 316.515, Florida Statutes, is amended to read:

12 316.515 Maximum width, height, length.--

13 (9) BUSES AND PRIVATE MOTOR COACHES.--

14 (b) School buses which are subject to the provisions  
 15 of ~~chapter 234~~ or s. 316.615 or chapter 1006 are exempt from  
 16 the provisions of this subsection.

17 Section 948. Subsection (5) of section 316.6145,  
 18 Florida Statutes, is amended to read:

19 316.6145 School buses; safety belts or other restraint  
 20 systems required.--

21 (5) The provisions of this section shall not apply to  
 22 vehicles as defined in s. 1006.25(1)(b) ~~234.051(1)(b)~~.

23 Section 949. Paragraphs (a) and (c) of subsection (1)  
 24 of section 316.615, Florida Statutes, are amended to read:

25 316.615 School buses; physical requirements of  
 26 drivers.--

27 (1)(a) All motor vehicles, with a seating capacity of  
 28 24 or more pupils, which are regularly used for the  
 29 transportation of pupils to or from school, or to or from  
 30 school activities, shall comply with the requirements for  
 31 school buses of chapter 1006 ~~234~~.

1 (c) A bus operated by an organization that holds a tax  
 2 exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from  
 3 the color, pupil-warning-lamp-system, stop-arm, and  
 4 crossing-arm requirements for school buses in chapter 1006 234  
 5 if:

6 1. The bus does not pick up pupils from home or  
 7 deliver pupils to home;

8 2. The bus makes no intermittent stops to unload or  
 9 load pupils; and

10 3. The bus is not operated by or under the purview of  
 11 the state or political subdivision.

12 Section 950. Subsection (3) of section 316.70, Florida  
 13 Statutes, is amended to read:

14 316.70 Nonpublic sector buses; safety rules.--

15 (3) School buses subject to the provisions of chapter  
 16 1006 234 or s. 316.615 are exempt from the provisions of this  
 17 section.

18 Section 951. Subsection (2) of section 316.72, Florida  
 19 Statutes, is amended to read:

20 316.72 Buses simulating school buses in color and  
 21 insignia; conditions of use.--

22 (2) Any educational, recreational, religious, or  
 23 charitable organization may own, operate, rent, or lease any  
 24 bus which has been painted the orange or yellow color known as  
 25 "school bus chrome" and which has been equipped with the  
 26 signs, lights, insignia, and other features which normally  
 27 characterize a school bus, as defined in s. 1006.25 234-051,  
 28 consistent with the provisions of this section.

29 Section 952. Section 318.12, Florida Statutes, is  
 30 amended to read:

31 318.12 Purpose.--It is the legislative intent in the

1 adoption of this chapter to decriminalize certain violations  
 2 of chapter 316, the Florida Uniform Traffic Control Law;  
 3 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'  
 4 Licenses; ~~chapter 240, Postsecondary Education; and chapter~~  
 5 338, Florida Intrastate Highway System and Toll Facilities;  
 6 and chapter 1006, Support of Learning, thereby facilitating  
 7 the implementation of a more uniform and expeditious system  
 8 for the disposition of traffic infractions.

9 Section 953. Subsection (1) of section 318.14, Florida  
 10 Statutes, is amended to read:

11 318.14 Noncriminal traffic infractions; exception;  
 12 procedures.--

13 (1) Except as provided in ss. 318.17 and 320.07(3)(c),  
 14 any person cited for a violation of s. 1006.66(3) ~~240.265~~,  
 15 chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,  
 16 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s.  
 17 322.19, or s. 1006.66 is charged with a noncriminal infraction  
 18 and must be cited for such an infraction and cited to appear  
 19 before an official. If another person dies as a result of the  
 20 noncriminal infraction, the person cited may be required to  
 21 perform 120 community service hours under s. 316.027(4), in  
 22 addition to any other penalties.

23 Section 954. Paragraph (c) of subsection (2) of  
 24 section 320.08058, Florida Statutes, is amended to read:

25 320.08058 Specialty license plates.--

26 (2) CHALLENGER LICENSE PLATES.--

27 (c) Fifty percent must be distributed to the  
 28 Technological Research and Development Authority created by s.  
 29 2, chapter 87-455, Laws of Florida, for the purpose of funding  
 30 space-related research grants, the Teacher/Quest Scholarship  
 31 Program under s. 1009.61 ~~240.4082~~ as approved by the Florida

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1 Department of Education, and space-related economic  
 2 development programs. The Technological Research and  
 3 Development Authority shall coordinate and distribute  
 4 available resources among state universities and independent  
 5 colleges and universities based on the research strengths of  
 6 such institutions in space science technology, community  
 7 colleges, public school districts, and not-for-profit  
 8 educational organizations.

9 Section 955. Subsection (1) of section 320.20, Florida  
 10 Statutes, is amended to read:

11 320.20 Disposition of license tax moneys.--The revenue  
 12 derived from the registration of motor vehicles, including any  
 13 delinquent fees and excluding those revenues collected and  
 14 distributed under the provisions of s. 320.081, must be  
 15 distributed monthly, as collected, as follows:

16 (1) The first proceeds, to the extent necessary to  
 17 comply with the provisions of s. 18, Art. XII of the State  
 18 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968  
 19 revised constitution, and the additional provisions of s. 9(d)  
 20 and s. 1010.57 ~~236.602~~, must be deposited in the district  
 21 Capital Outlay and Debt Service School Trust Fund.

22 Section 956. Section 320.38, Florida Statutes, is  
 23 amended to read:

24 320.38 When nonresident exemption not allowed.--The  
 25 provisions of s. 320.37 authorizing the operation of motor  
 26 vehicles over the roads of this state by nonresidents of this  
 27 state when such vehicles are duly registered or licensed under  
 28 the laws of some other state or foreign country do not apply  
 29 to any nonresident who accepts employment or engages in any  
 30 trade, profession, or occupation in this state, except a  
 31 nonresident migrant farm worker as defined in s. 316.003(61).

1 In every case in which a nonresident, except a nonresident  
 2 migrant farm worker as defined in s. 316.003(61), accepts  
 3 employment or engages in any trade, profession, or occupation  
 4 in this state or enters his or her children to be educated in  
 5 the public schools of this state, such nonresident shall,  
 6 within 10 days after the commencement of such employment or  
 7 education, register his or her motor vehicles in this state if  
 8 such motor vehicles are proposed to be operated on the roads  
 9 of this state. Any person who is enrolled as a student in a  
 10 college or university and who is a nonresident but who is in  
 11 this state for a period of up to 6 months engaged in a  
 12 work-study program for which academic credits are earned from  
 13 a college whose credits or degrees are accepted for credit by  
 14 at least three accredited institutions of higher learning, as  
 15 defined in s. 1005.02 ~~246.021~~, is not required to have a  
 16 Florida registration for the duration of the work-study  
 17 program if the person's vehicle is properly registered in  
 18 another jurisdiction. Any nonresident who is enrolled as a  
 19 full-time student in such institution of higher learning is  
 20 also exempt for the duration of such enrollment.

21 Section 957. Subsection (3) of section 322.031,  
 22 Florida Statutes, is amended to read:

23 322.031 Nonresident; when license required.--

24 (3) A nonresident who is domiciled in another state  
 25 and who commutes into this state in order to work shall not be  
 26 required to obtain a Florida driver's license under this  
 27 section solely because he or she has accepted employment or  
 28 engages in any trade, profession, or occupation in this state  
 29 if he or she has a valid driver's license issued by another  
 30 state. Further, any person who is enrolled as a student in a  
 31 college or university and who is a nonresident but is in this

1 state for a period of up to 6 months engaged in a work-study  
 2 program for which academic credits are earned from a college  
 3 whose credits or degrees are accepted for credit by at least  
 4 three accredited institutions of higher learning, as defined  
 5 in s. 1005.02 ~~246.021~~, shall not be required to obtain a  
 6 Florida driver's license for the duration of the work-study  
 7 program if such person has a valid driver's license issued by  
 8 another state. Any nonresident who is enrolled as a full-time  
 9 student in any such institution of higher learning is also  
 10 exempt from the requirement of obtaining a Florida driver's  
 11 license for the duration of such enrollment.

12 Section 958. Paragraph (e) of subsection (1) and  
 13 paragraph (a) of subsection (2) of section 322.091, Florida  
 14 Statutes, are amended to read:

15 322.091 Attendance requirements.--

16 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING  
 17 PRIVILEGES.--A minor is not eligible for driving privileges  
 18 unless that minor:

19 (e) Has been issued a certificate of exemption  
 20 according to s. 1003.21(3) ~~232.06~~; or

21  
 22 The department may not issue a driver's license or learner's  
 23 driver's license to, or shall suspend the driver's license or  
 24 learner's driver's license of, any minor concerning whom the  
 25 department receives notification of noncompliance with the  
 26 requirements of this section.

27 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;  
 28 RECORD OF NONCOMPLIANCE.--

29 (a) The department shall notify each minor for whom  
 30 the department has received notification of noncompliance with  
 31 the requirements of this section as provided in s. 1003.27

1 ~~232.19~~, and the minor's parent or guardian, of the  
2 department's intent to suspend the minor's driving privileges.

3 Section 959. Subsection (5) of section 322.095,  
4 Florida Statutes, is amended to read:

5 322.095 Traffic law and substance abuse education  
6 program for driver's license applicants.--

7 (5) The provisions of this section do not apply to any  
8 person who has been licensed in any other jurisdiction or who  
9 has satisfactorily completed a Department of Education  
10 driver's education course offered pursuant to s. 1003.48  
11 ~~233.063~~.

12 Section 960. Paragraphs (a), (b), (c), and (d) of  
13 subsection (1) of section 322.21, Florida Statutes, are  
14 amended to read:

15 322.21 License fees; procedure for handling and  
16 collecting fees.--

17 (1) Except as otherwise provided herein, the fee for:

18 (a) An original or renewal commercial driver's license  
19 is \$50, which shall include the fee for driver education  
20 provided by s. 1003.48 ~~233.063~~; however, if an applicant has  
21 completed training and is applying for employment or is  
22 currently employed in a public or nonpublic school system that  
23 requires the commercial license, the fee shall be the same as  
24 for a Class E driver's license. A delinquent fee of \$1 shall  
25 be added for a renewal made not more than 12 months after the  
26 license expiration date.

27 (b) An original Class D or Class E driver's license is  
28 \$20, which shall include the fee for driver's education  
29 provided by s. 1003.48 ~~233.063~~; however, if an applicant has  
30 completed training and is applying for employment or is  
31 currently employed in a public or nonpublic school system that

1 requires a commercial driver license, the fee shall be the  
2 same as for a Class E license.

3 (c) The renewal or extension of a Class D or Class E  
4 driver's license or of a license restricted to motorcycle use  
5 only is \$15, except that a delinquent fee of \$1 shall be added  
6 for a renewal or extension made not more than 12 months after  
7 the license expiration date. The fee provided in this  
8 paragraph shall include the fee for driver's education  
9 provided by s. 1003.48 ~~233.063~~.

10 (d) An original driver's license restricted to  
11 motorcycle use only is \$20, which shall include the fee for  
12 driver's education provided by s. 1003.48 ~~233.063~~.

13 Section 961. Paragraphs (c) and (d) of subsection (2)  
14 and subsection (6) of section 333.03, Florida Statutes, are  
15 amended to read:

16 333.03 Power to adopt airport zoning regulations.--

17 (2) In the manner provided in subsection (1), interim  
18 airport land use compatibility zoning regulations shall be  
19 adopted. When political subdivisions have adopted land  
20 development regulations in accordance with the provisions of  
21 chapter 163 which address the use of land in the manner  
22 consistent with the provisions herein, adoption of airport  
23 land use compatibility regulations pursuant to this subsection  
24 shall not be required. Interim airport land use compatibility  
25 zoning regulations shall consider the following:

26 (c) Where an airport authority or other governing body  
27 operating a publicly owned, public-use airport has conducted a  
28 noise study in accordance with the provisions of 14 C.F.R.  
29 part 150, neither residential construction nor any educational  
30 facility as defined in chapter 1013 ~~235~~, with the exception of  
31 aviation school facilities, shall be permitted within the area



1 contiguous to the airport defined by an outer noise contour  
2 that is considered incompatible with that type of construction  
3 by 14 C.F.R. part 150, Appendix A or an equivalent noise level  
4 as established by other types of noise studies.

5 (d) Where an airport authority or other governing body  
6 operating a publicly owned, public-use airport has not  
7 conducted a noise study, neither residential construction nor  
8 any educational facility as defined in chapter 1013 235, with  
9 the exception of aviation school facilities, shall be  
10 permitted within an area contiguous to the airport measuring  
11 one-half the length of the longest runway on either side of  
12 and at the end of each runway centerline.

13 (6) Nothing in subsection (2) or subsection (3) shall  
14 be construed to require the removal, alteration, sound  
15 conditioning, or other change, or to interfere with the  
16 continued use or adjacent expansion of any educational  
17 structure or site in existence on July 1, 1993, or be  
18 construed to prohibit the construction of any new structure  
19 for which a site has been determined as provided in former s.  
20 235.19, as of July 1, 1993.

21 Section 962. Subsection (7) of section 364.508,  
22 Florida Statutes, is amended to read:

23 364.508 Definitions.--As used in this part:

24 (7) "Eligible facilities" means all approved campuses  
25 and instructional centers of all public universities, public  
26 community colleges, area technical centers, public elementary  
27 schools, middle schools, and high schools, including school  
28 administrative offices, public libraries, teaching hospitals,  
29 the research institute described in s. 1004.43 240-512, and  
30 rural public hospitals as defined in s. 395.602. If no rural  
31 public hospital exists in a community, the public health

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1 clinic which is responsible for individuals before they can be  
2 transferred to a regional hospital shall be considered  
3 eligible.

4 Section 963. Paragraph (k) of subsection (3) of  
5 section 380.0651, Florida Statutes, is amended to read:

6 380.0651 Statewide guidelines and standards.--

7 (3) The following statewide guidelines and standards  
8 shall be applied in the manner described in s. 380.06(2) to  
9 determine whether the following developments shall be required  
10 to undergo development-of-regional-impact review:

11 (k) Schools.--

12 1. The proposed construction of any public, private,  
13 or proprietary postsecondary educational campus which provides  
14 for a design population of more than 5,000 full-time  
15 equivalent students, or the proposed physical expansion of any  
16 public, private, or proprietary postsecondary educational  
17 campus having such a design population that would increase the  
18 population by at least 20 percent of the design population.

19 2. As used in this paragraph, "full-time equivalent  
20 student" means enrollment for 15 or more quarter hours during  
21 a single academic semester. In technical area ~~area-vocational~~  
22 schools or other institutions which do not employ semester  
23 hours or quarter hours in accounting for student  
24 participation, enrollment for 18 contact hours shall be  
25 considered equivalent to one quarter hour, and enrollment for  
26 27 contact hours shall be considered equivalent to one  
27 semester hour.

28 3. This paragraph does not apply to institutions which  
29 are the subject of a campus master plan adopted by the  
30 university board of trustees ~~Board of Regents~~ pursuant to s.  
31 1013.30 ~~240.155~~.

1 Section 964. Paragraph (e) of subsection (1) of  
2 section 381.003, Florida Statutes, is amended to read:

3 381.003 Communicable disease and AIDS prevention and  
4 control.--

5 (1) The department shall conduct a communicable  
6 disease prevention and control program as part of fulfilling  
7 its public health mission. A communicable disease is any  
8 disease caused by transmission of a specific infectious agent,  
9 or its toxic products, from an infected person, an infected  
10 animal, or the environment to a susceptible host, either  
11 directly or indirectly. The communicable disease program must  
12 include, but need not be limited to:

13 (e) Programs for the prevention and control of  
14 vaccine-preventable diseases, including programs to immunize  
15 school children as required by s. 1003.22(3)-(11) ~~232.032~~ and  
16 the development of an automated, electronic, and centralized  
17 database or registry of immunizations. The department shall  
18 ensure that all children in this state are immunized against  
19 vaccine-preventable diseases. The immunization registry shall  
20 allow the department to enhance current immunization  
21 activities for the purpose of improving the immunization of  
22 all children in this state.

