

1 A bill to be entitled
2 An act relating to education and matters
3 connected therewith; creating the "Florida K-20
4 Education Code"; creating ch. 1000, F.S.,
5 entitled "K-20 General Provisions," consisting
6 of part I relating to general provisions, part
7 II relating to systemwide definitions, and part
8 III relating to educational compacts; creating
9 ch. 1001, F.S., entitled "K-20 Governance,"
10 consisting of part I relating to state-level
11 governance, part II relating to school district
12 governance, part III relating to community
13 colleges, and part IV relating to state
14 universities; creating ch. 1002, F.S., entitled
15 "Student and Parental Rights and Educational
16 Choices," consisting of part I relating to
17 general provisions, part II relating to student
18 and parental rights, part III relating to
19 educational choice, and part IV relating to
20 home education, private schools, and other
21 education options; creating ch. 1003, F.S.,
22 entitled "Public K-12 Education," consisting of
23 part I relating to general provisions, part II
24 relating to school attendance, part III
25 relating to control of students, part IV
26 relating to public K-12 educational
27 instruction, part V relating to specialized
28 instruction for certain public K-12 students,
29 and part VI relating to pilot public K-12
30 education programs; creating ch. 1004, F.S.,
31 entitled "Public Postsecondary Education,"

1 consisting of part I relating to general
2 provisions, part II relating to state
3 universities, part III relating to community
4 colleges, and part IV relating to workforce
5 development education; providing
6 appropriations; creating ch. 1005, F.S.,
7 entitled "Nonpublic Postsecondary Education,"
8 consisting of part I relating to general
9 provisions, part II relating to the Commission
10 for Independent Education, and part III
11 relating to licensure of nonpublic
12 postsecondary educational institutions;
13 creating ch. 1006, F.S., entitled "Support for
14 Learning and Student Services," consisting of
15 part I relating to public K-12 education
16 support for learning and student services and
17 part II relating to postsecondary educational
18 institutions; creating ch. 1007, F.S., entitled
19 "Access and Articulation," consisting of part I
20 relating to general provisions, part II
21 relating to articulation, and part III relating
22 to access to postsecondary education; creating
23 ch. 1008, F.S., entitled "Assessment and
24 Accountability," consisting of part I relating
25 to assessment, part II relating to
26 accountability, and part III relating to the
27 Council for Education Policy Research and
28 Improvement; creating ch. 1009, F.S., entitled
29 "Educational Scholarships, Fees, and Financial
30 Assistance," consisting of part I relating to
31 general provisions, part II relating to

1 postsecondary student fees, part III relating
2 to financial assistance, part IV relating to
3 prepaid college board programs, and part V
4 relating to the Florida higher education loan
5 authority; creating ch. 1010, F.S., entitled
6 "Financial Matters," consisting of part I
7 relating to general accounting requirements,
8 part II relating to financial reporting, part
9 III relating to audit requirements and
10 procedures, part IV relating to bonding, and
11 part V relating to trust funds; creating ch.
12 1011, F.S., entitled "Planning and Budgeting,"
13 consisting of part I relating to preparation,
14 adoption, and implementation of budgets, part
15 II relating to funding for school districts,
16 part III relating to funding for workforce
17 education, part IV relating to funding for
18 community colleges, and part V relating to
19 funding for state universities; creating ch.
20 1012, F.S., entitled "Personnel," consisting of
21 part I relating to general provisions, part II
22 relating to K-20 personnel issues, part III
23 relating to public schools personnel, part IV
24 relating to public postsecondary educational
25 institutions personnel, part V relating to
26 professional development, and part VI relating
27 to the interstate compact on qualifications of
28 educational personnel; creating ch. 1013, F.S.,
29 entitled "Educational Facilities," consisting
30 of part I relating to functions of the
31 Department of Education, part II relating to

1 use and management of educational facilities,
2 part III relating to planning and construction
3 of educational facilities, and part IV relating
4 to funding for educational facilities;
5 reenacting and amending s. 20.15, F.S.,
6 relating to the Department of Education, to
7 conform; amending ss. 11.061, 11.40, 11.45,
8 23.1225, 24.121, 39.0015, 39.407, 61.13015,
9 105.061, 110.1228, 110.123, 110.151, 110.181,
10 110.205, 112.1915, 112.313, 120.52, 120.55,
11 120.81, 121.051, 121.091, 145.131, 145.19,
12 153.77, 159.27, 163.3177, 163.3191, 195.096,
13 196.012, 196.031, 196.1983, 200.001, 200.065,
14 200.069, 201.24, 210.20, 212.04, 212.0602,
15 212.08, 213.053, 215.20, 215.82, 216.181,
16 216.301, 218.39, 220.183, 222.22, 250.115,
17 255.0515, 255.0516, 265.2861, 265.603, 267.173,
18 267.1732, 282.005, 282.103, 282.105, 282.106,
19 282.3031, 282.3063, 282.310, 284.34, 285.18,
20 287.042, 287.055, 287.064, 288.039, 288.8175,
21 295.01, 295.015, 295.016, 295.017, 295.018,
22 295.019, 295.0195, 316.003, 316.027, 316.515,
23 316.6145, 316.615, 316.70, 316.72, 318.12,
24 318.14, 320.08058, 320.20, 320.38, 322.031,
25 322.091, 322.095, 322.21, 333.03, 364.508,
26 380.0651, 381.003, 381.005, 381.0056, 381.0302,
27 391.055, 393.0657, 394.4572, 394.495, 394.498,
28 395.602, 395.605, 397.405, 397.451, 397.951,
29 402.22, 402.302, 402.3057, 409.145, 409.1757,
30 409.2598, 409.9071, 409.908, 409.9122, 411.01,
31 411.203, 411.223, 414.1251, 440.16, 445.04,

1 445.0121, 445.024, 447.203, 447.301, 447.403,
2 450.081, 450.121, 458.3145, 458.324, 459.0125,
3 468.1115, 468.607, 468.723, 471.0035, 476.114,
4 476.144, 476.178, 477.0132, 477.019, 477.0201,
5 477.023, 480.033, 481.229, 488.01, 553.415,
6 559.902, 589.09, 627.733, 627.742, 627.912,
7 633.445, 633.50, 732.402, 784.081, 817.566,
8 817.567, 877.18, 921.187, 943.10, 943.22,
9 944.801, 948.03, 984.03, 984.05, 984.151,
10 984.19, 985.03, 985.04, 985.316, and 985.412,
11 F.S.; conforming provisions and cross
12 references; providing purpose of this act;
13 authorizing activities relating to the
14 reorganization of the Department of Education
15 and implementation of changes to the state
16 system of education; repealing s. 187.201(1),
17 F.S., relating to the education goals and
18 policies of the State Comprehensive Plan;
19 repealing s. 2 of ch. 2000-181, Laws of
20 Florida, relating to the repeal of s. 236.081,
21 F.S., effective June 30, 2004; repealing part I
22 of ch. 243, F.S., relating to the educational
23 institutions law, and ch. 228, 229, 230, 231,
24 232, 233, 234, 235, 236, 237, 239, 240, 241,
25 242, 244, and 246, F.S., relating to public
26 education general provisions, functions of
27 state educational agencies, the district school
28 system, personnel of the school system,
29 compulsory school attendance and child welfare,
30 courses of study and instructional aids,
31 transportation of school children, educational

1 facilities, finance and taxation of schools,
2 financial accounts and expenditures for public
3 schools, vocational, adult, and community
4 education, postsecondary education, distance
5 learning, specialized state educational
6 institutions, educational compacts, and
7 nonpublic postsecondary institutions; providing
8 duties of the Division of Statutory Revision;
9 providing for review of ch. 1000-1013, F.S.,
10 during the 2003 Regular Session; providing for
11 severability; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Chapter 1000, Florida Statutes, shall be
16 entitled "K-20 General Provisions" and shall consist of ss.
17 1000.01-1000.21.