23 1. Except as provided in subparagraph 2., the  
24 department shall include all children born in this state in  
25 the immunization registry by using the birth records from the  
26 Office of Vital Statistics. The department shall add other  
27 children to the registry as immunization services are  
28 provided.

29 2. The parent or guardian of a child may refuse to  
30 have the child included in the immunization registry by  
31 signing a form obtained from the department, or from the

1 health care practitioner or entity that provides the  
2 immunization, which indicates that the parent or guardian does  
3 not wish to have the child included in the immunization  
4 registry. The decision to not participate in the immunization  
5 registry must be noted in the registry.

6           3. The immunization registry shall allow for  
7 immunization records to be electronically transferred to  
8 entities that are required by law to have such records,  
9 including schools, licensed child care facilities, and any  
10 other entity that is required by law to obtain proof of a  
11 child's immunizations.

12           4. Any health care practitioner licensed under chapter  
13 458, chapter 459, or chapter 464 in this state who complies  
14 with rules adopted by the department to access the  
15 immunization registry may, through the immunization registry,  
16 directly access immunization records and update a child's  
17 immunization history or exchange immunization information with  
18 another authorized practitioner, entity, or agency involved in  
19 a child's care. The information included in the immunization  
20 registry must include the child's name, date of birth,  
21 address, and any other unique identifier necessary to  
22 correctly identify the child; the immunization record,  
23 including the date, type of administered vaccine, and vaccine  
24 lot number; and the presence or absence of any adverse  
25 reaction or contraindication related to the immunization.  
26 Information received by the department for the immunization  
27 registry retains its status as confidential medical  
28 information and the department must maintain the  
29 confidentiality of that information as otherwise required by  
30 law. A health care practitioner or other agency that obtains  
31 information from the immunization registry must maintain the

1 confidentiality of any medical records in accordance with s.  
2 456.057 or as otherwise required by law.

3 Section 965. Paragraph (d) of subsection (1) of  
4 section 381.005, Florida Statutes, is amended to read:

5 381.005 Primary and preventive health services.--

6 (1) The department shall conduct a primary and  
7 preventive health care program as part of fulfilling its  
8 public health mission. This program shall include, but is not  
9 limited to:

10 (d) School health services in accordance with chapters  
11 1003 and 1006 ~~chapter 232~~.

12 Section 966. Paragraph (p) of subsection (5) of  
13 section 381.0056, Florida Statutes, is amended to read:

14 381.0056 School health services program.--

15 (5) Each county health department shall develop,  
16 jointly with the district school board and the local school  
17 health advisory committee, a school health services plan; and  
18 the plan shall include, at a minimum, provisions for:

19 (p) Maintenance of records on incidents of health  
20 problems, corrective measures taken, and such other  
21 information as may be needed to plan and evaluate health  
22 programs; except, however, that provisions in the plan for  
23 maintenance of health records of individual students must be  
24 in accordance with s. 1002.22 ~~228.093~~;

25 Section 967. Subsection (9) of section 381.0302,  
26 Florida Statutes, is amended to read:

27 381.0302 Florida Health Services Corps.--

28 (9) Persons who receive loan repayment assistance  
29 under s. 1009.65 ~~240.4067~~ shall be members of the Florida  
30 Health Services Corps.

31 Section 968. Subsection (3) of section 391.055,

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1 Florida Statutes, is amended to read:

2 391.055 Service delivery systems.--

3 (3) The Children's Medical Services network may  
4 contract with school districts participating in the certified  
5 school match program pursuant to ss. ~~236.0812~~ and 409.908(21)  
6 and 1011.70 for the provision of school-based services, as  
7 provided for in s. 409.9071, for Medicaid-eligible children  
8 who are enrolled in the Children's Medical Services network.

9 Section 969. Section 393.0657, Florida Statutes, is  
10 amended to read:

11 393.0657 Persons not required to be refingerprinted or  
12 rescreened.--Any provision of law to the contrary  
13 notwithstanding, human resource personnel who have been  
14 fingerprinted or screened pursuant to chapters 393, 394, 397,  
15 402, and 409, and teachers who have been fingerprinted  
16 pursuant to chapter 1012 ~~231~~, who have not been unemployed for  
17 more than 90 days thereafter, and who under the penalty of  
18 perjury attest to the completion of such fingerprinting or  
19 screening and to compliance with the provisions of this  
20 section and the standards for good moral character as  
21 contained in such provisions as ss. 110.1127(3), 393.0655(1),  
22 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be  
23 required to be refingerprinted or rescreened in order to  
24 comply with any direct service provider screening or  
25 fingerprinting requirements.

26 Section 970. Subsection (3) of section 394.4572,  
27 Florida Statutes, is amended to read:

28 394.4572 Screening of mental health personnel.--

29 (3) Prospective mental health personnel who have  
30 previously been fingerprinted or screened pursuant to this  
31 chapter, chapter 393, chapter 397, chapter 402, or chapter

1 409, or teachers who have been fingerprinted pursuant to  
 2 chapter 1012 ~~231~~, who have not been unemployed for more than  
 3 90 days thereafter, and who under the penalty of perjury  
 4 attest to the completion of such fingerprinting or screening  
 5 and to compliance with the provisions of this section and the  
 6 standards for level 1 screening contained in chapter 435,  
 7 shall not be required to be refingerprinted or rescreened in  
 8 order to comply with any screening requirements of this part.

9 Section 971. Subsection (5) of section 394.495,  
 10 Florida Statutes, is amended to read:

11 394.495 Child and adolescent mental health system of  
 12 care; programs and services.--

13 (5) In order to enhance collaboration between agencies  
 14 and to facilitate the provision of services by the child and  
 15 adolescent mental health treatment and support system and the  
 16 school district, the local child and adolescent mental health  
 17 system of care shall include the local educational multiagency  
 18 network for severely emotionally disturbed students specified  
 19 in s. 1006.04 ~~230-2317~~.

20 Section 972. Paragraph (c) of subsection (4) of  
 21 section 394.498, Florida Statutes, is amended to read:

22 394.498 Child and Adolescent Interagency System of  
 23 Care Demonstration Models.--

24 (4) ESSENTIAL ELEMENTS.--

25 (c) In order for children, adolescents, and families  
 26 of children and adolescents to receive timely and effective  
 27 services, the basic provider network identified in each  
 28 demonstration model must be well designed and managed. The  
 29 provider network should be able to meet the needs of a  
 30 significant proportion of the target population. The applicant  
 31 must demonstrate the capability to manage the network of

1 providers for the purchasers that participate in the  
2 demonstration model. The applicant must demonstrate its  
3 ability to perform the following network management functions:

4 1. Identify providers within the designated area of  
5 the demonstration model which are currently funded by the  
6 state agencies included in the model, and identify additional  
7 providers that are needed to provide additional services for  
8 the target population. The network of providers may include:

9 a. Licensed mental health professionals as defined in  
10 s. 394.455(2), (4), (21), (23), or (24);

11 b. Professionals licensed under chapter 491;

12 c. Teachers certified under s. 1012.56 ~~231.17~~;

13 d. Facilities licensed under chapter 395, as a  
14 hospital; s. 394.875, as a crisis stabilization unit or  
15 short-term residential facility; or s. 409.175, as a  
16 residential child-caring agency; and

17 e. Other community agencies.

18 2. Define access points and service linkages of  
19 providers in the network.

20 3. Define the ways in which providers and  
21 participating state agencies are expected to collaborate in  
22 providing services.

23 4. Define methods to measure the collective  
24 performance outcomes of services provided by providers and  
25 state agencies, measure the performance of individual  
26 agencies, and implement a quality improvement process across  
27 the provider network.

28 5. Develop brochures for family members which are  
29 written in understandable terminology, to help families  
30 identify appropriate service providers, choose the provider,  
31 and access care directly whenever possible.



1           6. Ensure that families are given a substantial role  
2 in planning and monitoring the provider network.

3           7. Train all providers with respect to the principles  
4 of care outlined in this section, including effective  
5 techniques of cooperation, the wraparound process and  
6 strengths-based assessment, the development of service plans,  
7 and techniques of case management.

8           Section 973. Subsection (3) of section 395.602,  
9 Florida Statutes, is amended to read:

10           395.602 Rural hospitals.--

11           (3) USE OF FUNDS.--It is the intent of the Legislature  
12 that funds as appropriated shall be utilized by the department  
13 for the purpose of increasing the number of primary care  
14 physicians, physician assistants, certified nurse midwives,  
15 nurse practitioners, and nurses in rural areas, either through  
16 the Medical Education Reimbursement and Loan Repayment Program  
17 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan  
18 repayment program which requires state matching funds. The  
19 department may use funds appropriated for the Medical  
20 Education Reimbursement and Loan Repayment Program as matching  
21 funds for federal loan repayment programs for health care  
22 personnel, such as that authorized in Pub. L. No. 100-177, s.  
23 203. If the department receives federal matching funds, the  
24 department shall only implement the federal program.

25 Reimbursement through either program shall be limited to:

26           (a) Primary care physicians, physician assistants,  
27 certified nurse midwives, nurse practitioners, and nurses  
28 employed by or affiliated with rural hospitals, as defined in  
29 this act; and

30           (b) Primary care physicians, physician assistants,  
31 certified nurse midwives, nurse practitioners, and nurses

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1 employed by or affiliated with rural area health education  
2 centers, as defined in this section. These personnel shall  
3 practice:

4 1. In a county with a population density of no greater  
5 than 100 persons per square mile; or

6 2. Within the boundaries of a hospital tax district  
7 which encompasses a population of no greater than 100 persons  
8 per square mile.

9  
10 If the department administers a federal loan repayment  
11 program, priority shall be given to obligating state and  
12 federal matching funds pursuant to paragraphs (a) and (b).  
13 The department may use federal matching funds in other health  
14 workforce shortage areas and medically underserved areas in  
15 the state for loan repayment programs for primary care  
16 physicians, physician assistants, certified nurse midwives,  
17 nurse practitioners, and nurses who are employed by publicly  
18 financed health care programs that serve medically indigent  
19 persons.

20 Section 974. Subsection (3) of section 395.605,  
21 Florida Statutes, is amended to read:

22 395.605 Emergency care hospitals.--

23 (3) For the purpose of participation in the Medical  
24 Education Reimbursement and Loan Repayment Program as defined  
25 in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive  
26 programs designed to relieve medical workforce shortages, the  
27 department shall treat emergency care hospitals in the same  
28 manner as rural hospitals.

29 Section 975. Subsection (3) of section 397.405,  
30 Florida Statutes, is amended to read:

31 397.405 Exemptions from licensure.--The following are

1 exempt from the licensing provisions of this chapter:

2 (3) A substance abuse education program established  
3 pursuant to s. 1003.42 ~~233.061~~.

4  
5 The exemptions from licensure in this section do not apply to  
6 any facility or entity which receives an appropriation, grant,  
7 or contract from the state to operate as a service provider as  
8 defined in this chapter or to any substance abuse program  
9 regulated pursuant to s. 397.406. No provision of this  
10 chapter shall be construed to limit the practice of a  
11 physician licensed under chapter 458 or chapter 459, a  
12 psychologist licensed under chapter 490, or a psychotherapist  
13 licensed under chapter 491, providing outpatient or inpatient  
14 substance abuse treatment to a voluntary patient, so long as  
15 the physician, psychologist, or psychotherapist does not  
16 represent to the public that he or she is a licensed service  
17 provider under this act. Failure to comply with any  
18 requirement necessary to maintain an exempt status under this  
19 section is a misdemeanor of the first degree, punishable as  
20 provided in s. 775.082 or s. 775.083.

21 Section 976. Subsection (4) of section 397.451,  
22 Florida Statutes, is amended to read:

23 397.451 Background checks of service provider  
24 personnel who have direct contact with unmarried minor clients  
25 or clients who are developmentally disabled.--

26 (4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR  
27 RECHECKED.--Service provider personnel who have been  
28 fingerprinted or had their backgrounds checked pursuant to  
29 chapter 393, chapter 394, chapter 402, or chapter 409, or this  
30 section, and teachers who have been fingerprinted pursuant to  
31 chapter 1012 ~~231~~, who have not been unemployed for more than

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1 90 days thereafter and who, under the penalty of perjury,  
 2 attest to the completion of such fingerprinting or background  
 3 checks and to compliance with the provisions of this section  
 4 and the standards contained in chapter 435 and this section,  
 5 are not required to be refingerprinted or rechecked in order  
 6 to comply with service provider personnel fingerprinting or  
 7 background check requirements.

8 Section 977. Paragraph (h) of subsection (2) of  
 9 section 397.951, Florida Statutes, is amended to read:

10 397.951 Treatment and sanctions.--The Legislature  
 11 recognizes that the integration of treatment and sanctions  
 12 greatly increases the effectiveness of substance abuse  
 13 treatment. It is the responsibility of the department and the  
 14 substance abuse treatment provider to employ the full measure  
 15 of sanctions available to require participation and completion  
 16 of treatment to ensure successful outcomes for children in  
 17 substance abuse treatment.

18 (2) The department shall ensure that substance abuse  
 19 treatment providers employ any and all appropriate available  
 20 sanctions necessary to engage, motivate, and maintain a child  
 21 in treatment, including, but not limited to, provisions in law  
 22 that:

23 (h) Provide that the use, possession, or sale of  
 24 controlled substances, as defined in chapter 893, or  
 25 possession of electronic telephone pagers, by any student  
 26 while such student is upon school property or in attendance at  
 27 a school function is grounds for disciplinary action by the  
 28 school and may also result in criminal penalties being imposed  
 29 pursuant to s. 1006.09(1)-(4) ~~232-26~~.

30 Section 978. Subsection (2), (4), and (7) of section  
 31 402.22, Florida Statutes, are amended to read:

1           402.22 Education program for students who reside in  
2 residential care facilities operated by the Department of  
3 Children and Family Services.--

4           (2) District school boards shall establish educational  
5 programs for all students ages 5 through 18 under the  
6 residential care of the Department of Children and Family  
7 Services and may provide for students below age 3 as provided  
8 for in s. 1003.21(1)(e) ~~232.01(1)(e)~~. Funding of such programs  
9 shall be pursuant to s. 1011.62 ~~236.081~~.

10           (4) Students age 18 and under who are under the  
11 residential care of the Department of Children and Family  
12 Services and who receive an education program shall be  
13 calculated as full-time equivalent student membership in the  
14 appropriate cost factor as provided for in s. 1011.62(1)(c)  
15 ~~236.081(1)(e)~~. Residential care facilities of the Department  
16 of Children and Family Services shall include, but not be  
17 limited to, developmental services institutions and state  
18 mental health facilities. All students shall receive their  
19 education program from the district school system, and funding  
20 shall be allocated through the Florida Education Finance  
21 Program for the district school system.

22           (7) Notwithstanding the provisions of s. 1001.42(4)(n)  
23 ~~230.23(4)(n)~~, the educational program at the Marianna Sunland  
24 Center in Jackson County shall be operated by the Department  
25 of Education, either directly or through grants or contractual  
26 agreements with other public educational agencies. The annual  
27 state allocation to any such agency shall be computed pursuant  
28 to s. 1011.62(1), (2), and (5) ~~236.081(1), (2), and (5)~~ and  
29 allocated in the amount that would have been provided the  
30 local school district in which the residential facility is  
31 located.

1           Section 979. Subsection (3) of section 402.302,  
2 Florida Statutes, is amended to read:  
3           402.302 Definitions.--  
4           (3) "Child care personnel" means all owners,  
5 operators, employees, and volunteers working in a child care  
6 facility. The term does not include persons who work in a  
7 child care facility after hours when children are not present  
8 or parents of children in Head Start. For purposes of  
9 screening, the term includes any member, over the age of 12  
10 years, of a child care facility operator's family, or person,  
11 over the age of 12 years, residing with a child care facility  
12 operator if the child care facility is located in or adjacent  
13 to the home of the operator or if the family member of, or  
14 person residing with, the child care facility operator has any  
15 direct contact with the children in the facility during its  
16 hours of operation. Members of the operator's family or  
17 persons residing with the operator who are between the ages of  
18 12 years and 18 years shall not be required to be  
19 fingerprinted but shall be screened for delinquency records.  
20 For purposes of screening, the term shall also include persons  
21 who work in child care programs which provide care for  
22 children 15 hours or more each week in public or nonpublic  
23 schools, summer day camps, family day care homes, or those  
24 programs otherwise exempted under s. 402.316. The term does  
25 not include public or nonpublic school personnel who are  
26 providing care during regular school hours, or after hours for  
27 activities related to a school's program for grades  
28 kindergarten through 12 ~~as required under chapter 232.~~ A  
29 volunteer who assists on an intermittent basis for less than  
30 40 hours per month is not included in the term "personnel" for  
31 the purposes of screening and training, provided that the

1 volunteer is under direct and constant supervision by persons  
 2 who meet the personnel requirements of s. 402.305(2).  
 3 Students who observe and participate in a child care facility  
 4 as a part of their required coursework shall not be considered  
 5 child care personnel, provided such observation and  
 6 participation are on an intermittent basis and the students  
 7 are under direct and constant supervision of child care  
 8 personnel.

9 Section 980. Section 402.3057, Florida Statutes, is  
 10 amended to read:

11 402.3057 Persons not required to be refingerprinted or  
 12 rescreened.--Any provision of law to the contrary  
 13 notwithstanding, human resource personnel who have been  
 14 fingerprinted or screened pursuant to chapters 393, 394, 397,  
 15 402, and 409, and teachers and noninstructional personnel who  
 16 have been fingerprinted pursuant to chapter 1012 ~~231~~, who have  
 17 not been unemployed for more than 90 days thereafter, and who  
 18 under the penalty of perjury attest to the completion of such  
 19 fingerprinting or screening and to compliance with the  
 20 provisions of this section and the standards for good moral  
 21 character as contained in such provisions as ss. 110.1127(3),  
 22 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),  
 23 shall not be required to be refingerprinted or rescreened in  
 24 order to comply with any caretaker screening or fingerprinting  
 25 requirements.

26 Section 981. Paragraphs (a) and (b) of subsection (3)  
 27 of section 409.145, Florida Statutes, are amended to read:

28 409.145 Care of children.--

29 (3)(a) The department is authorized to continue to  
 30 provide the services of the children's foster care program to  
 31 individuals 18 to 21 years of age who are enrolled in high

1 school, in a program leading to a high school equivalency  
 2 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time  
 3 career education program, and to continue to provide services  
 4 of the children's foster care program to individuals 18 to 23  
 5 years of age who are enrolled full-time in a postsecondary  
 6 educational institution granting a degree, a certificate, or  
 7 an applied technology diploma, if the following requirements  
 8 are met:

9           1. The individual was committed to the legal custody  
 10 of the department for placement in foster care as a dependent  
 11 child;

12           2. All other resources have been thoroughly explored,  
 13 and it can be clearly established that there are no  
 14 alternative resources for placement; and

15           3. A written service agreement which specifies  
 16 responsibilities and expectations for all parties involved has  
 17 been signed by a representative of the department, the  
 18 individual, and the foster parent or licensed child-caring  
 19 agency providing the placement resources.

20           (b) The services of the foster care program shall  
 21 continue for those individuals 18 to 21 years of age only for  
 22 the period of time the individual is continuously enrolled in  
 23 high school, in a program leading to a high school equivalency  
 24 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time  
 25 career education program; and shall continue for those  
 26 individuals 18 to 23 years of age only for the period of time  
 27 the individual is continuously enrolled full-time in a  
 28 postsecondary educational institution granting a degree, a  
 29 certificate, or an applied technology diploma. Services shall  
 30 be terminated upon completion of or withdrawal or permanent  
 31 expulsion from high school, the program leading to a high



1 school equivalency diploma, the full-time career and technical  
 2 education program, or the postsecondary educational  
 3 institution granting a degree, a certificate, or an applied  
 4 technology diploma. In addition, the department may, based  
 5 upon the availability of funds, provide assistance to those  
 6 individuals who leave foster care when they attain 18 years of  
 7 age and subsequently request assistance prior to their 21st  
 8 birthday. The following are examples of assistance that may be  
 9 provided: referrals for employment, services for educational  
 10 or career ~~vocational~~ development, and housing assistance.

11 Section 982. Section 409.1757, Florida Statutes, is  
 12 amended to read:

13 409.1757 Persons not required to be refingerprinted or  
 14 rescreened.--Any provision of law to the contrary  
 15 notwithstanding, human resource personnel who have been  
 16 fingerprinted or screened pursuant to chapters 393, 394, 397,  
 17 402, and this chapter, and teachers who have been  
 18 fingerprinted pursuant to chapter 1012 ~~231~~, who have not been  
 19 unemployed for more than 90 days thereafter, and who under the  
 20 penalty of perjury attest to the completion of such  
 21 fingerprinting or screening and to compliance with the  
 22 provisions of this section and the standards for good moral  
 23 character as contained in such provisions as ss. 110.1127(3),  
 24 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),  
 25 shall not be required to be refingerprinted or rescreened in  
 26 order to comply with any caretaker screening or fingerprinting  
 27 requirements.

28 Section 983. Subsections (1) and (2) of section  
 29 409.2598, Florida Statutes, are amended to read:

30 409.2598 Suspension or denial of new or renewal  
 31 licenses; registrations; certifications.--

1           (1) The Title IV-D agency may petition the court that  
 2 entered the support order or the court that is enforcing the  
 3 support order to deny or suspend the license, registration, or  
 4 certificate issued under ~~chapter 231~~, chapter 370, chapter  
 5 372, chapter 409, chapter 455, chapter 456, chapter 559,  
 6 chapter 1012, s. 328.42, or s. 597.010 of any obligor with a  
 7 delinquent support obligation or who fails, after receiving  
 8 appropriate notice, to comply with subpoenas, orders to  
 9 appear, orders to show cause, or similar orders relating to  
 10 paternity or support proceedings. However, a petition may not  
 11 be filed until the Title IV-D agency has exhausted all other  
 12 available remedies. The purpose of this section is to promote  
 13 the public policy of the state as established in s. 409.2551.

14           (2) The Title IV-D agency is authorized to screen all  
 15 applicants for new or renewal licenses, registrations, or  
 16 certificates and current licenses, registrations, or  
 17 certificates and current licensees, registration holders, and  
 18 certificateholders of all licenses, registrations, and  
 19 certificates issued under ~~chapter 231~~, chapter 370, ~~chapter~~  
 20 ~~372~~, chapter 409, chapter 455, chapter 456, ~~or~~ chapter 559,  
 21 chapter 1012, or s. 328.42 to ensure compliance with any  
 22 support obligation and any subpoenas, orders to appear, orders  
 23 to show cause, or similar orders relating to paternity or  
 24 support proceedings. If the Title IV-D agency determines that  
 25 an applicant, licensee, registration holder, or  
 26 certificateholder is an obligor who is delinquent on a support  
 27 obligation or who is not in compliance with a subpoena, order  
 28 to appear, order to show cause, or similar order relating to  
 29 paternity or support proceedings, the Title IV-D agency shall  
 30 certify the delinquency pursuant to s. 61.14.

31           Section 984. Subsections (1) and (6) of section

1 409.9071, Florida Statutes, as amended by section 2 of chapter  
2 97-168, Laws of Florida, are amended to read:

3 409.9071 Medicaid provider agreements for school  
4 districts certifying state match.--

5 (1) The agency shall submit a state plan amendment by  
6 September 1, 1997, for the purpose of obtaining federal  
7 authorization to reimburse school-based services as provided  
8 in former s. 236.0812 pursuant to the rehabilitative services  
9 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes  
10 of this section, billing agent consulting services shall be  
11 considered billing agent services, as that term is used in s.  
12 409.913(9), and, as such, payments to such persons shall not  
13 be based on amounts for which they bill nor based on the  
14 amount a provider receives from the Medicaid program. This  
15 provision shall not restrict privatization of Medicaid  
16 school-based services. Subject to any limitations provided for  
17 in the General Appropriations Act, the agency, in compliance  
18 with appropriate federal authorization, shall develop policies  
19 and procedures and shall allow for certification of state and  
20 local education funds which have been provided for  
21 school-based services as specified in s. 1011.70 ~~236.0812~~ and  
22 authorized by a physician's order where required by federal  
23 Medicaid law. Any state or local funds certified pursuant to  
24 this section shall be for children with specified disabilities  
25 who are eligible for both Medicaid and part B or part H of the  
26 Individuals with Disabilities Education Act (IDEA), or the  
27 exceptional student education program, or who have an  
28 individualized educational plan.

29 (6) Retroactive reimbursements for services as  
30 specified in former s. 236.0812 as of July 1, 1996, including  
31 reimbursement for the 1995-1996 and 1996-1997 school years,

1 subject to federal approval.

2 Section 985. Subsection (1) of section 409.9071,  
3 Florida Statutes, as amended by sections 13 and 18 of chapter  
4 97-263, Laws of Florida, is amended to read:

5 409.9071 Medicaid provider agreements for school  
6 districts certifying state match.--

7 (1) Subject to any limitations provided for in the  
8 General Appropriations Act, the agency, in compliance with  
9 appropriate federal authorization, shall develop policies and  
10 procedures to allow for certification of state and local  
11 education funds which have been provided for services as  
12 authorized in s. 1011.70 ~~236-0812~~. Any state or local funds  
13 certified pursuant to this section shall be for children with  
14 specified disabilities who are eligible for Medicaid and who  
15 have an individualized educational plan that demonstrates that  
16 such services are medically necessary and a physician  
17 authorization order if required by federal Medicaid laws.

18 Section 986. Subsection (21) of section 409.908,  
19 Florida Statutes, is amended to read:

20 409.908 Reimbursement of Medicaid providers.--Subject  
21 to specific appropriations, the agency shall reimburse  
22 Medicaid providers, in accordance with state and federal law,  
23 according to methodologies set forth in the rules of the  
24 agency and in policy manuals and handbooks incorporated by  
25 reference therein. These methodologies may include fee  
26 schedules, reimbursement methods based on cost reporting,  
27 negotiated fees, competitive bidding pursuant to s. 287.057,  
28 and other mechanisms the agency considers efficient and  
29 effective for purchasing services or goods on behalf of  
30 recipients. Payment for Medicaid compensable services made on  
31 behalf of Medicaid eligible persons is subject to the

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1 availability of moneys and any limitations or directions  
 2 provided for in the General Appropriations Act or chapter 216.  
 3 Further, nothing in this section shall be construed to prevent  
 4 or limit the agency from adjusting fees, reimbursement rates,  
 5 lengths of stay, number of visits, or number of services, or  
 6 making any other adjustments necessary to comply with the  
 7 availability of moneys and any limitations or directions  
 8 provided for in the General Appropriations Act, provided the  
 9 adjustment is consistent with legislative intent.

10 (21) The agency shall reimburse school districts which  
 11 certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and  
 12 409.9071 for the federal portion of the school district's  
 13 allowable costs to deliver the services, based on the  
 14 reimbursement schedule. The school district shall determine  
 15 the costs for delivering services as authorized in ss. 1011.70  
 16 ~~236.0812~~ and 409.9071 for which the state match will be  
 17 certified. Reimbursement of school-based providers is  
 18 contingent on such providers being enrolled as Medicaid  
 19 providers and meeting the qualifications contained in 42  
 20 C.F.R. s. 440.110, unless otherwise waived by the federal  
 21 Health Care Financing Administration. Speech therapy providers  
 22 who are certified through the Department of Education pursuant  
 23 to rule 6A-4.0176, Florida Administrative Code, are eligible  
 24 for reimbursement for services that are provided on school  
 25 premises. Any employee of the school district who has been  
 26 fingerprinted and has received a criminal background check in  
 27 accordance with Department of Education rules and guidelines  
 28 shall be exempt from any agency requirements relating to  
 29 criminal background checks.

30 Section 987. Paragraph (a) of subsection (2) of  
 31 section 409.9122, Florida Statutes, is amended to read:

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1           409.9122 Mandatory Medicaid managed care enrollment;  
2 programs and procedures.--

3           (2)(a) The agency shall enroll in a managed care plan  
4 or MediPass all Medicaid recipients, except those Medicaid  
5 recipients who are: in an institution; enrolled in the  
6 Medicaid medically needy program; or eligible for both  
7 Medicaid and Medicare. However, to the extent permitted by  
8 federal law, the agency may enroll in a managed care plan or  
9 MediPass a Medicaid recipient who is exempt from mandatory  
10 managed care enrollment, provided that:

11           1. The recipient's decision to enroll in a managed  
12 care plan or MediPass is voluntary;

13           2. If the recipient chooses to enroll in a managed  
14 care plan, the agency has determined that the managed care  
15 plan provides specific programs and services which address the  
16 special health needs of the recipient; and

17           3. The agency receives any necessary waivers from the  
18 federal Health Care Financing Administration.

19

20 The agency shall develop rules to establish policies by which  
21 exceptions to the mandatory managed care enrollment  
22 requirement may be made on a case-by-case basis. The rules  
23 shall include the specific criteria to be applied when making  
24 a determination as to whether to exempt a recipient from  
25 mandatory enrollment in a managed care plan or MediPass.  
26 School districts participating in the certified school match  
27 program pursuant to ss. 1011.70 ~~236.0812~~ and 409.908(21) shall  
28 be reimbursed by Medicaid, subject to the limitations of s.  
29 1011.70(1) ~~236.0812(1) and (2)~~, for a Medicaid-eligible child  
30 participating in the services as authorized in s. 1011.70  
31 ~~236.0812~~, as provided for in s. 409.9071, regardless of

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1 whether the child is enrolled in MediPass or a managed care  
 2 plan. Managed care plans shall make a good faith effort to  
 3 execute agreements with school districts regarding the  
 4 coordinated provision of services authorized under s. 1011.70  
 5 ~~236.0812~~. County health departments delivering school-based  
 6 services pursuant to ss. 381.0056 and 381.0057 shall be  
 7 reimbursed by Medicaid for the federal share for a  
 8 Medicaid-eligible child who receives Medicaid-covered services  
 9 in a school setting, regardless of whether the child is  
 10 enrolled in MediPass or a managed care plan. Managed care  
 11 plans shall make a good faith effort to execute agreements  
 12 with county health departments regarding the coordinated  
 13 provision of services to a Medicaid-eligible child. To ensure  
 14 continuity of care for Medicaid patients, the agency, the  
 15 Department of Health, and the Department of Education shall  
 16 develop procedures for ensuring that a student's managed care  
 17 plan or MediPass provider receives information relating to  
 18 services provided in accordance with ss. ~~236.0812~~, 381.0056,  
 19 381.0057, ~~and~~ 409.9071, and 1011.70.

20 Section 988. Paragraph (d) of subsection (5) and  
 21 subsection (10) of section 411.01, Florida Statutes, are  
 22 amended to read:

23 411.01 Florida Partnership for School Readiness;  
 24 school readiness coalitions.--

25 (5) CREATION OF SCHOOL READINESS COALITIONS.--

26 (d) Implementation.--

27 1. The school readiness program is to be phased in.  
 28 Until the coalition implements its plan, the county shall  
 29 continue to receive the services identified in subsection (3)  
 30 through the various agencies that would be responsible for  
 31 delivering those services under current law. Plan

1 implementation is subject to approval of the coalition and the  
2 plan by the Florida Partnership for School Readiness.

3           2. Each school readiness coalition shall develop a  
4 plan for implementing the school readiness program to meet the  
5 requirements of this section and the performance standards and  
6 outcome measures established by the partnership. The plan must  
7 include a written description of the role of the program in  
8 the coalition's effort to meet the first state education goal,  
9 readiness to start school, including a description of the plan  
10 to involve the prekindergarten early intervention programs,  
11 Head Start Programs, programs offered by public or private  
12 providers of child care, preschool programs for children with  
13 disabilities, programs for migrant children, Title I programs,  
14 subsidized child care programs, and teen parent programs. The  
15 plan must also demonstrate how the program will ensure that  
16 each 3-year-old and 4-year-old child in a publicly funded  
17 school readiness program receives scheduled activities and  
18 instruction designed to prepare children to enter kindergarten  
19 ready to learn. Prior to implementation of the program, the  
20 school readiness coalition must submit the plan to the  
21 partnership for approval. The partnership may approve the  
22 plan, reject the plan, or approve the plan with conditions.  
23 The Florida Partnership for School Readiness shall review  
24 coalition plans at least annually.