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

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

23 1000.01 The Florida K-20 Education System; technical
24 provisions.--

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

27 (2) LIBERAL CONSTRUCTION.--The provisions of the
28 Florida K-20 Education Code shall be liberally construed to
29 the end that its objectives may be effected. It is the
30 legislative intent that if any section, subsection, sentence,
31

1 clause or provision of the Florida K-20 Education Code is held
2 invalid, the remainder of the code shall not be affected.

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

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

26 (5) EDUCATION GOVERNANCE TRANSFERS.--

27 (a) Effective July 1, 2001:

28 1. The Board of Regents is abolished.

29 2. All of the powers, duties, functions, records,
30 personnel, and property; unexpended balances of
31 appropriations, allocations, and other funds; administrative

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

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

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

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

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

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

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

27 (b) Effective January 7, 2003:

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

30 2. The Secretary of the Florida Board of Education is
31 renamed the Commissioner of Education.

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

8 (d) Effective January 7, 2003:

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

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

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

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

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

31

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

1 (d) Educational leadership.--The quality of
2 educational leadership at all levels of K-20 education is
3 improved.

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

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

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

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

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

1 schools, courses, or classes, as authorized by law to be
2 operated under the control of district school boards; and lab
3 schools operated under the control of state universities.

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

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

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

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

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

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

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

1 employment conditions or practices, conducted by a public
2 educational institution that receives or benefits from federal
3 or state financial assistance.

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

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

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

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

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

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

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

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

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

31

1 1. Whether the selection of sports and levels of
2 competition effectively accommodate the interests and
3 abilities of members of both genders.

4 2. The provision of equipment and supplies.

5 3. Scheduling of games and practice times.

6 4. Travel and per diem allowances.

7 5. Opportunities to receive coaching and academic
8 tutoring.

9 6. Assignment and compensation of coaches and tutors.

10 7. Provision of locker room, practice, and competitive
11 facilities.

12 8. Provision of medical and training facilities and
13 services.

14 9. Provision of housing and dining facilities and
15 services.

16 10. Publicity.

17
18 Unequal aggregate expenditures for members of each gender or
19 unequal expenditures for male and female teams if a public
20 K-20 educational institution operates or sponsors separate
21 teams do not constitute nonimplementation of this subsection,
22 but the Commissioner of Education shall consider the failure
23 to provide necessary funds for teams for one gender in
24 assessing equality of opportunity for members of each gender.

25 (e) A public K-20 educational institution may provide
26 separate toilet, locker room, and shower facilities on the
27 basis of gender, but such facilities shall be comparable to
28 such facilities provided for students of the other gender.

29 (4) Educational institutions within the state public
30 K-20 education system shall develop and implement methods and
31 strategies to increase the participation of students of a

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

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

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

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

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

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

28 (d) Conducting studies of the effectiveness of methods
29 and strategies designed to increase the participation of
30 students in programs and courses in which students of a
31 particular race, ethnicity, national origin, gender,

1 disability, or marital status have been traditionally
 2 underrepresented and monitoring the success of students in
 3 such programs of courses, including performing followup
 4 monitoring.

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

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

31

1 (g) Reporting to the Commissioner of Education any
2 district school board, community college board of trustees, or
3 state university board of trustees found to be out of
4 compliance with rules of the State Board of Education adopted
5 as required by paragraph (f) or paragraph (3)(d). To penalize
6 the board, the State Board of Education shall:

7 1. Declare the educational agency ineligible for
8 competitive state grants.

9 2. Notwithstanding the provisions of s. 216.192,
10 direct the Comptroller to withhold general revenue funds
11 sufficient to obtain compliance from the educational agency.

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

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

21 Section 8. Section 1000.06, Florida Statutes, is
22 created to read:

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

1 on the same or on adjacent sites, one flag may be displayed
2 for the entire group of buildings.

3 Section 9. Part II of chapter 1000, Florida Statutes,
4 shall be entitled "Systemwide Definitions" and shall consist
5 of s. 1000.21.

6 Section 10. Section 1000.21, Florida Statutes, is
7 created to read:

8 1000.21 Systemwide definitions.--As used in the
9 Florida K-20 Education Code:

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

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

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

22 (a) Brevard Community College.

23 (b) Broward Community College.

24 (c) Central Florida Community College.

25 (d) Chipola Junior College.

26 (e) Daytona Beach Community College.

27 (f) Edison Community College.

28 (g) Florida Community College at Jacksonville.

29 (h) Florida Keys Community College.

30 (i) Gulf Coast Community College.

31 (j) Hillsborough Community College.

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

1 (d) The University of South Florida.

2 (e) The Florida Atlantic University.

3 (f) The University of West Florida.

4 (g) The University of Central Florida.

5 (h) The University of North Florida.

6 (i) The Florida International University.

7 (j) The Florida Gulf Coast University.

8 (k) New College of Florida.

9 (7) "Sunshine State Standards" are standards that
10 identify what public school students should know and be able
11 to do. These standards delineate the academic achievement of
12 students for which the state will hold its public schools
13 accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects
14 of language arts, mathematics, science, social studies, the
15 arts, health and physical education, foreign languages,
16 reading, writing, history, government, geography, economics,
17 and computer literacy.

18 Section 11. Part III of chapter 1000, Florida
19 Statutes, shall be entitled "Educational Compacts" and shall
20 consist of ss. 1000.31-1000.34.

21 Section 12. Section 1000.31, Florida Statutes, is
22 created to read:

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

1 citizens of the state in certain phases of the professional,
2 technological, scientific, literary and other fields in
3 education can best be accomplished by the development and
4 maintenance of regional educational services and facilities,
5 under the plan embodied in "The Regional Pact" hereinafter
6 adopted; and this law shall be liberally construed to
7 accomplish such purposes.

8 Section 13. Section 1000.32, Florida Statutes, is
9 created to read:

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

19
20 THE REGIONAL COMPACT

21 (as amended)
22

23 WHEREAS, The States who are parties hereto have during
24 the past several years conducted careful investigation looking
25 toward the establishment and maintenance of jointly owned and
26 operated regional educational institutions in the Southern
27 States in the professional, technological, scientific,
28 literary, and other fields, so as to provide greater
29 educational advantages and facilities for the citizens of the
30 several states who reside within such region; and
31

1 WHEREAS, Meharry Medical College of Nashville,
2 Tennessee, has proposed that its lands, buildings, equipment,
3 and the net income from its endowment be turned over to the
4 Southern States, or to an agency acting in their behalf, to be
5 operated as a regional institution for medical, dental and
6 nursing education upon terms and conditions to be hereafter
7 agreed upon between the Southern States and Meharry Medical
8 College, which proposal, because of the present financial
9 condition of the institution, has been approved by the said
10 states who are parties hereto; and

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

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

29 The states do further hereby establish and create a
30 joint agency which shall be known as the Board of Control for
31 Southern Regional Education (hereinafter referred to as the

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

1 person resides within a signatory state, and upon such
2 election such person shall become a member of the board with
3 all the rights and privileges of such membership. This
4 paragraph as amended in 1957 shall be effective when eight or
5 more of the states party to the compact have given legislative
6 approval to the amendment.

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

27 In addition to the power and authority heretofore
28 granted, the board shall have the power to enter into such
29 agreements or arrangements with any of the states and with
30 educational institutions or agencies, as may be required in
31 the judgment of the board, to provide adequate services and

1 facilities for the graduate, professional, and technical
2 education for the benefit of the citizens of the respective
3 states residing within the region, and such additional and
4 general power and authority as may be vested in the board from
5 time to time by legislative enactment of the said states.

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

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

28 This compact shall not take effect or be binding upon
29 any state unless and until it shall be approved by proper
30 legislative action of as many as six or more of the states
31 whose governors have subscribed hereto within a period of

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

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

1 cease to have any claim to or ownership of any of the property
2 held or vested in the board or to any of the funds of the
3 board held under the terms of this compact.

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

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

29 STATE OF FLORIDA BY Millard F. Caldwell, Governor.
30 STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE
31 OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA

1 BY J. H. Davis, Governor. STATE OF ALABAMA BY James E.
2 Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright,
3 Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE
4 OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA
5 BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg
6 Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom
7 Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester,
8 Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE
9 OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

10
11 be and the same is hereby approved and the State of Florida is
12 hereby declared to be a party to said compact and the
13 agreements, covenants and obligations contained therein are
14 hereby declared to be binding upon the State of Florida.

15 Section 14. Section 1000.33, Florida Statutes, is
16 created to read:

17 1000.33 Copies to other states approving.--After the
18 effective date of this law the Secretary of State of Florida
19 shall furnish to each of the states approving the said compact
20 an engrossed copy of this bill.

21 Section 15. Section 1000.34, Florida Statutes, is
22 created to read:

23 1000.34 Member jurisdictions.--The compact for
24 education is entered into with all jurisdictions legally
25 joining therein and enacted into law in the following form:

26
27 COMPACT FOR EDUCATION

28
29 ARTICLE I

30
31 PURPOSE AND POLICY.--

1 A. It is the purpose of this compact to:
2 1. Establish and maintain close cooperation and
3 understanding among executive, legislative, professional
4 educational and lay leadership on a nationwide basis at the
5 state and local levels.
6 2. Provide a forum for the discussion, development,
7 crystallization and recommendation of public policy
8 alternatives in the field of education.
9 3. Provide a clearinghouse of information on matters
10 relating to educational problems and how they are being met in
11 different places throughout the nation, so that the executive
12 and legislative branches of state government and of local
13 communities may have ready access to the experience and record
14 of the entire country, and so that both lay and professional
15 groups in the field of education may have additional avenues
16 for the sharing of experience and the interchange of ideas in
17 the formation of public policy in education.
18 4. Facilitate the improvement of state and local
19 educational systems so that all of them will be able to meet
20 adequate and desirable goals in a society which requires
21 continuous qualitative and quantitative advance in educational
22 opportunities, methods and facilities.
23 B. It is the policy of this compact to encourage and
24 promote local and state initiative in the development,
25 maintenance, improvement and administration of educational
26 systems and institutions in a manner which will accord with
27 the needs and advantages of diversity among localities and
28 states.
29 C. The party states recognize that each of them has an
30 interest in the quality and quantity of education furnished in
31 each of the other states, as well as in the excellence of its

1 own educational systems and institutions, because of the
2 highly mobile character of individuals within the nation, and
3 because the products and services contributing to the health,
4 welfare and economic advancement of each state are supplied in
5 significant part by persons educated in other states.

6
7 ARTICLE II

8
9 STATE DEFINED.--

10 As used in this compact, "state" means a state,
11 territory, or possession of the United States, the District of
12 Columbia, or the Commonwealth of Puerto Rico.

13
14 ARTICLE III

15
16 THE COMMISSION.--

17 A. The Education Commission of the States, hereinafter
18 called "the commission," is hereby established. The
19 commission shall consist of seven members representing each
20 party state. One of such members representing Florida shall
21 be the governor; two shall be members of the state senate
22 appointed by the president; two shall be members of the house
23 of representatives appointed by the speaker; and two shall be
24 appointed by and serve at the pleasure of the governor. The
25 guiding principle for the composition of the membership on the
26 commission shall be that the members, by virtue of their
27 training, experience, knowledge or affiliations be in a
28 position collectively to reflect broadly the interests of the
29 state government, higher education, the state education
30 system, local education, lay and professional, public and
31 nonpublic educational leadership. Of those appointees, one

1 shall be the head of a state agency or institution, designated
2 by the governor, having responsibility for one or more
3 programs of public education. In addition to the members of
4 the commission representing the party states, there may be not
5 to exceed ten nonvoting commissioners selected by the steering
6 committee for terms of one year. Such commissioners shall
7 represent leading national organizations of professional
8 educators or persons concerned with educational
9 administration.

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

24 C. The commission shall have a seal.

25 D. The commission shall elect annually, from among its
26 members, a chair, who shall be a governor, a vice chair and a
27 treasurer. The commission shall provide for the appointment
28 of an executive director. Such executive director shall serve
29 at the pleasure of the commission, and, together with the
30 treasurer and such other personnel as the commission may deem
31

1 appropriate, shall be bonded in such amount as the commission
2 shall determine. The executive director shall be secretary.

3 E. Irrespective of the civil service, personnel or
4 other merit system laws of any of the party states, the
5 executive director, subject to the approval of the steering
6 committee, shall appoint, remove or discharge such personnel
7 as may be necessary for the performance of the functions of
8 the commission, and shall fix the duties and compensation of
9 such personnel. The commission in its bylaws shall provide
10 for the personnel policies and programs of the commission.

11 F. The commission may borrow, accept or contract for
12 the services of personnel from any party jurisdiction, the
13 United States, or any subdivision or agency of the
14 aforementioned governments, or from any agency of two or more
15 of the party jurisdictions or their subdivisions.

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

29 H. The commission may establish and maintain such
30 facilities as may be necessary for the transacting of its
31

1 business. The commission may acquire, hold, and convey real
2 and personal property and any interest therein.

3 I. The commission shall adopt bylaws for the conduct
4 of its business and shall have the power to amend and rescind
5 these bylaws. The commission shall publish its bylaws in
6 convenient form and shall file a copy thereof and a copy of
7 any amendment thereto, with the appropriate agency or officer
8 in each of the party states.

9 J. The commission annually shall make to the governor
10 and legislature of each party state a report covering the
11 activities of the commission for the preceding year. The
12 commission may make such additional reports as it may deem
13 desirable.

14
15 ARTICLE IV
16

17 POWERS.--

18 In addition to authority conferred on the commission by
19 other provisions of the compact, the commission shall have
20 authority to:

21 1. Collect, correlate, analyze and interpret
22 information and data concerning educational needs and
23 resources.

24 2. Encourage and foster research in all aspects of
25 education, but with special reference to the desirable scope
26 of instruction, organization, administration, and
27 instructional methods and standards employed or suitable for
28 employment in public educational systems.

29 3. Develop proposals for adequate financing of
30 education as a whole and at each of its many levels.
31

1 officer of the federal government concerning the common
2 educational policies of the states, and may advise with any
3 such agencies or officers concerning any matter of mutual
4 interest.

5
6 ARTICLE VI

7
8 COMMITTEES.--

9 A. To assist in the expeditious conduct of its
10 business when the full commission is not meeting, the
11 commission shall elect a steering committee of thirty-two
12 members which, subject to the provisions of this compact and
13 consistent with the policies of the commission, shall be
14 constituted and function as provided in the bylaws of the
15 commission. One-fourth of the voting membership of the
16 steering committee shall consist of governors, one-fourth
17 shall consist of legislators, and the remainder shall consist
18 of other members of the commission. A federal representative
19 on the commission may serve with the steering committee, but
20 without vote. The voting members of the steering committee
21 shall serve for terms of two years, except that members
22 elected to the first steering committee of the commission
23 shall be elected as follows: sixteen for one year and sixteen
24 for two years. The chair, vice chair, and treasurer of the
25 commission shall be members of the steering committee and,
26 anything in this paragraph to the contrary notwithstanding,
27 shall serve during their continuance in these offices.
28 Vacancies in the steering committee shall not affect its
29 authority to act, but the commission at its next regularly
30 ensuing meeting following the occurrence of any vacancy shall
31 fill it for the unexpired term. No person shall serve more

1 than two terms as a member of the steering committee; provided
2 that service for a partial term of one year or less shall not
3 be counted toward the two term limitations.

4 B. The commission may establish advisory and technical
5 committees composed of state, local, and federal officials,
6 and private persons to advise it with respect to any one or
7 more of its functions. Any advisory or technical committee
8 may, on request of the states concerned, be established to
9 consider any matter of special concern to two or more of the
10 party states.