25           3. The plan for the school readiness program must  
26 include the following minimum standards and provisions:

27           a. A sliding fee scale establishing a copayment for  
28 parents based upon their ability to pay, which is the same for  
29 all program providers, to be implemented and reflected in each  
30 program's budget.

31           b. A choice of settings and locations in licensed,



1 registered, religious-exempt, or school-based programs to be  
2 provided to parents.

3 c. Instructional staff who have completed the training  
4 course as required in s. 402.305(2)(d)1., as well as staff who  
5 have additional training or credentials as required by the  
6 partnership. The plan must provide a method for assuring the  
7 qualifications of all personnel in all program settings.

8 d. Specific eligibility priorities for children within  
9 the coalition's county pursuant to subsection (6).

10 e. Performance standards and outcome measures  
11 established by the partnership or alternatively, standards and  
12 outcome measures to be used until such time as the partnership  
13 adopts such standards and outcome measures.

14 f. Reimbursement rates that have been developed by the  
15 coalition. Reimbursement rates shall not have the effect of  
16 limiting parental choice or creating standards or levels of  
17 services that have not been authorized by the Legislature.

18 g. Systems support services, including a central  
19 agency, child care resource and referral, eligibility  
20 determinations, training of providers, and parent support and  
21 involvement.

22 h. Direct enhancement services to families and  
23 children. System support and direct enhancement services shall  
24 be in addition to payments for the placement of children in  
25 school readiness programs.

26 i. A business plan, which must include the contract  
27 with a school readiness agent if the coalition is not a  
28 legally established corporate entity. Coalitions may contract  
29 with other coalitions to achieve efficiency in multiple-county  
30 services, and such contracts may be part of the coalition's  
31 business plan.

1           j. Strategies to meet the needs of unique populations,  
2 such as migrant workers.

3

4 As part of the plan, the coalition may request the Governor to  
5 apply for a waiver to allow the coalition to administer the  
6 Head Start Program to accomplish the purposes of the school  
7 readiness program. If any school readiness plan can  
8 demonstrate that specific statutory goals can be achieved more  
9 effectively by using procedures that require modification of  
10 existing rules, policies, or procedures, a request for a  
11 waiver to the partnership may be made as part of the plan.  
12 Upon review, the partnership may grant the proposed  
13 modification.

14           4. Persons with an early childhood teaching  
15 certificate may provide support and supervision to other staff  
16 in the school readiness program.

17           5. The coalition may not implement its plan until it  
18 submits the plan to and receives approval from the  
19 partnership. Once the plan has been approved, the plan and the  
20 services provided under the plan shall be controlled by the  
21 coalition rather than by the state agencies or departments.  
22 The plan shall be reviewed and revised as necessary, but at  
23 least biennially.

24           6. The following statutes will not apply to local  
25 coalitions with approved plans: ss. 125.901(2)(a)3., 411.221,  
26 and 411.232. To facilitate innovative practices and to allow  
27 local establishment of school readiness programs, a school  
28 readiness coalition may apply to the Governor and Cabinet for  
29 a waiver of, and the Governor and Cabinet may waive, any of  
30 the provisions of ss. ~~230.23166~~, 411.223, ~~and~~ 411.232, and  
31 1003.54 if the waiver is necessary for implementation of the

1 coalition's school readiness plan.

2 7. Two or more counties may join for the purpose of  
3 planning and implementing a school readiness program.

4 8. A coalition may, subject to approval of the  
5 partnership as part of the coalition's plan, receive  
6 subsidized child care funds for all children eligible for any  
7 federal subsidized child care program and be the provider of  
8 the program services.

9 9. Coalitions are authorized to enter into multiparty  
10 contracts with multicounty service providers in order to meet  
11 the needs of unique populations such as migrant workers.

12 (10) SCHOOL READINESS UNIFORM SCREENING.--The  
13 Department of Education shall implement a school readiness  
14 uniform screening, including a pilot program during the  
15 2001-2002 school year, to validate the system recommended by  
16 the Florida Partnership for School Readiness as part of a  
17 comprehensive evaluation design. Beginning with the 2002-2003  
18 school year, the department shall require that all school  
19 districts administer the school readiness uniform screening to  
20 each kindergarten student in the district school system upon  
21 the student's entry into kindergarten. Children who enter  
22 public school for the first time in first grade must undergo a  
23 uniform screening adopted for use in first grade. The  
24 department shall incorporate school readiness data into the  
25 K-20 data warehouse for longitudinal tracking. Notwithstanding  
26 s. 1002.22 ~~228.093~~, the department shall provide the  
27 partnership and the Agency for Workforce Innovation with  
28 complete and full access to kindergarten uniform screening  
29 data at the student, school, district, and state levels in a  
30 format that will enable the partnership and the agency to  
31 prepare reports needed by state policymakers and local school

1 readiness coalitions to access progress toward school  
2 readiness goals and provide input for continuous improvement  
3 of local school readiness services and programs.

4 Section 989. Paragraph (f) of subsection (8) of  
5 section 411.203, Florida Statutes, is amended to read:

6 411.203 Continuum of comprehensive services.--The  
7 Department of Education and the Department of Health and  
8 Rehabilitative Services shall utilize the continuum of  
9 prevention and early assistance services for high-risk  
10 pregnant women and for high-risk and handicapped children and  
11 their families, as outlined in this section, as a basis for  
12 the intraagency and interagency program coordination,  
13 monitoring, and analysis required in this chapter. The  
14 continuum shall be the guide for the comprehensive statewide  
15 approach for services for high-risk pregnant women and for  
16 high-risk and handicapped children and their families, and may  
17 be expanded or reduced as necessary for the enhancement of  
18 those services. Expansion or reduction of the continuum shall  
19 be determined by intraagency or interagency findings and  
20 agreement, whichever is applicable. Implementation of the  
21 continuum shall be based upon applicable eligibility criteria,  
22 availability of resources, and interagency prioritization when  
23 programs impact both agencies, or upon single agency  
24 prioritization when programs impact only one agency. The  
25 continuum shall include, but not be limited to:

26 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND  
27 PARENTS OF HIGH-RISK CHILDREN.--

28 (f) Parent support groups, such as the community  
29 resource mother or father program as established in s. 402.45,  
30 ~~the Florida First Start Program as established in s. 230.2303,~~  
31 or parents as first teachers, to strengthen families and to

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1 enable families of high-risk children to better meet their  
2 needs.

3 Section 990. Subsection (2) of section 411.223,  
4 Florida Statutes, is amended to read:

5 411.223 Uniform standards.--

6 (2) Duplicative diagnostic and planning practices  
7 shall be eliminated to the extent possible. Diagnostic and  
8 other information necessary to provide quality services to  
9 high-risk or handicapped children shall be shared among the  
10 program offices of the Department of Children and Family  
11 Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

12 Section 991. Subsection (1) of section 414.1251,  
13 Florida Statutes, is amended to read:

14 414.1251 Learnfare program.--

15 (1) The department shall reduce the temporary cash  
16 assistance for a participant's eligible dependent child or for  
17 an eligible teenage participant who has not been exempted from  
18 education participation requirements, if the eligible  
19 dependent child or eligible teenage participant has been  
20 identified either as a habitual truant, pursuant to s.

21 1003.01(8) ~~228.041(28)~~, or as a dropout, pursuant to s.

22 1003.01(9) ~~228.041(29)~~. For a student who has been identified

23 as a habitual truant, the temporary cash assistance must be  
24 reinstated after a subsequent grading period in which the

25 child's attendance has substantially improved. For a student

26 who has been identified as a dropout, the temporary cash

27 assistance must be reinstated after the student enrolls in a

28 public school, receives a high school diploma or its

29 equivalency, enrolls in preparation for the General

30 Educational Development Tests, or enrolls in other educational

31 activities approved by the district school board. Good cause

1 exemptions from the rule of unexcused absences include the  
2 following:

3 (a) The student is expelled from school and  
4 alternative schooling is not available.

5 (b) No licensed day care is available for a child of  
6 teen parents subject to Learnfare.

7 (c) Prohibitive transportation problems exist (e.g.,  
8 to and from day care).

9  
10 Within 10 days after sanction notification, the participant  
11 parent of a dependent child or the teenage participant may  
12 file an internal fair hearings process review procedure  
13 appeal, and no sanction shall be imposed until the appeal is  
14 resolved.

15 Section 992. Paragraph (c) of subsection (1) of  
16 section 440.16, Florida Statutes, is amended to read:

17 440.16 Compensation for death.--

18 (1) If death results from the accident within 1 year  
19 thereafter or follows continuous disability and results from  
20 the accident within 5 years thereafter, the employer shall  
21 pay:

22 (c) To the surviving spouse, payment of postsecondary  
23 student fees for instruction at any area technical center  
24 established under s. 1001.44 ~~230.63~~ for up to 1,800 classroom  
25 hours or payment of student fees at any community college  
26 established under part III of chapter 1004 ~~240~~ for up to 80  
27 semester hours. The spouse of a deceased state employee shall  
28 be entitled to a full waiver of such fees as provided in ss.  
29 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of  
30 such fees. The benefits provided for in this paragraph shall  
31 be in addition to other benefits provided for in this section

1 and shall terminate 7 years after the death of the deceased  
 2 employee, or when the total payment in eligible compensation  
 3 under paragraph (b) has been received. To qualify for the  
 4 educational benefit under this paragraph, the spouse shall be  
 5 required to meet and maintain the regular admission  
 6 requirements of, and be registered at, such area technical  
 7 center or community college, and make satisfactory academic  
 8 progress as defined by the educational institution in which  
 9 the student is enrolled.

10 Section 993. Paragraph (e) of subsection (6) and  
 11 paragraph (e) of subsection (9) of section 445.004, Florida  
 12 Statutes, are amended to read:

13 445.004 Workforce Florida, Inc.; creation; purpose;  
 14 membership; duties and powers.--

15 (6) Workforce Florida, Inc., may take action that it  
 16 deems necessary to achieve the purposes of this section,  
 17 including, but not limited to:

18 (e) Providing policy direction for a system to project  
 19 and evaluate labor market supply and demand using the results  
 20 of the Workforce Estimating Conference created in s. 216.136  
 21 and the career education performance standards identified  
 22 under s. 1008.43 ~~239-233~~.

23 (9) Workforce Florida, Inc., in collaboration with the  
 24 regional workforce boards and appropriate state agencies and  
 25 local public and private service providers, and in  
 26 consultation with the Office of Program Policy Analysis and  
 27 Government Accountability, shall establish uniform measures  
 28 and standards to gauge the performance of the workforce  
 29 development strategy. These measures and standards must be  
 30 organized into three outcome tiers.

31 (e) Job placement must be reported pursuant to s.

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1 1008.39 ~~229.8075~~. Positive outcomes for providers of education  
2 and training must be consistent with ss. 1008.42 ~~239.233~~ and  
3 1008.43 ~~239.245~~.

4 Section 994. Paragraph (a) of subsection (1) of  
5 section 445.0121, Florida Statutes, is amended to read:

6 445.0121 Student eligibility requirements for initial  
7 awards.--

8 (1) To be eligible for an initial award for  
9 lower-division college credit courses that lead to a  
10 baccalaureate degree, as defined in s. 445.0122(5), a student  
11 must:

12 (a)1. Have been a resident of this state for no less  
13 than 3 years for purposes other than to obtain an education;  
14 or

15 2. Have received a standard Florida high school  
16 diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent,  
17 as described in s. 229.814, unless:

18 a. The student is enrolled full-time in the  
19 early-admission program of an eligible postsecondary education  
20 institution or completes a home education program in  
21 accordance with s. 1002.41 ~~232.0201~~; or

22 b. The student earns a high school diploma from a  
23 non-Florida school while living with a parent or guardian who  
24 is on military or public service assignment outside this  
25 state.

26 Section 995. Paragraph (i) of subsection (1) of  
27 section 445.024, Florida Statutes, is amended to read:

28 445.024 Work requirements.--

29 (1) WORK ACTIVITIES.--The following activities may be  
30 used individually or in combination to satisfy the work  
31 requirements for a participant in the temporary cash



1 assistance program:

2 (i) Education services related to employment for  
3 participants 19 years of age or younger.--Education services  
4 provided under this paragraph are designed to prepare a  
5 participant for employment in an occupation. The agency shall  
6 coordinate education services with the school-to-work  
7 activities provided under s. 1006.02 ~~229.595~~. Activities  
8 provided under this paragraph are restricted to participants  
9 19 years of age or younger who have not completed high school  
10 or obtained a high school equivalency diploma.

11 Section 996. Subsection (2), paragraph (i) of  
12 subsection (3), paragraph (a) of subsection (4), subsection  
13 (10), and subsection (18) of section 447.203, Florida  
14 Statutes, are amended to read:

15 447.203 Definitions.--As used in this part:

16 (2) "Public employer" or "employer" means the state or  
17 any county, municipality, or special district or any  
18 subdivision or agency thereof which the commission determines  
19 has sufficient legal distinctiveness properly to carry out the  
20 functions of a public employer. With respect to all public  
21 employees determined by the commission as properly belonging  
22 to a statewide bargaining unit composed of State Career  
23 Service System employees or Selected Professional Service  
24 employees, the Governor shall be deemed to be the public  
25 employer; and the university board of trustees ~~Board of~~  
26 ~~Regents~~ shall be deemed to be the public employer with respect  
27 to all public employees of the respective state university  
28 ~~within the State University System as provided in s.~~  
29 ~~240.209(3)(f), except that such employees shall have the~~  
30 ~~right, in elections to be conducted at each university by the~~  
31 ~~commission pursuant to its rules, to elect not to participate~~

1 ~~in collective bargaining. In the event that a majority of such~~  
 2 ~~voting employees at any university elect not to participate in~~  
 3 ~~collective bargaining, they shall be removed from the~~  
 4 ~~applicable Board of Regents bargaining unit. If, thereafter,~~  
 5 ~~by election conducted by the commission pursuant to its rules,~~  
 6 ~~a majority of such voting employees elect to participate in~~  
 7 ~~collective bargaining, they shall be included again in the~~  
 8 ~~applicable Board of Regents bargaining unit for such purpose.~~

9 The board of trustees of a community college shall be deemed  
 10 to be the public employer with respect to all employees of the  
 11 community college. The district school board shall be deemed  
 12 to be the public employer with respect to all employees of the  
 13 school district. The Board of Trustees of the Florida School  
 14 for the Deaf and the Blind shall be deemed to be the public  
 15 employer with respect to the academic and academic  
 16 administrative personnel of the Florida School for the Deaf  
 17 and the Blind. The Governor shall be deemed to be the public  
 18 employer with respect to all employees in the Correctional  
 19 Education Program of the Department of Corrections established  
 20 pursuant to s. 944.801.

21 (3) "Public employee" means any person employed by a  
 22 public employer except:

23 (i) Those persons enrolled as ~~graduate students in the~~  
 24 ~~State University System who are employed as graduate~~  
 25 ~~assistants, graduate teaching assistants, graduate teaching~~  
 26 ~~associates, graduate research assistants, or graduate research~~  
 27 ~~associates and those persons enrolled as~~ undergraduate  
 28 students in a state university ~~the State University System~~ who  
 29 perform part-time work for the state university ~~State~~  
 30 ~~University System.~~

31 (4) "Managerial employees" are those employees who:

1 (a) Perform jobs that are not of a routine, clerical,  
2 or ministerial nature and require the exercise of independent  
3 judgment in the performance of such jobs and to whom one or  
4 more of the following applies:

5 1. They formulate or assist in formulating policies  
6 which are applicable to bargaining unit employees.

7 2. They may reasonably be required on behalf of the  
8 employer to assist in the preparation for the conduct of  
9 collective bargaining negotiations.

10 3. They have a role in the administration of  
11 agreements resulting from collective bargaining negotiations.