11 C. The commission may establish such additional
12 committees as its bylaws may provide.

13
14 ARTICLE VII

15
16 FINANCE.--

17 A. The commission shall advise the governor or
18 designated officer or officers of each party state of its
19 budget and estimated expenditures for such period as may be
20 required by the laws of that party state. Each of the
21 commission's budgets of estimated expenditures shall contain
22 specific recommendations of the amount or amounts to be
23 appropriated by each of the party states.

24 B. The total amount of appropriation requests under
25 any budget shall be apportioned among the party states. In
26 making such apportionment, the commission shall devise and
27 employ a formula which takes equitable account of the
28 populations and per capita income levels of the party states.

29 C. The commission shall not pledge the credit of any
30 party states. The commission may meet any of its obligations
31 in whole or in part with funds available to it pursuant to

1 Article III, G of this compact, provided that the commission
2 takes specific action setting aside such funds prior to
3 incurring an obligation to be met in whole or in part in such
4 manner. Except where the commission makes use of funds
5 available to it pursuant to Article III, G thereof, the
6 commission shall not incur any obligation prior to the
7 allotment of funds by the party states adequate to meet the
8 same.

9 D. The commission shall keep accurate accounts of all
10 receipts and disbursements. The receipts and disbursements of
11 the commission shall be subject to the audit and accounting
12 procedures established by its bylaws. However, all receipts
13 and disbursements of funds handled by the commission shall be
14 audited yearly by a qualified public accountant, and the
15 report of the audit shall be included in and become part of
16 the annual reports of the commission.

17 E. The accounts of the commission shall be open at any
18 reasonable time for inspection by duly constituted officers of
19 the party states and by any persons authorized by the
20 commission.

21 F. Nothing contained herein shall be construed to
22 prevent commission compliance with laws relating to audit or
23 inspection of accounts by or on behalf of any government
24 contributing to the support of the commission.

25
26 ARTICLE VIII

27
28 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

29 A. This compact shall have as eligible parties all
30 states, territories, and possessions of the United States, the
31 District of Columbia, and the Commonwealth of Puerto Rico. In

1 respect of any such jurisdiction not having a governor, the
2 term "governor," as used in this compact, shall mean the
3 closest equivalent official of such jurisdiction.

4 B. Any state or other eligible jurisdiction may enter
5 into this compact and it shall become binding thereon when it
6 has adopted the same; provided that in order to enter into
7 initial effect, adoption by at least ten eligible party
8 jurisdictions shall be required.

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

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

29
30 ARTICLE IX
31

1 CONSTRUCTION AND SEVERABILITY.--

2 This compact shall be liberally construed so as to
3 effectuate the purposes thereof. The provisions of this
4 compact shall be severable, and if any phrase, clause,
5 sentence or provision of this compact is declared to be
6 contrary to the constitution of any state or of the United
7 States, or the application thereof to any government, agency,
8 person or circumstance is held invalid, the validity of the
9 remainder of this compact and the applicability thereof to any
10 government, agency, person or circumstance shall not be
11 affected thereby. If this compact shall be held contrary to
12 the constitution of any state participating therein, the
13 compact shall remain in full force and effect as to the state
14 affected as to all severable matters.

15 Section 16. Chapter 1001, Florida Statutes, shall be
16 entitled "K-20 Governance" and shall consist of ss.
17 1001.01-1001.75.

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

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

24 Section 19. Section 1001.01, Florida Statutes, is
25 created to read:

26 1001.01 State Board of Education generally.--

27 (1) The State Board of Education is established as a
28 body corporate. The board shall be a citizen board consisting
29 of seven members who are residents of the state appointed by
30 the Governor to staggered 4-year terms, subject to
31 confirmation by the Senate. Members of the board shall serve

1 without compensation but shall be entitled to reimbursement of
2 travel and per diem expenses in accordance with s. 112.061.
3 Members may be reappointed by the Governor for additional
4 terms not to exceed 8 years of consecutive service.

5 (2) The State Board of Education shall select a chair
6 and a vice chair from its appointed members. The chair shall
7 serve a 2-year term and may be reselected for one additional
8 consecutive term.

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

12 Section 20. Section 1001.02, Florida Statutes, is
13 created to read:

14 1001.02 General powers of State Board of Education.--

15 (1) The State Board of Education is the chief
16 implementing and coordinating body of public education in
17 Florida, and it shall focus on high-level policy decisions. It
18 has authority to adopt rules pursuant to ss. 120.536(1) and
19 120.54 to implement the provisions of law conferring duties
20 upon it for the improvement of the state system of K-20 public
21 education. Except as otherwise provided herein, it may, as it
22 finds appropriate, delegate its general powers to the
23 Commissioner of Education or the directors of the divisions of
24 the department.

25 (2) The State Board of Education has the following
26 duties:

27 (a) To adopt comprehensive educational objectives for
28 public education.

29 (b) To adopt comprehensive long-range plans and
30 short-range programs for the development of the state system
31 of public education.

1 (c) To exercise general supervision over the divisions
2 of the Department of Education as necessary to ensure
3 coordination of educational plans and programs and resolve
4 controversies and to minimize problems of articulation and
5 student transfers, to ensure that students moving from one
6 level of education to the next have acquired competencies
7 necessary for satisfactory performance at that level, and to
8 ensure maximum utilization of facilities.

9 (d) To adopt for state universities and community
10 colleges, and from time to time modify, minimum and uniform
11 standards of college-level communication and computation
12 skills generally associated with successful performance and
13 progression through the baccalaureate level and to identify
14 college-preparatory high school coursework and
15 postsecondary-level coursework that prepares students with the
16 academic skills necessary to succeed in postsecondary
17 education.

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

29 (f) To hold meetings, transact business, keep records,
30 adopt a seal, and perform such other duties as may be
31

1 necessary for the enforcement of all laws and rules relating
2 to the state system of public education.

3 (g) To approve plans for cooperating with the Federal
4 Government.

5 (h) To approve plans for cooperating with other public
6 agencies in the development of rules and in the enforcement of
7 laws for which the state board and such agencies are jointly
8 responsible.

9 (i) To review plans for cooperating with appropriate
10 nonpublic agencies for the improvement of conditions relating
11 to the welfare of schools.

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

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

17 (l) To assist in the economic development of the state
18 by developing a state-level planning process to identify
19 future training needs for industry, especially high-technology
20 industry.

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

24 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
25 and 120.54, within statutory authority, for education
26 systemwide issues.

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

29 (p) To contract with independent institutions
30 accredited by an agency whose standards are comparable to the
31 minimum standards required to operate a postsecondary

1 educational institution at that level in the state. The
2 purpose of the contract is to provide those educational
3 programs and facilities which will meet needs unfulfilled by
4 the state system of public postsecondary education.

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

8 (r) To enforce systemwide education goals and
9 policies.

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

13 (t) To establish accountability standards for existing
14 legislative performance goals, standards, and measures, and
15 order the development of mechanisms to implement new
16 legislative goals, standards, and measures.

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

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

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

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

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

31

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

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

6 (3) The State Board of Education shall adopt rules to
7 establish the criteria for assigning, reviewing, and removing
8 limited-access status to an educational program. The State
9 Board of Education shall monitor the extent of limited-access
10 programs within the state universities and report to the
11 Legislature admissions and enrollment data for limited-access
12 programs. Such report shall be submitted annually by December
13 1 and shall assist in determining the potential need for
14 academic-program contracts with independent institutions
15 pursuant to paragraph (2)(p). The report must specify, for
16 each limited-access program within each institution, the
17 following categories, by race and gender:

18 (a) The number of applicants.

19 (b) The number of applicants granted admission.

20 (c) The number of applicants who are granted admission
21 and enroll.

22 (d) The number of applicants denied admission.

23 (e) The number of applicants neither granted admission
24 nor denied admission.

25
26 Each category must be reported for each term. Each category
27 must be reported by type of student, including the following
28 subcategories: native students, community college associate in
29 arts degree transfer students, and other students. Each
30 category and subcategory must further be reported according to
31 the number of students who meet or exceed the minimum

1 eligibility requirements for admission to the program and the
 2 number of students who do not meet or exceed the minimum
 3 eligibility requirements for admission to the program.

4 (4) The State Board of Education shall review, and
 5 approve or disapprove, baccalaureate-degree programs that
 6 exceed 120 semester hours, after considering accreditation
 7 requirements, employment and earnings of graduates,
 8 comparative program lengths nationally, and comparisons with
 9 similar programs offered by independent institutions. By
 10 December 31 of each year, the State Board of Education must
 11 report to the Legislature any degrees in the state
 12 universities that require more than 120 hours, along with
 13 appropriate evidence of need. At least every 5 years, the
 14 State Board of Education must determine whether the programs
 15 still require more than the standard length of 120 hours.

16 (5)(a) The State Board of Education shall adopt a
 17 systemwide strategic plan that specifies goals and objectives
 18 for the state universities and community colleges. In
 19 developing this plan, the State Board of Education shall
 20 consider the role of individual public and independent
 21 institutions within the state. The plan shall provide for the
 22 roles of the universities and community colleges to be
 23 coordinated to best meet state needs and reflect
 24 cost-effective use of state resources. The strategic plan must
 25 clarify mission statements and identify degree programs to be
 26 offered at each university and community college in accordance
 27 with the objectives provided in this subsection. The
 28 systemwide strategic plan must cover a period of 5 years, with
 29 modification of the program lists after 2 years. Development
 30 of each 5-year plan must be coordinated with and initiated
 31 after completion of the master plan. The systemwide and

1 university and community college strategic plans must
 2 specifically include programs and procedures for responding to
 3 the educational needs of teachers and students in the public
 4 schools of this state. The state board shall submit a report
 5 to the President of the Senate and the Speaker of the House of
 6 Representatives upon modification of the system plan.

7 **(b)** The State Board of Education shall develop
 8 long-range plans and annual reports for financial aid in this
 9 state. The long-range plans shall establish goals and
 10 objectives for a comprehensive program of financial aid for
 11 Florida students and shall be updated every 5 years. The
 12 annual report shall include an assessment of progress made in
 13 achieving goals and objectives established in the long-range
 14 plans and recommendations for repealing or modifying existing
 15 financial aid programs or establishing new programs. A
 16 long-range plan shall be submitted by January 1, 2004, and
 17 every 5 years thereafter. An annual report shall be submitted
 18 on January 1, 2004, and in each successive year that a
 19 long-range plan is not submitted, to the President of the
 20 Senate and the Speaker of the House of Representatives.

21 **(6)** The State Board of Education shall coordinate the
 22 programs with the Council for Education Policy Research and
 23 Improvement, including doctoral programs. The programs shall
 24 be reviewed every 5 years or whenever the state board
 25 determines that the effectiveness or efficiency of a program
 26 is jeopardized. The State Board of Education shall define the
 27 indicators of quality and the criteria for program review for
 28 every program. Such indicators include need, student demand,
 29 industry-driven competencies for advanced technology and
 30 related programs, and resources available to support

31

1 continuation. The results of the program reviews must be tied
2 to the university and community college budget requests.

3 (7) The State Board of Education shall:

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

7 (b) Specify, by rule, procedures to be used by the
8 boards of trustees in the annual evaluations of presidents and
9 review the evaluations of presidents by the boards of
10 trustees.

11 (c) Establish an effective information system that
12 will provide composite data concerning the community colleges
13 and state universities and ensure that special analyses and
14 studies concerning the institutions are conducted, as
15 necessary, for provision of accurate and cost-effective
16 information concerning the institutions.

17 (d) Establish criteria for making recommendations for
18 modifying district boundary lines for community colleges.

19 (e) Establish criteria for making recommendations
20 concerning all proposals for the establishment of additional
21 centers or campuses for community colleges and state
22 universities.

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

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

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

30 (8) The State Board of Education is responsible for
31 reviewing and administering the state program of support for

1 the community colleges and, subject to existing law, shall
2 establish the tuition and out-of-state fees for
3 college-preparatory instruction and for credit instruction
4 that may be counted toward an associate in arts degree, an
5 associate in applied science degree, or an associate in
6 science degree.

7 (9) The State Board of Education shall prescribe
8 minimum standards, definitions, and guidelines for community
9 colleges and state universities that will ensure the quality
10 of education, coordination among the community colleges and
11 state universities, and efficient progress toward
12 accomplishing the community college and state university
13 mission. At a minimum, these rules must address:

14 (a) Personnel.

15 (b) Contracting.

16 (c) Program offerings and classification, including
17 college-level communication and computation skills associated
18 with successful performance in college and with tests and
19 other assessment procedures that measure student achievement
20 of those skills. The performance measures must provide that
21 students moving from one level of education to the next
22 acquire the necessary competencies for that level.

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

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

29 2. Require all of the credits accepted for the
30 associate in arts degree to be in the statewide course
31

1 numbering system as credits towards a baccalaureate degree
2 offered by a state university.

3 3. Require no more than 36 semester credit hours in
4 general education courses in the subject areas of
5 communication, mathematics, social sciences, humanities, and
6 natural sciences.

7
8 The rules should encourage community colleges to enter into
9 agreements with state universities that allow community
10 college students to complete upper-division-level courses at a
11 community college. An agreement may provide for concurrent
12 enrollment at the community college and the state university
13 and may authorize the community college to offer an
14 upper-division-level course or distance learning.

15 (e) Student admissions, conduct and discipline,
16 nonclassroom activities, and fees.

17 (f) Budgeting.

18 (g) Business and financial matters.

19 (h) Student services.

20 (i) Reports, surveys, and information systems,
21 including forms and dates of submission.

22 Section 21. Section 1001.03, Florida Statutes, is
23 created to read:

24 1001.03 Specific powers of State Board of Education.--

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

29 (2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF
30 EDUCATION.--The State Board of Education shall govern issues
31 relating to use of property, facilities, and personal services

1 between the Department of Education and its direct-support
2 organization and shall certify that the organization operates
3 at all times in a manner consistent with the goals and best
4 interest of the department, pursuant to s. 1001.24.

5 (3) PROFESSIONAL CERTIFICATES.--The State Board of
6 Education shall classify school services, designate the
7 certification subject areas, establish competencies, including
8 the use of technology to enhance student learning, and
9 certification requirements for all school-based personnel, and
10 prescribe rules in accordance with which the professional,
11 temporary, and part-time certificates shall be issued by the
12 Department of Education to applicants who meet the standards
13 prescribed by such rules for their class of service, as
14 described in chapter 1012.

15 (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State
16 Board of Education shall ensure that not-for-profit,
17 professional teacher associations that offer membership to all
18 teachers, noninstructional personnel, and administrators, and
19 that offer teacher training and staff development at no fee to
20 the district, shall be given equal access to voluntary teacher
21 meetings, be provided access to teacher mailboxes for
22 distribution of professional literature, and be authorized to
23 collect voluntary membership fees through payroll deduction.

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

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

1 (7) ARTICULATION ACCOUNTABILITY.--The State Board of
2 Education shall develop articulation accountability measures
3 that assess the status of systemwide articulation processes,
4 and shall establish an articulation accountability process in
5 accordance with the provisions of chapter 1008.

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

10 (9) MANAGEMENT INFORMATION DATABASES.--The State Board
11 of Education shall continue to collect and maintain, at a
12 minimum, the management information databases for state
13 universities, and all other components of the public K-20
14 education system as such databases existed on June 30, 2002.

15 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
16 EDUCATION.--The State Board of Education shall develop and
17 implement a common placement test to assess the basic
18 computation and communication skills of students who intend to
19 enter a degree program at any community college or state
20 university.

21 (11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY
22 EDUCATION.--The State Board of Education shall adopt minimum
23 standards relating to nonpublic postsecondary education and
24 institutions, in accordance with the provisions of chapter
25 1005.

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

29 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC
30 PROGRAMS.--The State Board of Education shall provide for the
31 cyclic review of all academic programs in community colleges

1 and state universities at least every 7 years. Program reviews
2 shall document how individual academic programs are achieving
3 stated student learning and program objectives within the
4 context of the institution's mission. The results of the
5 program reviews shall inform strategic planning, program
6 development, and budgeting decisions at the institutional
7 level.