12 4. They have a significant role in personnel  
13 administration.

14 5. They have a significant role in employee relations.

15 6. They are included in the definition of  
16 administrative personnel contained in s. 1012.01(3)  
17 ~~228.041(10)~~.

18 7. They have a significant role in the preparation or  
19 administration of budgets for any public agency or institution  
20 or subdivision thereof.

21  
22 However, in determining whether an individual is a managerial  
23 employee pursuant to either paragraph (a) or paragraph (b),  
24 above, the commission may consider historic relationships of  
25 the employee to the public employer and to coemployees.

26 (10) "Legislative body" means the State Legislature,  
27 the board of county commissioners, the district school board,  
28 the governing body of a municipality, or the governing body of  
29 an instrumentality or unit of government having authority to  
30 appropriate funds and establish policy governing the terms and  
31 conditions of employment and which, as the case may be, is the

1 appropriate legislative body for the bargaining unit. For  
 2 purposes of s. 447.403, the state university board of trustees  
 3 shall be deemed to be the legislative body with respect to all  
 4 employees of the state university. For purposes of s. 447.403  
 5 the board of trustees of a community college shall be deemed  
 6 to be the legislative body with respect to all employees of  
 7 the community college.

8 (18) "Student representative" means the representative  
 9 selected by each community college or university student  
 10 government association ~~and the council of student body~~  
 11 ~~presidents~~. Each representative may be present at all  
 12 negotiating sessions ~~that which~~ take place between the  
 13 appropriate public employer and an exclusive bargaining agent.  
 14 ~~The said~~ representative must ~~shall~~ be enrolled as a student  
 15 with at least 8 credit hours in the respective community  
 16 college or university ~~or in the State University System~~ during  
 17 his or her term as student representative.

18 Section 997. Subsection (5) of section 447.301,  
 19 Florida Statutes, is amended to read:

20 447.301 Public employees' rights; organization and  
 21 representation.--

22 (5) ~~In negotiations over the terms and conditions of~~  
 23 ~~service and other matters affecting the working environment of~~  
 24 ~~employees, or the learning environment of students, in~~  
 25 ~~institutions of higher education, one student representative~~  
 26 ~~selected by the council of student body presidents may, at his~~  
 27 ~~or her discretion, be present at all negotiating sessions~~  
 28 ~~which take place between the Board of Regents and the~~  
 29 ~~bargaining agent for an employee bargaining unit.~~ In the case  
 30 of community colleges and universities, the student government  
 31 association of each community college or university shall

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1 establish procedures for the selection of, and shall select, a  
2 student representative to be present, at his or her  
3 discretion, at negotiations between the bargaining agent of  
4 the employees and the board of trustees. Each student  
5 representative shall have access to all written draft  
6 agreements and all other written documents pertaining to  
7 negotiations exchanged by the appropriate public employer and  
8 the bargaining agent, including a copy of any prepared written  
9 transcripts of any negotiating session. Each student  
10 representative shall have the right at reasonable times during  
11 the negotiating session to comment to the parties and to the  
12 public upon the impact of proposed agreements on the  
13 educational environment of students. Each student  
14 representative shall have the right to be accompanied by  
15 alternates or aides, not to exceed a combined total of two in  
16 number. Each student representative shall be obligated to  
17 participate in good faith during all negotiations and shall be  
18 subject to the rules and regulations of the Public Employees  
19 Relations Commission. The student representatives shall have  
20 neither voting nor veto power in any negotiation, action, or  
21 agreement. The state or any branch, agency, division, agent,  
22 or institution of the state, including community colleges and  
23 universities, may ~~shall~~ not expend any moneys from any source  
24 for the payment of reimbursement for travel expenses or per  
25 diem to aides, alternates, or student representatives  
26 participating in, observing, or contributing to any  
27 negotiating sessions between the bargaining parties; ~~however,~~  
28 ~~this limitation does not apply to the use of student activity~~  
29 ~~fees for the reimbursement of travel expenses and per diem to~~  
30 ~~the university student representative, aides, or alternates~~  
31 ~~participating in the aforementioned negotiations between the~~

1 ~~Board of Regents and the bargaining agent for an employee~~  
2 ~~bargaining unit.~~

3 Section 998. Subsection (4) of section 447.403,  
4 Florida Statutes, is amended to read:

5 447.403 Resolution of impasses.--

6 (4) ~~If in the event that either~~ the public employer or  
7 the employee organization does not accept, in whole or in  
8 part, the recommended decision of the special master:

9 (a) The chief executive officer of the governmental  
10 entity involved shall, within 10 days after rejection of a  
11 recommendation of the special master, submit to the  
12 legislative body of the governmental entity involved a copy of  
13 the findings of fact and recommended decision of the special  
14 master, together with the chief executive officer's  
15 recommendations for settling the disputed impasse issues. The  
16 chief executive officer shall also transmit his or her  
17 recommendations to the employee organization. ~~If the dispute~~  
18 ~~involves employees for whom the Board of Regents is the public~~  
19 ~~employer, the Governor may also submit recommendations to the~~  
20 ~~legislative body for settling The disputed impasse issues;~~

21 (b) The employee organization shall submit its  
22 recommendations for settling the disputed impasse issues to  
23 such legislative body and to the chief executive officer;

24 (c) The legislative body or a duly authorized  
25 committee thereof shall forthwith conduct a public hearing at  
26 which the parties shall be required to explain their positions  
27 with respect to the rejected recommendations of the special  
28 master;

29 (d) Thereafter, the legislative body shall take such  
30 action as it deems to be in the public interest, including the  
31 interest of the public employees involved, to resolve all

1 | disputed impasse issues; and

2 |           (e) Following the resolution of the disputed impasse

3 | issues by the legislative body, the parties shall reduce to

4 | writing an agreement which includes those issues agreed to by

5 | the parties and those disputed impasse issues resolved by the

6 | legislative body's action taken pursuant to paragraph (d). The

7 | agreement shall be signed by the chief executive officer and

8 | the bargaining agent and shall be submitted to the public

9 | employer and to the public employees who are members of the

10 | bargaining unit for ratification. If such agreement is not

11 | ratified by all parties, pursuant to the provisions of s.

12 | 447.309, the legislative body's action taken pursuant to the

13 | provisions of paragraph (d) shall take effect as of the date

14 | of such legislative body's action for the remainder of the

15 | first fiscal year which was the subject of negotiations;

16 | however, the legislative body's action shall not take effect

17 | with respect to those disputed impasse issues which establish

18 | the language of contractual provisions which could have no

19 | effect in the absence of a ratified agreement, including, but

20 | not limited to, preambles, recognition clauses, and duration

21 | clauses.

22 |           Section 999. Paragraph (b) of subsection (5) of

23 | section 450.081, Florida Statutes, is amended to read:

24 |           450.081 Hours of work in certain occupations.--

25 |           (5) The provisions of subsections (1)-(4) shall not

26 | apply to:

27 |           (b) Minors who are within the compulsory school

28 | attendance age limit who hold a valid certificate of exemption

29 | issued by the school superintendent or his or her designee

30 | pursuant to the provisions of s. 1003.21(3) ~~232-06~~.

31 |           Section 1000. Subsection (2) of section 450.121,

1 Florida Statutes, is amended to read:

2 450.121 Enforcement of Child Labor Law.--

3 (2) It is the duty of the department and its agents  
4 and all sheriffs or other law enforcement officers of the  
5 state or of any municipality of the state to enforce the  
6 provisions of this law, to make complaints against persons  
7 violating its provisions, and to prosecute violations of the  
8 same. The department and its agents have authority to enter  
9 and inspect at any time any place or establishment covered by  
10 this law and to have access to age certificates kept on file  
11 by the employer and such other records as may aid in the  
12 enforcement of this law. A designated school representative  
13 acting in accordance with s. 1003.26 ~~232.17~~ shall report to  
14 the department all violations of the Child Labor Law that may  
15 come to his or her knowledge.

16 Section 1001. Subsection (4) of section 458.3145,  
17 Florida Statutes, is amended to read:

18 458.3145 Medical faculty certificate.--

19 (4) In any year, the maximum number of extended  
20 medical faculty certificateholders as provided in subsection  
21 (2) may not exceed 15 persons at each institution named in  
22 subparagraphs (1)(i)1.-4. and at the facility named in s.  
23 1004.43 ~~240.512~~ and may not exceed 5 persons at the  
24 institution named in subparagraph (1)(i)5.

25 Section 1002. Subsection (1) and paragraph (a) of  
26 subsection (2) of section 458.324, Florida Statutes, are  
27 amended to read:

28 458.324 Breast cancer; information on treatment  
29 alternatives.--

30 (1) DEFINITION.--As used in this section, the term  
31 "medically viable," as applied to treatment alternatives,



1 means modes of treatment generally considered by the medical  
 2 profession to be within the scope of current, acceptable  
 3 standards, including treatment alternatives described in the  
 4 written summary prepared by the Florida Cancer Control and  
 5 Research Advisory Council in accordance with s. 1004.435(4)(m)  
 6 ~~240.5121(4)(m)~~.

7 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each  
 8 physician treating a patient who is, or in the judgment of the  
 9 physician is at high risk of being, diagnosed as having breast  
 10 cancer shall inform such patient of the medically viable  
 11 treatment alternatives available to such patient; shall  
 12 describe such treatment alternatives; and shall explain the  
 13 relative advantages, disadvantages, and risks associated with  
 14 the treatment alternatives to the extent deemed necessary to  
 15 allow the patient to make a prudent decision regarding such  
 16 treatment options. In compliance with this subsection:

17 (a) The physician may, in his or her discretion:

18 1. Orally communicate such information directly to the  
 19 patient or the patient's legal representative;

20 2. Provide the patient or the patient's legal  
 21 representative with a copy of the written summary prepared in  
 22 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express a  
 23 willingness to discuss the summary with the patient or the  
 24 patient's legal representative; or

25 3. Both communicate such information directly and  
 26 provide a copy of the written summary to the patient or the  
 27 patient's legal representative for further consideration and  
 28 possible later discussion.

29  
 30 Nothing in this subsection shall reduce other provisions of  
 31 law regarding informed consent.

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1           Section 1003. Subsection (1) and paragraph (a) of  
2 subsection (2) of section 459.0125, Florida Statutes, are  
3 amended to read:

4           459.0125 Breast cancer; information on treatment  
5 alternatives.--

6           (1) DEFINITION.--As used in this section, the term  
7 "medically viable," as applied to treatment alternatives,  
8 means modes of treatment generally considered by the medical  
9 profession to be within the scope of current, acceptable  
10 standards, including treatment alternatives described in the  
11 written summary prepared by the Florida Cancer Control and  
12 Research Advisory Council in accordance with s. 1004.435(4)(m)  
13 ~~240.5121(4)(m)~~.

14           (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is  
15 the obligation of every physician treating a patient who is,  
16 or in the judgment of the physician is at high risk of being,  
17 diagnosed as having breast cancer to inform such patient of  
18 the medically viable treatment alternatives available to such  
19 patient; to describe such treatment alternatives; and to  
20 explain the relative advantages, disadvantages, and risks  
21 associated with the treatment alternatives to the extent  
22 deemed necessary to allow the patient to make a prudent  
23 decision regarding such treatment options. In compliance with  
24 this subsection:

25           (a) The physician may, in her or his discretion:

26           1. Orally communicate such information directly to the  
27 patient or the patient's legal representative;

28           2. Provide the patient or the patient's legal  
29 representative with a copy of the written summary prepared in  
30 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express  
31 her or his willingness to discuss the summary with the patient

1 or the patient's legal representative; or

2 3. Both communicate such information directly and  
3 provide a copy of the written summary to the patient or the  
4 patient's legal representative for further consideration and  
5 possible later discussion.

6  
7 Nothing in this subsection shall reduce other provisions of  
8 law regarding informed consent.

9 Section 1004. Paragraph (c) of subsection (2) of  
10 section 468.1115, Florida Statutes, is amended to read:

11 468.1115 Exemptions.--

12 (2) The provisions of this part shall not apply to:

13 (c) Persons certified in the areas of speech-language  
14 impairment or hearing impairment in this state under chapter  
15 1012 ~~231~~ when engaging in the profession for which they are  
16 certified, or any person under the direct supervision of such  
17 a certified person, or of a licensee under this chapter, when  
18 the person under such supervision is performing hearing  
19 screenings in a school setting for prekindergarten through  
20 grade 12.

21 Section 1005. Section 468.607, Florida Statutes, is  
22 amended to read:

23 468.607 Certification of building code administration  
24 and inspection personnel.--The board shall issue a certificate  
25 to any individual whom the board determines to be qualified,  
26 within such class and level as provided in this part and with  
27 such limitations as the board may place upon it. No person  
28 may be employed by a state agency or local governmental  
29 authority to perform the duties of a building code  
30 administrator, plans examiner, or building code inspector  
31 after October 1, 1993, without possessing the proper valid

1 certificate issued in accordance with the provisions of this  
 2 part. Any person who acts as an inspector and plans examiner  
 3 under s. 1013.37 ~~235-26~~ while conducting activities authorized  
 4 by certification under that section is certified to continue  
 5 to conduct inspections for a local enforcement agency until  
 6 the person's UBCI certification expires, after which time such  
 7 person must possess the proper valid certificate issued in  
 8 accordance with this part.

9 Section 1006. Subsection (3) of section 468.723,  
 10 Florida Statutes, is amended to read:

11 468.723 Exemptions.--Nothing in this part shall be  
 12 construed as preventing or restricting:

13 (3) A person employed as a teacher apprentice trainer  
 14 I, a teacher apprentice trainer II, or a teacher athletic  
 15 trainer under s. 1012.46 ~~232-435~~.

16 Section 1007. Section 471.0035, Florida Statutes, is  
 17 amended to read:

18 471.0035 Instructors in postsecondary educational  
 19 institutions; exemption from registration requirement.--For  
 20 the sole purpose of teaching the principles and methods of  
 21 engineering design, notwithstanding the provisions of s.  
 22 471.005(7), a person employed by a public postsecondary  
 23 educational institution, or by an independent postsecondary  
 24 educational institution licensed or exempt from licensure  
 25 pursuant to the provisions of chapter 1005 ~~246~~, is not  
 26 required to register under the provisions of this chapter as a  
 27 registered engineer.

28 Section 1008. Paragraph (c) of subsection (2) of  
 29 section 476.114, Florida Statutes, is amended to read:

30 476.114 Examination; prerequisites.--

31 (2) An applicant shall be eligible for licensure by

1 examination to practice barbering if the applicant:

2 (c)1. Holds an active valid license to practice  
3 barbering in another state, has held the license for at least  
4 1 year, and does not qualify for licensure by endorsement as  
5 provided for in s. 476.144(5); or

6 2. Has received a minimum of 1,200 hours of training  
7 as established by the board, which shall include, but shall  
8 not be limited to, the equivalent of completion of services  
9 directly related to the practice of barbering at one of the  
10 following:

11 a. A school of barbering licensed pursuant to chapter  
12 1005 246;

13 b. A barbering program within the public school  
14 system; or

15 c. A government-operated barbering program in this  
16 state.

17  
18 The board shall establish by rule procedures whereby the  
19 school or program may certify that a person is qualified to  
20 take the required examination after the completion of a  
21 minimum of 1,000 actual school hours. If the person passes the  
22 examination, she or he shall have satisfied this requirement;  
23 but if the person fails the examination, she or he shall not  
24 be qualified to take the examination again until the  
25 completion of the full requirements provided by this section.

26 Section 1009. Paragraph (a) of subsection (6) of  
27 section 476.144, Florida Statutes, is amended to read:

28 476.144 Licensure.--

29 (6) A person may apply for a restricted license to  
30 practice barbering. The board shall adopt rules specifying  
31 procedures for an applicant to obtain a restricted license if

1 the applicant:

2 (a)1. Has successfully completed a restricted barber  
3 course, as established by rule of the board, at a school of  
4 barbering licensed pursuant to chapter 1005 246, a barbering  
5 program within the public school system, or a  
6 government-operated barbering program in this state; or

7 2.a. Holds or has within the previous 5 years held an  
8 active valid license to practice barbering in another state or  
9 country or has held a Florida barbering license which has been  
10 declared null and void for failure to renew the license, and  
11 the applicant fulfilled the requirements of s. 476.114(2)(c)2.  
12 for initial licensure; and

13 b. Has not been disciplined relating to the practice  
14 of barbering in the previous 5 years; and

15  
16 The restricted license shall limit the licensee's practice to  
17 those specific areas in which the applicant has demonstrated  
18 competence pursuant to rules adopted by the board.