8 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
9 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of
10 Education shall recommend to the Legislature by February 1,
11 2003, a uniform classification system for school district
12 administrative and management personnel that will facilitate
13 the uniform coding of administrative and management personnel
14 to total district employees.

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

18 Section 23. Section 1001.10, Florida Statutes, is
19 created to read:

20 1001.10 Commissioner of Education; general powers and
21 duties.--The Commissioner of Education is the chief
22 educational officer of the state, and is responsible for
23 giving full assistance to the State Board of Education in
24 enforcing compliance with the mission and goals of the
25 seamless K-20 education system. The commissioner has the
26 following general powers and duties:

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

29 (2) To advise and counsel with the State Board of
30 Education on all matters pertaining to education; to recommend
31 to the State Board of Education actions and policies as, in

1 the commissioner's opinion, should be acted upon or adopted;
2 and to execute or provide for the execution of all acts and
3 policies as are approved.

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

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

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

17 (6) To take action on the release of mineral rights
18 based upon the recommendations of the Board of Trustees of the
19 Internal Improvement Trust Fund.

20 (7) To submit to the State Board of Education, on or
21 before August 1 of each year, recommendations for a
22 coordinated K-20 education budget that estimates the
23 expenditures for the State Board of Education, including the
24 Department of Education, the Commissioner of Education, and
25 all of the boards, institutions, agencies, and services under
26 the general supervision of the State Board of Education for
27 the ensuing fiscal year. Any program recommended to the State
28 Board of Education that will require increases in state
29 funding for more than 1 year must be presented in a multiyear
30 budget plan.

31

1 (8) To develop and implement a plan for cooperating
2 with the Federal Government in carrying out any or all phases
3 of the educational program and to recommend policies for
4 administering funds that are appropriated by Congress and
5 apportioned to the state for any or all educational purposes.

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

12 (10) To prepare forms and procedures as are necessary
13 to be used by district school boards and all other educational
14 agencies to assure uniformity, accuracy, and efficiency in the
15 keeping of records, the execution of contracts, the
16 preparation of budgets, or the submission of reports; and to
17 furnish at state expense, when deemed advisable by the
18 commissioner, those forms that can more economically and
19 efficiently be provided.

20 (11) To implement a program of school improvement and
21 education accountability designed to provide all students the
22 opportunity to make adequate learning gains in each year of
23 school as provided by statute and State Board of Education
24 rule based upon the achievement of the state education goals,
25 recognizing the following:

26 (a) The State Board of Education is the body corporate
27 responsible for the supervision of the system of public
28 education.

29 (b) The district school board is responsible for
30 school and student performance.

31

1 (c) The individual school is the unit for education
2 accountability.

3 (d) The community college board of trustees is
4 responsible for community college performance and student
5 performance.

6 (e) The university board of trustees is responsible
7 for university performance and student performance.

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

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

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

18 (15) To develop criteria for use by state
19 instructional materials committees in evaluating materials
20 submitted for adoption consideration. The criteria shall, as
21 appropriate, be based on instructional expectations reflected
22 in curriculum frameworks and student performance standards.
23 The criteria for each subject or course shall be made
24 available to publishers of instructional materials pursuant to
25 the requirements of chapter 1006.

26 (16) To prescribe procedures for evaluating
27 instructional materials submitted by publishers and
28 manufacturers in each adoption.

29
30 The commissioner's office shall operate all statewide
31 functions necessary to support the State Board of Education

1 and the K-20 education system, including strategic planning
2 and budget development, general administration, and assessment
3 and accountability.

4 Section 24. Section 1001.11, Florida Statutes, is
5 created to read:

6 1001.11 Commissioner of Education; other duties.--

7 (1) The Commissioner of Education must independently
8 perform the following duties:

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

11 (b) Serve as the primary source of information to the
12 Legislature, including the President of the Senate and the
13 Speaker of the House of Representatives, concerning the State
14 Board of Education and the K-20 education system.

15 (c) Develop and implement a process for receiving and
16 processing requests, in conjunction with the Legislature, for
17 the allocation of PECO funds for qualified postsecondary
18 education projects.

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

21 (e) Monitor the activities of the State Board of
22 Education and provide information related to current and
23 pending policies to the members of the boards of trustees of
24 the community colleges and state universities.

25 (f) Ensure the timely provision of information
26 requested by the Legislature from the State Board of
27 Education, the commissioner's office, and the Department of
28 Education.

29 (2)(a) The Commissioner of Education shall recommend
30 to the State Board of Education performance goals addressing
31 the educational needs of the state for the K-20 education

1 system. The Council for Education Policy Research and
2 Improvement, as an independent entity, shall develop a report
3 card assigning grades to indicate Florida's progress toward
4 meeting those goals. The annual report card shall contain
5 information showing Florida's performance relative to other
6 states on selected measures, as well as Florida's ability to
7 meet the need for postsecondary degrees and programs and how
8 well the Legislature has provided resources to meet this need.
9 The information shall include the results of the National
10 Assessment of Educational Progress or a similar national
11 assessment program administered to students in Florida. By
12 January 1 of each year, the Council for Education Policy
13 Research and Improvement shall submit the report card to the
14 Legislature, the Governor, and the public.

15 (b) Prior to the regular legislative session, the
16 Commissioner of Education shall present to the Legislature a
17 plan for correcting any deficiencies identified in the report
18 card.

19 (3) Notwithstanding any other provision of law to the
20 contrary, the Commissioner of Education, in conjunction with
21 the Legislature, must recommend funding priorities for the
22 distribution of capital outlay funds for public postsecondary
23 educational institutions, based on priorities that include,
24 but are not limited to, the following criteria:

25 (a) Growth at the institutions.

26 (b) Need for specific skills statewide.

27 (c) Need for maintaining and repairing existing
28 facilities.

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

1 (5) The commissioner shall design and implement a
2 statewide program of educational assessment that provides
3 information for the improvement of the operation and
4 management of the public schools, including schools operating
5 for the purpose of providing educational services to youth in
6 Department of Juvenile Justice programs, in accordance with
7 the requirements of chapter 1008.

8 (6) The commissioner is responsible for implementing
9 and maintaining a system of intensive school improvement and
10 stringent education accountability, in accordance with the
11 requirements of chapter 1008.

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

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

17 1001.20 Department under direction of state board.--

18 (1) The Department of Education shall be organized
19 consistently with the requirements of s. 20.15, and shall act
20 as an administrative and supervisory agency under the
21 implementation direction of the State Board of Education.

22 (2) The department is to be located in the offices of
23 the Commissioner of Education and shall assist in providing
24 professional leadership and guidance and in carrying out the
25 policies, procedures, and duties authorized by law or by the
26 State Board of Education or found necessary by it to attain
27 the purposes and objectives of this code.

28 (3) The Department of Education shall maintain an
29 Office of the Commissioner of Education that includes the
30 general areas of operation that are common to all delivery
31 sectors, such as administration, communication, legal

1 services, financial aid, and government and public relations,
2 in order to increase efficiency, improve service delivery to
3 students, and fully support the operational needs of the State
4 Board of Education.

5 (4) The Department of Education shall establish the
6 following offices within the Office of the Commissioner of
7 Education which shall coordinate their activities with all
8 other divisions and offices:

9 (a) Office of Technology and Information
10 Services.--Responsible for developing a systemwide technology
11 plan, making budget recommendations to the commissioner,
12 providing data collection and management for the system, and
13 coordinating services with other state, local, and private
14 agencies. The office shall develop a method to address the
15 need for a statewide approach to planning and operations of
16 library and information services to achieve a single K-20
17 education system library information portal and a unified
18 higher education library management system. The Florida
19 Virtual High School shall be administratively housed within
20 the office.

21 (b) Office of Workforce and Economic
22 Development.--Responsible for evaluating the role of each
23 sector of education in Florida's workforce and economic
24 development, assessing the specific work skills and variety of
25 careers provided, and reporting to the State Board of
26 Education the effectiveness of each sector.

27 (c) Office of Educational Facilities and SMART Schools
28 Clearinghouse.--Responsible for validating all educational
29 plant surveys and verifying Florida Inventory of School Houses
30 (FISH) data. The office shall provide technical assistance to
31 public school districts when requested.

1 (d) Office of Student Financial
2 Assistance.--Responsible for providing access to and
3 administering state and federal grants, scholarships, and
4 loans to those students seeking financial assistance for
5 postsecondary study pursuant to program criteria and
6 eligibility requirements.

7 (e) Office of Inspector General.--Organized using
8 existing resources and funds and responsible for promoting
9 accountability, efficiency, and effectiveness and detecting
10 fraud and abuse within school districts, community colleges,
11 and state universities in Florida. If the Commissioner of
12 Education determines that a district school board or public
13 postsecondary educational institution board is unwilling or
14 unable to address substantiated allegations made by any person
15 relating to waste, fraud, or financial mismanagement, the
16 office shall conduct, coordinate, or request investigations
17 into substantiated allegations made by any person relating to
18 waste, fraud, or financial mismanagement within school
19 districts, community colleges, and state universities in
20 Florida. The office shall have access to all information and
21 personnel necessary to perform its duties and shall have all
22 of its current powers, duties, and responsibilities authorized
23 in s. 20.055.

24 Section 27. Section 1001.21, Florida Statutes, is
25 created to read:

26 1001.21 Office of Private Schools and Home Education
27 Programs.--The state recognizes the contributions of private
28 schools and home education programs in providing alternatives
29 to public school education. These nongovernmental educational
30 systems serve the public, but are not considered to be a part
31 of the public system of education.

1 (1) The Office of Private Schools and Home Education
2 Programs is established within the Department of Education.
3 The Department of Education and the Commissioner of Education
4 have no authority over the institutions or students served by
5 the office. The office shall:

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

8 (b) Serve the interests of private institutions.

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

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

13 (a) Serve as a source of communication between private
14 schools, home education programs, the Commissioner of
15 Education, and the State Board of Education.

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

19 (c) Establish a clearinghouse of information for the
20 public.

21 (d) Foster a collaborative spirit and working
22 relationship among private schools, home education programs,
23 and the public sector.

24 (e) Identify and convey the best practices of private
25 schools and home education programs for the benefit of the
26 public and private education delivery sectors.

27 (f) Represent issues and concerns relating to home
28 education programs and private schools on all applicable ad
29 hoc advisory bodies.

30 Section 28. Section 1001.22, Florida Statutes, is
31 created to read:

1 1001.22 Commission for Independent Education.--The
2 Commission for Independent Education shall authorize granting
3 of certificates, diplomas, and degrees for independent
4 postsecondary educational institutions pursuant to chapter
5 1005.

6 Section 29. Section 1001.23, Florida Statutes, is
7 created to read:

8 1001.23 Specific powers and duties of the Department
9 of Education.--In addition to all other duties assigned to it
10 by law or by rule of the State Board of Education, the
11 department shall:

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

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

18 (3) Identify the needs of the state system of public
19 education as they relate to the development and production of
20 materials used in instruction, in accordance with the
21 requirements of chapter 1006.

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

24 (a) Photograph, microphotograph, or reproduce on film
25 or prints, documents, records, data, and information of a
26 permanent character and destroy any of the documents after
27 they have been photographed and after audit of the department
28 has been completed for the period embracing the dates of the
29 instruments. Photographs or microphotographs in the form of
30 film or prints made in compliance with the provisions of this
31 subsection shall have the same force and effect as the

1 originals would have, and shall be treated as originals for
2 the purpose of their admissibility in evidence. Duly certified
3 or authenticated reproductions of such photographs or
4 microphotographs shall be admitted in evidence equally with
5 the original photographs or microphotographs.

6 (b) Destroy general correspondence that is over 3
7 years old; records of bills, accounts, vouchers, and
8 requisitions that are over 5 years old and copies of which
9 have been filed with the Comptroller; and other records,
10 papers, and documents over 3 years old that do not serve as
11 part of an agreement or understanding and do not have value as
12 permanent records.

13 Section 30. Section 1001.24, Florida Statutes, is
14 created to read:

15 1001.24 Direct-support organization; use of property;
16 board of directors; audit.--

17 (1) DEFINITIONS.--For the purposes of this section,
18 the term:

19 (a) "Department of Education direct-support
20 organization" means an organization:

21 1. That is a corporation not for profit that is
22 incorporated under the provisions of chapter 617 and approved
23 by the Department of State.

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

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

31

1 **(b) "Personal services" includes full-time or**
2 **part-time personnel, as well as payroll processing.**

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

4 **(a) May permit the use of property, facilities, and**
5 **personal services of the department by the direct-support**
6 **organization, subject to the provisions of this section.**

7 **(b) Shall prescribe by rule conditions with which the**
8 **direct-support organization must comply in order to use**
9 **property, facilities, or personal services of the department.**
10 **Such rules shall provide for budget and audit review and for**
11 **oversight by the department.**

12 **(c) Shall not permit the use of property, facilities,**
13 **or personal services of the direct-support organization if**
14 **such organization does not provide equal employment**
15 **opportunities to all persons, regardless of race, color,**
16 **national origin, sex, age, or religion.**

17 **(3) BOARD OF DIRECTORS.--The board of directors of the**
18 **department direct-support organization shall be appointed by**
19 **the commissioner and shall include representation from**
20 **business, industry, and other components of Florida's economy.**

21 **(4) ANNUAL AUDIT.--Each direct-support organization**
22 **shall provide for an annual financial audit of its accounts**
23 **and records to be conducted by an independent certified public**
24 **accountant in accordance with rules adopted by the Auditor**
25 **General pursuant to s. 11.45(8). The annual audit report shall**
26 **be submitted, within 9 months after the end of the fiscal**
27 **year, to the Auditor General for review. The Auditor General**
28 **and the Office of Program Policy Analysis and Government**
29 **Accountability shall have the authority to require and receive**
30 **from the organization or from its independent auditor any**
31 **records relative to the operation of the organization. The**

1 identity of donors who desire to remain anonymous shall be
2 protected, and that anonymity shall be maintained in the
3 auditor's report. All records of the organization other than
4 the auditor's report, management letter, and any supplemental
5 data requested by the Auditor General and the Office of
6 Program Policy Analysis and Government Accountability shall be
7 confidential and exempt from the provisions of s. 119.07(1).

8 Section 31. Section 1001.25, Florida Statutes, is
9 created to read:

10 1001.25 Educational television.--

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

31

1 in the planning of programs calculated to further the
2 education of the state's citizens.

3 (2) POWERS OF DEPARTMENT.--

4 (a) The department may encourage:

5 1. The extension of educational television network
6 facilities.

7 2. The coordination of Florida's educational
8 television with that of other states and with the Federal
9 Government.

10 3. The further development of educational television
11 within the state.

12 (b) The department shall provide through educational
13 television and other electronic media a means of extending
14 educational services to all the state system of public
15 education, except the state universities, which provision by
16 the department is limited by paragraph (c) and by s.
17 1006.26(1). The department shall recommend to the State Board
18 of Education rules necessary to provide such services.

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

1 (3) PROHIBITED USE, PENALTY.--

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

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

22 (4) DUTY OF DEPARTMENT.--The department is responsible
23 for identifying the needs of the state system of public
24 education as they relate to the development and production of
25 materials used in instruction. When such identified needs are
26 considered to be best satisfied by the production of new
27 materials, the department may commission or contract for the
28 production of such materials.

29 Section 32. Section 1001.26, Florida Statutes, is
30 created to read:

31 1001.26 Public broadcasting program system.--

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

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

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

17 (c) Interconnection of all educational stations that
18 are part of the program system for simultaneous broadcast and
19 of such stations with all universities and other institutions
20 as necessary for sharing of resources and delivery of
21 programming.