19 Section 1010. Section 476.178, Florida Statutes, is  
20 amended to read:

21 476.178 Schools of barbering; licensure.--No private  
22 school of barbering shall be permitted to operate without a  
23 license issued by the Commission for Independent State Board  
24 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.

25 However, this section shall not be construed to prevent  
26 certification by the Department of Education of barber  
27 training programs within the public school system or to  
28 prevent government operation of any other program of barbering  
29 in this state.

30 Section 1011. Paragraph (d) of subsection (1) of  
31 section 477.0132, Florida Statutes, is amended to read:

1           477.0132 Hair braiding, hair wrapping, and body  
2 wrapping registration.--

3           (1)

4           (d) Only the board may review, evaluate, and approve a  
5 course required of an applicant for registration under this  
6 subsection in the occupation or practice of hair braiding,  
7 hair wrapping, or body wrapping. A provider of such a course  
8 is not required to hold a license under chapter 1005 246.

9           Section 1012. Paragraph (c) of subsection (2) of  
10 section 477.019, Florida Statutes, is amended to read:

11           477.019 Cosmetologists; qualifications; licensure;  
12 supervised practice; license renewal; endorsement; continuing  
13 education.--

14           (2) An applicant shall be eligible for licensure by  
15 examination to practice cosmetology if the applicant:

16           (c)1. Is authorized to practice cosmetology in another  
17 state or country, has been so authorized for at least 1 year,  
18 and does not qualify for licensure by endorsement as provided  
19 for in subsection (6); or

20           2. Has received a minimum of 1,200 hours of training  
21 as established by the board, which shall include, but shall  
22 not be limited to, the equivalent of completion of services  
23 directly related to the practice of cosmetology at one of the  
24 following:

25           a. A school of cosmetology licensed pursuant to  
26 chapter 1005 246.

27           b. A cosmetology program within the public school  
28 system.

29           c. The Cosmetology Division of the Florida School for  
30 the Deaf and the Blind, provided the division meets the  
31 standards of this chapter.

1 d. A government-operated cosmetology program in this  
2 state.

3  
4 The board shall establish by rule procedures whereby the  
5 school or program may certify that a person is qualified to  
6 take the required examination after the completion of a  
7 minimum of 1,000 actual school hours. If the person then  
8 passes the examination, he or she shall have satisfied this  
9 requirement; but if the person fails the examination, he or  
10 she shall not be qualified to take the examination again until  
11 the completion of the full requirements provided by this  
12 section.

13 Section 1013. Paragraph (b) of subsection (1) of  
14 section 477.0201, Florida Statutes, is amended to read:

15 477.0201 Specialty registration; qualifications;  
16 registration renewal; endorsement.--

17 (1) Any person is qualified for registration as a  
18 specialist in any one or more of the specialty practices  
19 within the practice of cosmetology under this chapter who:

20 (b) Has received a certificate of completion in a  
21 specialty pursuant to s. 477.013(6) from one of the following:

22 1. A school licensed pursuant to s. 477.023.  
23 2. A school licensed pursuant to chapter 1005 246 or  
24 the equivalent licensing authority of another state.

25 3. A specialty program within the public school  
26 system.

27 4. A specialty division within the Cosmetology  
28 Division of the Florida School for the Deaf and the Blind,  
29 provided the training programs comply with minimum curriculum  
30 requirements established by the board.

31 Section 1014. Section 477.023, Florida Statutes, is



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1 amended to read:

2 477.023 Schools of cosmetology; licensure.--No private  
 3 school of cosmetology shall be permitted to operate without a  
 4 license issued by the Commission for Independent State Board  
 5 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.  
 6 However, nothing herein shall be construed to prevent  
 7 certification by the Department of Education of cosmetology  
 8 training programs within the public school system or to  
 9 prevent government operation of any other program of  
 10 cosmetology in this state.

11 Section 1015. Subsection (9) of section 480.033,  
 12 Florida Statutes, is amended to read:

13 480.033 Definitions.--As used in this act:

14 (9) "Board-approved massage school" means a facility  
 15 which meets minimum standards for training and curriculum as  
 16 determined by rule of the board and which is licensed by the  
 17 Department of Education pursuant to chapter 1005 246 or the  
 18 equivalent licensing authority of another state or is within  
 19 the public school system of this state.

20 Section 1016. Paragraph (c) of subsection (1) of  
 21 section 481.229, Florida Statutes, is amended to read:

22 481.229 Exceptions; exemptions from licensure.--

23 (1) No person shall be required to qualify as an  
 24 architect in order to make plans and specifications for, or  
 25 supervise the erection, enlargement, or alteration of:

26 (c) Any other type of building costing less than  
 27 \$25,000, except a school, auditorium, or other building  
 28 intended for public use, provided that the services of a  
 29 registered architect shall not be required for minor school  
 30 projects pursuant to s. 1013.45 235-211.

31 Section 1017. Section 488.01, Florida Statutes, is

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1 amended to read:

2           488.01 License to engage in business of operating a  
3 driver's school required.--The Department of Highway Safety  
4 and Motor Vehicles shall oversee and license all commercial  
5 driver's schools except truck driving schools. All commercial  
6 truck driving schools shall be required to be licensed  
7 pursuant to chapter 1005 246, and additionally shall be  
8 subject to the provisions of ss. 488.04 and 488.05. No  
9 person, group, organization, institution, business entity, or  
10 corporate entity may engage in the business of operating a  
11 driver's school without first obtaining a license therefor  
12 from the Department of Highway Safety and Motor Vehicles  
13 pursuant to this chapter or from the State Board of Nonpublic  
14 Career Education pursuant to chapter 1005 246.

15           Section 1018. Subsections (12) and (13) of section  
16 553.415, Florida Statutes, are amended to read:

17           553.415 Factory-built school buildings.--

18           (12) Such identification label shall be permanently  
19 affixed by the manufacturer in the case of newly constructed  
20 factory-built school buildings, or by the department or its  
21 designee in the case of an existing factory-built building  
22 altered to comply with provisions of s. 1013.20 235-061.

23           (13) As of July 1, 2001, all newly constructed  
24 factory-built school buildings shall bear a label pursuant to  
25 subsection (12). As of July 1, 2002, existing factory-built  
26 school buildings and manufactured buildings used as classrooms  
27 and not bearing such label shall not be used as classrooms  
28 pursuant to s. 1013.20 235-061.

29           Section 1019. Subsection (5) of section 559.902,  
30 Florida Statutes, is amended to read:

31           559.902 Scope and application.--This act shall apply

1 to all motor vehicle repair shops in Florida, except:

2 (5) Those located in public schools as defined in s.  
3 ~~1000.04 228.041~~ or charter technical career centers as defined  
4 in s. ~~1002.34 228.505~~.

5  
6 However, such person may voluntarily register under this act.

7 Section 1020. Section 589.09, Florida Statutes, is  
8 amended to read:

9 589.09 Use of lands acquired.--All lands acquired by  
10 the Division of Forestry on behalf of the state shall be in  
11 the custody of and subject to the jurisdiction, management,  
12 and control of the said division, and, for such purposes and  
13 the utilization and development of such land, the said  
14 division may use the proceeds of the sale of any products  
15 therefrom, the proceeds of the sale of any such lands, save  
16 the 25 percent of such proceeds which shall be paid into the  
17 State School Fund as required by s. ~~1010.71(1) 228.151~~, and  
18 such other funds as may be appropriated for use by the  
19 division, and in the opinion of such division, available for  
20 such uses and purposes.

21 Section 1021. Subsection (1) of section 627.733,  
22 Florida Statutes, is amended to read:

23 627.733 Required security.--

24 (1) Every owner or registrant of a motor vehicle,  
25 other than a motor vehicle used as a taxicab, school bus as  
26 defined in s. ~~1006.25 234.051~~, or limousine, required to be  
27 registered and licensed in this state shall maintain security  
28 as required by subsection (3) in effect continuously  
29 throughout the registration or licensing period.

30 Section 1022. Subsection (2) of section 627.742,  
31 Florida Statutes, is amended to read:

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1           627.742 Nonpublic sector buses; additional liability  
2 insurance coverage.--

3           (2) School buses subject to the provisions of chapter  
4 1006 234 or s. 316.615 are exempt from the provisions of this  
5 section.

6           Section 1023. Subsection (5) of section 627.912,  
7 Florida Statutes, is amended to read:

8           627.912 Professional liability claims and actions;  
9 reports by insurers.--

10           (5) Any self-insurance program established under s.  
11 1004.24 240-213 shall report in duplicate to the Department of  
12 Insurance any claim or action for damages for personal  
13 injuries claimed to have been caused by error, omission, or  
14 negligence in the performance of professional services  
15 provided by the Board of Regents through an employee or agent  
16 of the Board of Regents, including practitioners of medicine  
17 licensed under chapter 458, practitioners of osteopathic  
18 medicine licensed under chapter 459, podiatric physicians  
19 licensed under chapter 461, and dentists licensed under  
20 chapter 466, or based on a claimed performance of professional  
21 services without consent if the claim resulted in a final  
22 judgment in any amount, or a settlement in any amount. The  
23 reports required by this subsection shall contain the  
24 information required by subsection (3) and the name, address,  
25 and specialty of the employee or agent of the Board of Regents  
26 whose performance or professional services is alleged in the  
27 claim or action to have caused personal injury.

28           Section 1024. Paragraph (b) of subsection (7) of  
29 section 633.445, Florida Statutes, is amended to read:

30           633.445 State Fire Marshal Scholarship Grant  
31 Program.--

1           (7) The criteria and procedures for establishing  
 2 standards of eligibility shall be recommended by the council  
 3 to the Department of Insurance. The council shall recommend  
 4 to the Department of Insurance a rating system upon which to  
 5 base the approval of scholarship grants. However, to be  
 6 eligible to receive a scholarship pursuant to this section, an  
 7 applicant must:

8           (b) Have graduated from high school, have earned an  
 9 equivalency diploma issued by the Department of Education  
 10 pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency  
 11 diploma issued by the United States Armed Forces Institute;

12           Section 1025. Paragraph (e) of subsection (1) of  
 13 section 633.50, Florida Statutes, is amended to read:

14           633.50 Division powers and duties; Florida State Fire  
 15 College.--

16           (1) The Division of State Fire Marshal of the  
 17 Department of Insurance, in performing its duties related to  
 18 the Florida State Fire College, specified in ss.  
 19 633.43-633.49, shall:

20           (e) Develop a staffing and funding formula for the  
 21 Florida State Fire College. The formula shall include  
 22 differential funding levels for various types of programs,  
 23 shall be based on the number of full-time equivalent students  
 24 and information obtained from scheduled attendance counts  
 25 taken the first day of each program, and shall provide the  
 26 basis for the legislative budget request. As used in this  
 27 section, a full-time equivalent student is equal to a minimum  
 28 of 900 hours in a technical certificate ~~vocational~~ program and  
 29 400 hours in a degree-seeking program. The funding formula  
 30 shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall  
 31 include procedures to document daily attendance, and shall

1 require that attendance records be retained for audit  
2 purposes.

3 Section 1026. Paragraph (c) of subsection (2) of  
4 section 732.402, Florida Statutes, is amended to read:

5 732.402 Exempt property.--

6 (2) Exempt property shall consist of:

7 (c) Florida Prepaid College Program contracts  
8 purchased ~~under s. 240.551~~ and Florida College Savings  
9 agreements established under part IV of chapter 1009 s-  
10 ~~240.553~~.

11 Section 1027. Section 784.081, Florida Statutes, is  
12 amended to read:

13 784.081 Assault or battery on specified officials or  
14 employees; reclassification of offenses.--Whenever a person is  
15 charged with committing an assault or aggravated assault or a  
16 battery or aggravated battery upon any elected official or  
17 employee of: a school district; a private school; the Florida  
18 School for the Deaf and the Blind; a university developmental  
19 research school; a state university or any other entity of the  
20 state system of public education, as defined in s. 1000.04  
21 ~~228.041~~; an employee or protective investigator of the  
22 Department of Children and Family Services; or an employee of  
23 a lead community-based provider and its direct service  
24 contract providers, when the person committing the offense  
25 knows or has reason to know the identity or position or  
26 employment of the victim, the offense for which the person is  
27 charged shall be reclassified as follows:

28 (1) In the case of aggravated battery, from a felony  
29 of the second degree to a felony of the first degree.

30 (2) In the case of aggravated assault, from a felony  
31 of the third degree to a felony of the second degree.

1 (3) In the case of battery, from a misdemeanor of the  
2 first degree to a felony of the third degree.

3 (4) In the case of assault, from a misdemeanor of the  
4 second degree to a misdemeanor of the first degree.

5 Section 1028. Section 817.566, Florida Statutes, is  
6 amended to read:

7 817.566 Misrepresentation of association with, or  
8 academic standing at, postsecondary educational  
9 institution.--Any person who, with intent to defraud,  
10 misrepresents his or her association with, or academic  
11 standing or other progress at, any postsecondary educational  
12 institution by falsely making, altering, simulating, or  
13 forging a document, degree, certificate, diploma, award,  
14 record, letter, transcript, form, or other paper; or any  
15 person who causes or procures such a misrepresentation; or any  
16 person who utters and publishes or otherwise represents such a  
17 document, degree, certificate, diploma, award, record, letter,  
18 transcript, form, or other paper as true, knowing it to be  
19 false, is guilty of a misdemeanor of the first degree,  
20 punishable as provided in s. 775.082 or s. 775.083.

21 Individuals who present a religious academic degree from any  
22 college, university, seminary, or institution which is not  
23 licensed by the State Board of Independent Colleges and  
24 Universities or which is not exempt pursuant to the provisions  
25 of s. 246.085 shall disclose the religious nature of the  
26 degree upon presentation.

27 Section 1029. Subsection (1) of section 817.567,  
28 Florida Statutes, is amended to read:

29 817.567 Making false claims of academic degree or  
30 title.--

31 (1) No person in the state may claim, either orally or

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1 in writing, to possess an academic degree, as defined in s.  
2 1005.02 ~~246.021~~, or the title associated with said degree,  
3 unless the person has, in fact, been awarded said degree from  
4 an institution that is:

5 (a) Accredited by a regional or professional  
6 accrediting agency recognized by the United States Department  
7 of Education or the Commission on Recognition of Postsecondary  
8 Accreditation;

9 (b) Provided, operated, and supported by a state  
10 government or any of its political subdivisions or by the  
11 Federal Government;

12 (c) A school, institute, college, or university  
13 chartered outside the United States, the academic degree from  
14 which has been validated by an accrediting agency approved by  
15 the United States Department of Education as equivalent to the  
16 baccalaureate or postbaccalaureate degree conferred by a  
17 regionally accredited college or university in the United  
18 States;

19 (d) Licensed by the State Board of Independent  
20 Colleges and Universities pursuant to ss. 1005.01-1005.38  
21 ~~246.011-246.151~~ or exempt from licensure pursuant to s.  
22 246.085; or

23 (e) A religious seminary, institute, college, or  
24 university which offers only educational programs that prepare  
25 students for a religious vocation, career, occupation,  
26 profession, or lifework, and the nomenclature of whose  
27 certificates, diplomas, or degrees clearly identifies the  
28 religious character of the educational program.

29 Section 1030. Paragraph (a) of subsection (1) of  
30 section 877.18, Florida Statutes, is amended to read:

31 877.18 Identification card or document purporting to



1 contain applicant's age or date of birth; penalties for  
2 failure to comply with requirements for sale or issuance.--

3 (1) It is unlawful for any person, except a  
4 governmental agency or instrumentality, to sell or issue, or  
5 to offer to sell or issue, in this state any identification  
6 card or document purporting to contain the age or date of  
7 birth of the person in whose name it was issued, unless:

8 (a) Prior to selling or issuing such card or document,  
9 the person has first obtained from the applicant and retains  
10 for a period of 3 years from the date of sale:

11 1. An authenticated or certified copy of proof of age  
12 as provided in s. 1003.21(4) ~~232.03~~; and

13 2. A notarized affidavit from the applicant attesting  
14 to the applicant's age and that the proof-of-age document  
15 required by subparagraph 1. is for such applicant.

16 Section 1031. Paragraph (a) of subsection (1) of  
17 section 921.187, Florida Statutes, is amended to read:

18 921.187 Disposition and sentencing; alternatives;  
19 restitution.--

20 (1) The alternatives provided in this section for the  
21 disposition of criminal cases shall be used in a manner that  
22 will best serve the needs of society, punish criminal  
23 offenders, and provide the opportunity for rehabilitation.

24 (a) If the offender does not receive a state prison  
25 sentence, the court may:

26 1. Impose a split sentence whereby the offender is to  
27 be placed on probation upon completion of any specified period  
28 of such sentence, which period may include a term of years or  
29 less.

30 2. Make any other disposition that is authorized by  
31 law.

1           3. Place the offender on probation with or without an  
2 adjudication of guilt pursuant to s. 948.01.

3           4. Impose a fine and probation pursuant to s. 948.011  
4 when the offense is punishable by both a fine and imprisonment  
5 and probation is authorized.

6           5. Place the offender into community control requiring  
7 intensive supervision and surveillance pursuant to chapter  
8 948.

9           6. Impose, as a condition of probation or community  
10 control, a period of treatment which shall be restricted to a  
11 county facility, a Department of Corrections probation and  
12 restitution center, a probation program drug punishment  
13 treatment community, or a community residential or  
14 nonresidential facility, excluding a community correctional  
15 center as defined in s. 944.026, which is owned and operated  
16 by any qualified public or private entity providing such  
17 services. Before admission to such a facility, the court shall  
18 obtain an individual assessment and recommendations on the  
19 appropriate treatment needs, which shall be considered by the  
20 court in ordering such placements. Placement in such a  
21 facility, except for a county residential probation facility,  
22 may not exceed 364 days. Placement in a county residential  
23 probation facility may not exceed 3 years. Early termination  
24 of placement may be recommended to the court, when  
25 appropriate, by the center supervisor, the supervising  
26 probation officer, or the probation program manager.

27           7. Sentence the offender pursuant to s. 922.051 to  
28 imprisonment in a county jail when a statute directs  
29 imprisonment in a state prison, if the offender's cumulative  
30 sentence, whether from the same circuit or from separate  
31 circuits, is not more than 364 days.

1           8. Sentence the offender who is to be punished by  
2 imprisonment in a county jail to a jail in another county if  
3 there is no jail within the county suitable for such prisoner  
4 pursuant to s. 950.01.

5           9. Require the offender to participate in a  
6 work-release or educational or technical ~~vocational~~ training  
7 program pursuant to s. 951.24 while serving a sentence in a  
8 county jail, if such a program is available.

9           10. Require the offender to perform a specified public  
10 service pursuant to s. 775.091.

11           11. Require the offender who violates chapter 893 or  
12 violates any law while under the influence of a controlled  
13 substance or alcohol to participate in a substance abuse  
14 program.

15           12.a. Require the offender who violates any criminal  
16 provision of chapter 893 to pay an additional assessment in an  
17 amount up to the amount of any fine imposed, pursuant to ss.  
18 938.21 and 938.23.

19           b. Require the offender who violates any provision of  
20 s. 893.13 to pay an additional assessment in an amount of  
21 \$100, pursuant to ss. 938.25 and 943.361.

22           13. Impose a split sentence whereby the offender is to  
23 be placed in a county jail or county work camp upon the  
24 completion of any specified term of community supervision.

25           14. Impose split probation whereby upon satisfactory  
26 completion of half the term of probation, the Department of  
27 Corrections may place the offender on administrative probation  
28 pursuant to s. 948.01 for the remainder of the term of  
29 supervision.

30           15. Require residence in a state probation and  
31 restitution center or private drug treatment program for

1 offenders on community control or offenders who have violated  
2 conditions of probation.

3 16. Impose any other sanction which is provided within  
4 the community and approved as an intermediate sanction by the  
5 county public safety coordinating council as described in s.  
6 951.26.

7 17. Impose, as a condition of community control,  
8 probation, or probation following incarceration, a requirement  
9 that an offender who has not obtained a high school diploma or  
10 high school equivalency diploma or who lacks basic or  
11 functional literacy skills, upon acceptance by an adult  
12 education program, make a good faith effort toward completion  
13 of such basic or functional literacy skills or high school  
14 equivalency diploma, as defined in s. 1003.435 ~~229.814~~, in  
15 accordance with the assessed adult general education needs of  
16 the individual offender.

17 Section 1032. Subsection (15) of section 943.10,  
18 Florida Statutes, is amended to read:

19 943.10 Definitions; ss. 943.085-943.255.--The  
20 following words and phrases as used in ss. 943.085-943.255 are  
21 defined as follows:

22 (15) "Public criminal justice training school" means  
23 ~~any school defined in s. 228.041, or~~ any academy operated by  
24 an employing agency, that is certified by the commission to  
25 conduct criminal justice training courses.

26 Section 1033. Paragraph (c) of subsection (1) of  
27 section 943.22, Florida Statutes, is amended to read:

28 943.22 Salary incentive program for full-time  
29 officers.--

30 (1) For the purpose of this section, the term:

31 (c) "Community college degree or equivalent" means

1 graduation from an accredited community college or having been  
 2 granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or  
 3 successful completion of 60 semester hours or 90 quarter hours  
 4 and eligibility to receive an associate degree from an  
 5 accredited college, university, or community college.

6 Section 1034. Paragraphs (b), (c), and (i) of  
 7 subsection (3) of section 944.801, Florida Statutes, are  
 8 amended to read:

9 944.801 Education for state prisoners.--

10 (3) The responsibilities of the Correctional Education  
 11 Program shall be to:

12 (b) ~~In cooperation with the Department of Education,~~  
 13 ~~pursuant to s. 229.565,~~ Monitor and assess all inmate  
 14 education program services and report the results of such  
 15 evaluation in the annual report of activities.

16 (c) ~~In cooperation with the Department of Education,~~  
 17 ~~pursuant to s. 229.8075,~~ Develop complete and reliable  
 18 statistics on the educational histories, the city/intracity  
 19 area and school district where the inmate was domiciled prior  
 20 to incarceration, the participation in state educational and  
 21 training programs, and the occupations of inmates confined to  
 22 state correctional facilities. The compiled statistics shall  
 23 be summarized and analyzed in the annual report of  
 24 correctional educational activities required by paragraph (f).

25 (i) Ensure that every inmate who has 2 years or more  
 26 remaining to serve on his or her sentence at the time that he  
 27 or she is received at an institution and who lacks basic and  
 28 functional literacy skills as defined in s. 1004.02 ~~239.105~~  
 29 attends not fewer than 150 hours of sequential instruction in  
 30 a correctional adult basic education program. The basic and  
 31 functional literacy level of an inmate shall be determined by

1 the average composite test score obtained on a test approved  
2 for this purpose by the State Board of Education.

3 1. Upon completion of the 150 hours of instruction,  
4 the inmate shall be retested and, if a composite test score of  
5 functional literacy is not attained, the department is  
6 authorized to require the inmate to remain in the  
7 instructional program.

8 2. Highest priority of inmate participation shall be  
9 focused on youthful offenders and those inmates nearing  
10 release from the correctional system.

11 3. An inmate shall be required to attend the 150 hours  
12 of adult basic education instruction unless such inmate:

13 a. Is serving a life sentence or is under sentence of  
14 death.

15 b. Is specifically exempted for security or health  
16 reasons.

17 c. Is housed at a community correctional center, road  
18 prison, work camp, or vocational center.

19 d. Attains a functional literacy level after  
20 attendance in fewer than 150 hours of adult basic education  
21 instruction.

22 e. Is unable to enter such instruction because of  
23 insufficient facilities, staff, or classroom capacity.

24 4. The Department of Corrections shall provide classes  
25 to accommodate those inmates assigned to correctional or  
26 public work programs after normal working hours. The  
27 department shall develop a plan to provide academic and  
28 vocational classes on a more frequent basis and at times that  
29 accommodate the increasing number of inmates with work  
30 assignments, to the extent that resources permit.

31 5. If an inmate attends and actively participates in

1 the 150 hours of instruction, the Department of Corrections  
 2 may grant a one-time award of up to 6 additional days of  
 3 incentive gain-time, which must be credited and applied as  
 4 provided by law. Active participation means, at a minimum,  
 5 that the inmate is attentive, responsive, cooperative, and  
 6 completes assigned work.

7 Section 1035. Paragraphs (a) and (b) of subsection (9)  
 8 of section 948.03, Florida Statutes, are amended to read:

9 948.03 Terms and conditions of probation or community  
 10 control.--

11 (9)(a) As a condition of community control, probation,  
 12 or probation following incarceration, require an offender who  
 13 has not obtained a high school diploma or high school  
 14 equivalency diploma or who lacks basic or functional literacy  
 15 skills, upon acceptance by an adult education program, to make  
 16 a good faith effort toward completion of such basic or  
 17 functional literacy skills or high school equivalency diploma,  
 18 as defined in s. 1003.435 ~~229.814~~, in accordance with the  
 19 assessed adult general education needs of the individual  
 20 offender. The court shall not revoke community control,  
 21 probation, or probation following incarceration because of the  
 22 offender's inability to achieve such skills or diploma but may  
 23 revoke community control, probation, or probation following  
 24 incarceration if the offender fails to make a good faith  
 25 effort to achieve such skills or diploma. The court may grant  
 26 early termination of community control, probation, or  
 27 probation following incarceration upon the offender's  
 28 successful completion of the approved program. As used in  
 29 this subsection, "good faith effort" means the offender is  
 30 enrolled in a program of instruction and is attending and  
 31 making satisfactory progress toward completion of the

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1 requirements.

2 (b) A juvenile on community control who is a public  
3 school student must attend a public adult education program or  
4 a dropout prevention program, pursuant to s. 1003.53 ~~230-2316~~,  
5 which includes a second chance school or an alternative to  
6 expulsion, if the school district where the juvenile is  
7 enrolled offers such programs, unless the principal of the  
8 school determines that special circumstances warrant  
9 continuation in the regular educational school program.

10 Section 1036. Paragraph (b) of subsection (9) and  
11 subsection (27) of section 984.03, Florida Statutes, are  
12 amended to read:

13 984.03 Definitions.--When used in this chapter, the  
14 term:

15 (9) "Child in need of services" means a child for whom  
16 there is no pending investigation into an allegation or  
17 suspicion of abuse, neglect, or abandonment; no pending  
18 referral alleging the child is delinquent; or no current  
19 supervision by the Department of Juvenile Justice or the  
20 Department of Children and Family Services for an adjudication  
21 of dependency or delinquency. The child must also, pursuant to  
22 this chapter, be found by the court:

23 (b) To be habitually truant from school, while subject  
24 to compulsory school attendance, despite reasonable efforts to  
25 remedy the situation pursuant to ss. 1003.26 ~~232-17~~ and  
26 1003.27 ~~232-19~~ and through voluntary participation by the  
27 child's parents or legal custodians and by the child in family  
28 mediation, services, and treatment offered by the Department  
29 of Juvenile Justice or the Department of Children and Family  
30 Services; or

31 (27) "Habitually truant" means that:



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1           (a) The child has 15 unexcused absences within 90  
 2 calendar days with or without the knowledge or justifiable  
 3 consent of the child's parent or legal guardian, is subject to  
 4 compulsory school attendance under s. 1003.21(1) and (2)(a)  
 5 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.  
 6 1003.24 ~~232.09~~, or any other exemptions specified by law or  
 7 the rules of the State Board of Education.

8           (b) Activities to determine the cause, and to attempt  
 9 the remediation, of the child's truant behavior under ss.  
 10 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

11  
 12 If a child who is subject to compulsory school attendance is  
 13 responsive to the interventions described in ss. 1003.26  
 14 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the  
 15 necessary requirements to pass the current grade as indicated  
 16 in the district pupil progression plan, the child shall not be  
 17 determined to be habitually truant and shall be passed. If a  
 18 child within the compulsory school attendance age has 15  
 19 unexcused absences within 90 calendar days or fails to enroll  
 20 in school, the State Attorney may, or the appropriate  
 21 jurisdictional agency shall, file a child-in-need-of-services  
 22 petition if recommended by the case staffing committee, unless  
 23 it is determined that another alternative action is  
 24 preferable. The failure or refusal of the parent or legal  
 25 guardian or the child to participate, or make a good faith  
 26 effort to participate, in the activities prescribed to remedy  
 27 the truant behavior, or the failure or refusal of the child to  
 28 return to school after participation in activities required by  
 29 this subsection, or the failure of the child to stop the  
 30 truant behavior after the school administration and the  
 31 Department of Juvenile Justice have worked with the child as

1 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall  
2 be handled as prescribed in s. 1003.27 ~~232.19~~.

3 Section 1037. Section 984.05, Florida Statutes, is  
4 amended to read:

5 984.05 Rules relating to habitual truants; adoption by  
6 Department of Education and Department of Juvenile  
7 Justice.--The Department of Juvenile Justice and the  
8 Department of Education shall work together on the development  
9 of, and shall adopt, rules as necessary for the implementation  
10 of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and 1003.27.

11 Section 1038. Subsection (1) of section 984.151,  
12 Florida Statutes, is amended to read:

13 984.151 Truancy petition; prosecution; disposition.--

14 (1) If the school determines that a student subject to  
15 compulsory school attendance has had at least five unexcused  
16 absences, or absences for which the reasons are unknown,  
17 within a calendar month or 10 unexcused absences, or absences  
18 for which the reasons are unknown, within a 90-calendar-day  
19 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had  
20 more than 15 unexcused absences in a 90-calendar-day period,  
21 the superintendent of schools may file a truancy petition.

22 Section 1039. Subsection (3) of section 984.19,  
23 Florida Statutes, is amended to read:

24 984.19 Medical, psychiatric, and psychological  
25 examination and treatment of child; physical or mental  
26 examination of parent, guardian, or person requesting custody  
27 of child.--

28 (3) A judge may order that a child alleged to be or  
29 adjudicated a child in need of services be examined by a  
30 licensed health care professional. The judge may also order  
31 such child to be evaluated by a psychiatrist or a

1 psychologist, by a district school board educational needs  
 2 assessment team, or, if a developmental disability is  
 3 suspected or alleged, by the developmental disability  
 4 diagnostic and evaluation team of the Department of Children  
 5 and Family Services. The judge may order a family assessment  
 6 if that assessment was not completed at an earlier time. If  
 7 it is necessary to place a child in a residential facility for  
 8 such evaluation, then the criteria and procedure established  
 9 in s. 394.463(2) or chapter 393 shall be used, whichever is  
 10 applicable. The educational needs assessment provided by the  
 11 district school board educational needs assessment team shall  
 12 include, but not be limited to, reports of intelligence and  
 13 achievement tests, screening for learning disabilities and  
 14 other handicaps, and screening for the need for alternative  
 15 education pursuant to s. 1003.53 ~~230-2316~~.

16 Section 1040. Paragraph (b) of subsection (8) and  
 17 subsection (25) of section 985.03, Florida Statutes, are  
 18 amended to read:

19 985.03 Definitions.--When used in this chapter, the  
 20 term:

21 (8) "Child in need of services" means a child for whom  
 22 there is no pending investigation into an allegation or  
 23 suspicion of abuse, neglect, or abandonment; no pending  
 24 referral alleging the child is delinquent; or no current  
 25 supervision by the Department of Juvenile Justice or the  
 26 Department of Children and Family Services for an adjudication  
 27 of dependency or delinquency. The child must also, pursuant to  
 28 this chapter, be found by the court:

29 (b) To be habitually truant from school, while subject  
 30 to compulsory school attendance, despite reasonable efforts to  
 31 remedy the situation pursuant to ss. 1003.26 ~~232-17~~ and

1 1003.27 ~~232.19~~ and through voluntary participation by the  
 2 child's parents or legal custodians and by the child in family  
 3 mediation, services, and treatment offered by the Department  
 4 of Juvenile Justice or the Department of Children and Family  
 5 Services; or

6 (25) "Habitually truant" means that:

7 (a) The child has 15 unexcused absences within 90  
 8 calendar days with or without the knowledge or justifiable  
 9 consent of the child's parent or legal guardian, is subject to  
 10 compulsory school attendance under s. 1003.21(1) and (2)(a)  
 11 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.  
 12 1003.24 ~~232.09~~, or any other exemptions specified by law or  
 13 the rules of the State Board of Education.

14 (b) Escalating activities to determine the cause, and  
 15 to attempt the remediation, of the child's truant behavior  
 16 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been  
 17 completed.

18  
 19 If a child who is subject to compulsory school attendance is  
 20 responsive to the interventions described in ss. 1003.26  
 21 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary  
 22 requirements to pass the current grade as indicated in the  
 23 district pupil progression plan, the child shall not be  
 24 determined to be habitually truant and shall be passed. If a  
 25 child within the compulsory school attendance age has 15  
 26 unexcused absences within 90 calendar days or fails to enroll  
 27 in school, the state attorney may file a  
 28 child-in-need-of-services petition. Prior to filing a  
 29 petition, the child must be referred to the appropriate agency  
 30 for evaluation. After consulting with the evaluating agency,  
 31 the state attorney may elect to file a

1 child-in-need-of-services petition.

2 (c) A school representative, designated according to  
3 school board policy, and a juvenile probation officer of the  
4 Department of Juvenile Justice have jointly investigated the  
5 truancy problem or, if that was not feasible, have performed  
6 separate investigations to identify conditions that could be  
7 contributing to the truant behavior; and if, after a joint  
8 staffing of the case to determine the necessity for services,  
9 such services were determined to be needed, the persons who  
10 performed the investigations met jointly with the family and  
11 child to discuss any referral to appropriate community  
12 agencies for economic services, family or individual  
13 counseling, or other services required to remedy the  
14 conditions that are contributing to the truant behavior.

15 (d) The failure or refusal of the parent or legal  
16 guardian or the child to participate, or make a good faith  
17 effort to participate, in the activities prescribed to remedy  
18 the truant behavior, or the failure or refusal of the child to  
19 return to school after participation in activities required by  
20 this subsection, or the failure of the child to stop the  
21 truant behavior after the school administration and the  
22 Department of Juvenile Justice have worked with the child as  
23 described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as  
24 prescribed in s. 1003.27 ~~232.19~~.

25 Section 1041. Paragraph (b) of subsection (7) of  
26 section 985.04, Florida Statutes, is amended to read:

27 985.04 Oaths; records; confidential information.--  
28 (7)

29 (b) Notwithstanding paragraph (a) or any other  
30 provision of this section, when a child of any age is formally  
31 charged by a state attorney with a felony or a delinquent act

1 that would be a felony if committed by an adult, the state  
 2 attorney shall notify the superintendent of the child's school  
 3 that the child has been charged with such felony or delinquent  
 4 act. The information obtained by the superintendent of schools  
 5 pursuant to this section must be released within 48 hours  
 6 after receipt to appropriate school personnel, including the  
 7 principal of the school of the child. The principal must  
 8 immediately notify the child's immediate classroom teachers.  
 9 Upon notification, the principal is authorized to begin  
 10 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232-26~~.

11 Section 1042. Subsection (5) of section 985.316,  
 12 Florida Statutes, is amended to read:

13 985.316 Conditional release.--

14 (5) Participation in the educational program by  
 15 students of compulsory school attendance age pursuant to s.  
 16 1003.21(1) and (2)(a) ~~232-01~~ is mandatory for juvenile justice  
 17 youth on conditional release or postcommitment probation  
 18 status. A student of noncompulsory school-attendance age who  
 19 has not received a high school diploma or its equivalent must  
 20 participate in the educational program. A youth who has  
 21 received a high school diploma or its equivalent and is not  
 22 employed must participate in workforce development or other  
 23 career vocational or technical education or attend a community  
 24 college or a university while in the program, subject to  
 25 available funding.

26 Section 1043. Subsection (3) of section 985.412,  
 27 Florida Statutes, is amended to read:

28 985.412 Quality assurance and cost-effectiveness.--

29 (3) The department shall annually collect and report  
 30 cost data for every program operated or contracted by the  
 31 department. The cost data shall conform to a format approved

1 by the department and the Legislature. Uniform cost data shall  
 2 be reported and collected for state-operated and contracted  
 3 programs so that comparisons can be made among programs. The  
 4 department shall ensure that there is accurate cost accounting  
 5 for state-operated services including market-equivalent rent  
 6 and other shared cost. The cost of the educational program  
 7 provided to a residential facility shall be reported and  
 8 included in the cost of a program. The department shall submit  
 9 an annual cost report to the President of the Senate, the  
 10 Speaker of the House of Representatives, the Minority Leader  
 11 of each house of the Legislature, the appropriate substantive  
 12 and fiscal committees of each house of the Legislature, and  
 13 the Governor, no later than December 1 of each year.  
 14 Cost-benefit analysis for educational programs will be  
 15 developed and implemented in collaboration with and in  
 16 cooperation with the Department of Education, local providers,  
 17 and local school districts. Cost data for the report shall  
 18 include data collected by the Department of Education for the  
 19 purposes of preparing the annual report required by s.

20 1003.52(20) 230.23161(21).

21 Section 1044. The purpose of the Legislature in  
 22 revising this education code is to rearrange, renumber,  
 23 reword, reorder, streamline, consolidate, and update the code  
 24 consistent with current law and the new K-20 education  
 25 governance structure. It is not the purpose of the Legislature  
 26 in revising the education code to affect existing judicial or  
 27 administrative law.

28 Section 1045. Effective upon this act becoming a law,  
 29 the Secretary of Education, in consultation with the  
 30 Commissioner of Education, may establish, abolish, or  
 31 consolidate bureaus, sections, and subsections and may

1 reallocate duties and functions within the Department of  
 2 Education in order to promote effective and efficient  
 3 operation of the department and to implement changes to the  
 4 state system of education initiated by the adoption of the  
 5 1998 amendment to Art. IX of the State Constitution as  
 6 implemented by the Legislature in chapter 2001-170, Laws of  
 7 Florida. Authorized positions and appropriations may be  
 8 transferred from one budget entity to another as required to  
 9 implement the reorganization. This section is repealed  
 10 December 31, 2002.

11       Section 1046. Subsection (1) of section 187.201,  
 12 Florida Statutes, is repealed.

13       Section 1047. Section 2 of chapter 2000-181, Laws of  
 14 Florida, is repealed.

15       Section 1048. Part I of chapter 243 and chapters 228,  
 16 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241,  
 17 242, 244, and 246, Florida Statutes (2001), are repealed.

18       Section 1049. In editing the manuscript for the 2002  
 19 Florida Statutes, the Division of Statutory Revision is  
 20 directed to incorporate any amendments, by laws passed during  
 21 the 2002 Regular Session of the Legislature or any 2002  
 22 Special Sessions of the Legislature, to provisions repealed by  
 23 this act into the parallel successor provisions created by  
 24 this act. The division is further directed to transfer any  
 25 provisions enacted within part I of chapter 243 or chapters  
 26 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,  
 27 241, 242, 244, and 246, Florida Statutes, by 2002 legislation  
 28 to parallel locations in accordance with this act.

29       Section 1050. (1) Chapters 1000, 1001, 1002, 1003,  
 30 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and  
 31 1013, Florida Statutes, as created by this act, shall be



1 reviewed by the Legislature in the 2003 Regular Session of the  
2 Legislature.

3 (2) This section is repealed July 1, 2003.

4 Section 1051. If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 invalidity shall not affect other provisions or applications  
7 of the act which can be given effect without the invalid  
8 provision or application, and to this end the provisions of  
9 this act are declared severable.

10 Section 1052. Except as otherwise provided herein,  
11 this act shall take effect January 7, 2003.

12  
13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 remove: the entire title

17

18 and insert:

19 A bill to be entitled  
20 An act relating to education and matters  
21 connected therewith; creating the "Florida K-20  
22 Education Code"; creating ch. 1000, F.S.,  
23 entitled "K-20 General Provisions," consisting  
24 of part I relating to general provisions, part  
25 II relating to systemwide definitions, and part  
26 III relating to educational compacts; creating  
27 ch. 1001, F.S., entitled "K-20 Governance,"  
28 consisting of part I relating to state-level  
29 governance, part II relating to school district  
30 governance, part III relating to community  
31 colleges, and part IV relating to state

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1 universities; creating ch. 1002, F.S., entitled  
2 "Student and Parental Rights and Educational  
3 Choices," consisting of part I relating to  
4 general provisions, part II relating to student  
5 and parental rights, part III relating to  
6 educational choice, and part IV relating to  
7 home education, private schools, and other  
8 education options; creating ch. 1003, F.S.,  
9 entitled "Public K-12 Education," consisting of  
10 part I relating to general provisions, part II  
11 relating to school attendance, part III  
12 relating to control of students, part IV  
13 relating to public K-12 educational  
14 instruction, part V relating to specialized  
15 instruction for certain public K-12 students,  
16 and part VI relating to pilot public K-12  
17 education programs; creating ch. 1004, F.S.,  
18 entitled "Public Postsecondary Education,"  
19 consisting of part I relating to general  
20 provisions, part II relating to state  
21 universities, part III relating to community  
22 colleges, and part IV relating to workforce  
23 development education; creating ch. 1005, F.S.,  
24 entitled "Nonpublic Postsecondary Education,"  
25 consisting of part I relating to general  
26 provisions, part II relating to the Commission  
27 for Independent Education, and part III  
28 relating to licensure of nonpublic  
29 postsecondary educational institutions;  
30 creating ch. 1006, F.S., entitled "Support for  
31 Learning and Student Services," consisting of

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1 part I relating to public K-12 education  
2 support for learning and student services and  
3 part II relating to postsecondary educational  
4 institutions; creating ch. 1007, F.S., entitled  
5 "Access and Articulation," consisting of part I  
6 relating to general provisions, part II  
7 relating to articulation, and part III relating  
8 to access to postsecondary education; creating  
9 ch. 1008, F.S., entitled "Assessment and  
10 Accountability," consisting of part I relating  
11 to assessment, part II relating to  
12 accountability, and part III relating to the  
13 Council for Education Policy Research and  
14 Improvement; creating ch. 1009, F.S., entitled  
15 "Educational Scholarships, Fees, and Financial  
16 Assistance," consisting of part I relating to  
17 general provisions, part II relating to  
18 postsecondary student fees, part III relating  
19 to financial assistance, part IV relating to  
20 prepaid college board programs, and part V  
21 relating to the Florida higher education loan  
22 authority; creating ch. 1010, F.S., entitled  
23 "Financial Matters," consisting of part I  
24 relating to general accounting requirements,  
25 part II relating to financial reporting, part  
26 III relating to audit requirements and  
27 procedures, part IV relating to bonding, and  
28 part V relating to trust funds; creating ch.  
29 1011, F.S., entitled "Planning and Budgeting,"  
30 consisting of part I relating to preparation,  
31 adoption, and implementation of budgets, part

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1 II relating to funding for school districts,  
2 part III relating to funding for workforce  
3 education, part IV relating to funding for  
4 community colleges, and part V relating to  
5 funding for state universities; creating ch.  
6 1012, F.S., entitled "Personnel," consisting of  
7 part I relating to general provisions, part II  
8 relating to K-20 personnel issues, part III  
9 relating to public schools personnel, part IV  
10 relating to public postsecondary educational  
11 institutions personnel, part V relating to  
12 professional development, and part VI relating  
13 to the interstate compact on qualifications of  
14 educational personnel; creating ch. 1013, F.S.,  
15 entitled "Educational Facilities," consisting  
16 of part I relating to functions of the  
17 Department of Education, part II relating to  
18 use and management of educational facilities,  
19 part III relating to planning and construction  
20 of educational facilities, and part IV relating  
21 to funding for educational facilities;  
22 reenacting and amending s. 20.15, F.S.,  
23 relating to the Department of Education, to  
24 conform; amending ss. 11.061, 11.40, 11.45,  
25 23.1225, 24.121, 39.0015, 39.407, 61.13015,  
26 105.061, 110.1228, 110.123, 110.151, 110.181,  
27 110.205, 112.1915, 112.313, 120.81, 121.051,  
28 121.091, 145.131, 145.19, 153.77, 159.27,  
29 163.3177, 163.3191, 195.096, 196.012, 196.031,  
30 196.1983, 200.001, 200.065, 200.069, 201.24,  
31 210.20, 212.04, 212.0602, 212.08, 213.053,

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1 215.20, 215.82, 216.181, 216.301, 218.39,  
2 220.183, 222.22, 250.115, 255.0515, 255.0516,  
3 265.2861, 265.603, 267.173, 267.1732, 282.005,  
4 282.103, 282.105, 282.106, 282.3031, 282.3063,  
5 282.310, 284.34, 285.18, 287.042, 287.055,  
6 287.064, 288.039, 288.8175, 295.01, 295.015,  
7 295.016, 295.017, 295.018, 295.019, 295.0195,  
8 316.003, 316.027, 316.515, 316.6145, 316.615,  
9 316.70, 316.72, 318.12, 318.14, 320.08058,  
10 320.20, 320.38, 322.031, 322.091, 322.095,  
11 322.21, 333.03, 364.508, 380.0651, 381.003,  
12 381.005, 381.0056, 381.0302, 391.055, 393.0657,  
13 394.4572, 394.495, 394.498, 395.602, 395.605,  
14 397.405, 397.451, 397.951, 402.22, 402.302,  
15 402.3057, 409.145, 409.1757, 409.2598,  
16 409.9071, 409.908, 409.9122, 411.01, 411.203,  
17 411.223, 414.1251, 440.16, 445.04, 445.0121,  
18 445.024, 447.203, 447.301, 447.403, 450.081,  
19 450.121, 458.3145, 458.324, 459.0125, 468.1115,  
20 468.607, 468.723, 471.0035, 476.114, 476.144,  
21 476.178, 477.0132, 477.019, 477.0201, 477.023,  
22 480.033, 481.229, 488.01, 553.415, 559.902,  
23 589.09, 627.733, 627.742, 627.912, 633.445,  
24 633.50, 732.402, 784.081, 817.566, 817.567,  
25 877.18, 921.187, 943.10, 943.22, 944.801,  
26 948.03, 984.03, 984.05, 984.151, 984.19,  
27 985.03, 985.04, 985.316, and 985.412, F.S. ;  
28 conforming provisions and cross references;  
29 providing purpose of this act; authorizing  
30 activities relating to the reorganization of  
31 the Department of Education and implementation

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1 of changes to the state system of education;  
2 repealing s. 187.201(1), F.S., relating to the  
3 education goals and policies of the State  
4 Comprehensive Plan; repealing s. 2 of ch.  
5 2000-181, Laws of Florida, relating to the  
6 repeal of s. 236.081, F.S., effective June 30,  
7 2004; repealing part I of ch. 243, F.S.,  
8 relating to the educational institutions law,  
9 and ch. 228, 229, 230, 231, 232, 233, 234, 235,  
10 236, 237, 239, 240, 241, 242, 244, and 246,  
11 F.S., relating to public education general  
12 provisions, functions of state educational  
13 agencies, the district school system, personnel  
14 of the school system, compulsory school  
15 attendance and child welfare, courses of study  
16 and instructional aids, transportation of  
17 school children, educational facilities,  
18 finance and taxation of schools, financial  
19 accounts and expenditures for public schools,  
20 vocational, adult, and community education,  
21 postsecondary education, distance learning,  
22 specialized state educational institutions,  
23 educational compacts, and nonpublic  
24 postsecondary institutions; providing duties of  
25 the Division of Statutory Revision; providing  
26 for review of ch. 1000-1013, F.S., during the  
27 2003 Regular Session; providing for  
28 severability; providing effective dates.

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