22 (d) Establishment and maintenance of a capability for
23 statewide program distribution with facilities and staff,
24 provided such facilities and staff complement and strengthen
25 existing or future educational television and radio stations
26 in accordance with paragraph (a) and s. 1001.25(2)(c).

27 (e) Provision of both statewide programming funds and
28 station programming support for educational television and
29 educational radio to meet statewide priorities. Priorities for
30 station programming need not be the same as priorities for
31 programming to be used statewide. Station programming may

1 include, but shall not be limited to, citizens' participation
2 programs, music and fine arts programs, coverage of public
3 hearings and governmental meetings, equal air time for
4 political candidates, and other public interest programming.

5 (2)(a) The Department of Education is responsible for
6 implementing the provisions of this section pursuant to part
7 III of chapter 287 and may employ personnel, acquire equipment
8 and facilities, and perform all duties necessary for carrying
9 out the purposes and objectives of this section.

10 (b) The department shall provide through educational
11 television and other electronic media a means of extending
12 educational services to all the state system of public
13 education. The department shall recommend to the State Board
14 of Education rules necessary to provide such services.

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

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

31

1 Section 33. Section 1001.27, Florida Statutes, is
2 created to read:

3 1001.27 State satellite network.--

4 (1) There is created a state satellite network, which
5 shall provide one-way video and audio transmissions with
6 regional access for all Floridians, state agencies, county and
7 municipal governments, business and industry, and other public
8 and private entities to participate in classroom instruction,
9 continuing education, special events programs, and one-way
10 video teleconferencing.

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

14 (3) The department, in consultation with the
15 Department of Management Services, shall implement the
16 provisions of this section and coordinate the network.
17 Specifically, the department shall:

18 (a) Provide for technical analysis of suitable
19 existing satellite receiving equipment at Florida public
20 postsecondary institutions for inclusion in the network.

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

25 (c) Develop an implementation plan that provides for
26 designation of a site in each community college region for
27 inclusion in the initial network. Criteria for selection
28 shall include:

29 1. Accessibility to a substantial portion of the
30 population of the region.

31

1 2. Demonstrated institutional commitment to support
2 and encourage use of the network both within the region and
3 statewide.

4 3. Willingness to complement state support with
5 matching institutional resources.

6 4. Evidence of cooperation and coordinated planning
7 with other postsecondary institutions in the region.

8 5. Availability of existing telecommunications
9 equipment which is compatible or adaptable for use in the
10 network.

11 (d) Identify additional sites for inclusion in the
12 network in the event that demand exceeds the capacity of the
13 initial network.

14 (e) Coordinate scheduling and encourage use of the
15 network.

16 (f) Develop operating procedures for the system and
17 recommend fee schedules for both public and private entities
18 wishing to transmit or receive programming through the
19 network. Scheduling procedures shall assign the highest
20 priority to educational programming.

21 (g) Provide training for institutional, state agency,
22 and other personnel in effective techniques for the use of the
23 network.

24 (h) Provide initial startup support for operations,
25 maintenance, and publicity costs of the network. Continuation
26 costs in these areas shall be recovered through user fees and
27 local resources.

28 (4) All audio components of this system that are not
29 transmitted simultaneously with video to a domestic satellite
30 shall be transmitted through common carriers regulated
31 pursuant to chapter 364.

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

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

5 Section 34. Section 1001.28, Florida Statutes, is
6 created to read:

7 1001.28 Distance learning duties.--The duties of the
8 Department of Education concerning distance learning include,
9 but are not limited to, the duty to:

10 (1) Facilitate the implementation of a statewide
11 coordinated system and resource system for cost-efficient
12 advanced telecommunications services and distance education
13 which will increase overall student access to education.

14 (2) Coordinate the use of existing resources,
15 including, but not limited to, the state's satellite
16 transponders on the education satellites, the SUNCOM Network,
17 the Florida Information Resource Network (FIRN), the
18 Department of Management Services, the Department of
19 Corrections, and the Department of Children and Family
20 Services' satellite communication facilities to support a
21 statewide advanced telecommunications services and distance
22 learning network.

23 (3) Assist in the coordination of the utilization of
24 the production and uplink capabilities available through
25 Florida's public television stations, eligible facilities,
26 independent colleges and universities, private firms, and
27 others as needed.

28 (4) Seek the assistance and cooperation of Florida's
29 cable television providers in the implementation of the
30 statewide advanced telecommunications services and distance
31 learning network.

1 (5) Seek the assistance and cooperation of Florida's
2 telecommunications carriers to provide affordable student
3 access to advanced telecommunications services and to distance
4 learning.

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

7 (7) Secure and administer funding for programs and
8 activities for distance learning from federal, state, local,
9 and private sources and from fees derived from services and
10 materials.

11 (8) Manage the state's satellite transponder resources
12 and enter into lease agreements to maximize the use of
13 available transponder time. All net revenue realized through
14 the leasing of available transponder time, after deducting the
15 costs of performing the management function, shall be recycled
16 to support the public education distance learning in this
17 state based upon an allocation formula of one-third to the
18 Department of Education, one-third to community colleges, and
19 one-third to state universities.

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

24
25 Nothing in this section shall be construed to abrogate,
26 supersede, alter, or amend the powers and duties of any state
27 agency, district school board, community college board of
28 trustees, university board of trustees, or the State Board of
29 Education.

30
31

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

4 Section 36. Section 1001.30, Florida Statutes, is
5 created to read:

6 1001.30 District unit.--Each county shall constitute a
7 school district and shall be known as the school district of
8 County, Florida. Each district shall constitute a unit
9 for the control, organization, and administration of schools.
10 The responsibility for the actual operation and administration
11 of all schools needed within the districts in conformity with
12 rules and minimum standards prescribed by the state, and also
13 the responsibility for the provision of any desirable and
14 practicable opportunities authorized by law beyond those
15 required by the state, are delegated by law to the school
16 officials of the respective districts.

17 Section 37. Section 1001.31, Florida Statutes, is
18 created to read:

19 1001.31 Scope of district system.--A district school
20 system shall include all public schools, classes, and courses
21 of instruction and all services and activities directly
22 related to education in that district which are under the
23 direction of the district school officials. A district school
24 system may also include alternative site schools for
25 disruptive or violent youth. Such schools for disruptive or
26 violent youth may be funded by each district or provided
27 through cooperative programs administered by a consortium of
28 school districts, private providers, state and local law
29 enforcement agencies, and the Department of Juvenile Justice.
30 Pursuant to cooperative agreement, a district school system
31 shall provide instructional personnel at juvenile justice

1 facilities of 50 or more beds or slots with access to the
2 district school system database for the purpose of accessing
3 student academic, immunization, and registration records for
4 students assigned to the programs. Such access shall be in the
5 same manner as provided to other schools in the district.

6 Section 38. Section 1001.32, Florida Statutes, is
7 created to read:

8 1001.32 Management, control, operation,
9 administration, and supervision.--The district school system
10 must be managed, controlled, operated, administered, and
11 supervised as follows:

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

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

27 (3) DISTRICT SCHOOL SUPERINTENDENT.--Responsibility
28 for the administration and management of the schools and for
29 the supervision of instruction in the district shall be vested
30 in the district school superintendent as the secretary and
31

1 executive officer of the district school board, as provided by
2 law.

3 (4) SCHOOL PRINCIPAL OR HEAD OF
4 SCHOOL.--Responsibility for the administration of any school
5 or schools at a given school center, for the supervision of
6 instruction therein, and for providing leadership in the
7 development or revision and implementation of a school
8 improvement plan required pursuant to s. 1001.42(16) shall be
9 delegated to the school principal or head of the school or
10 schools in accordance with rules established by the district
11 school board.

12 Section 39. Section 1001.33, Florida Statutes, is
13 created to read:

14 1001.33 Schools under control of district school board
15 and district school superintendent.--Except as otherwise
16 provided by law, all public schools conducted within the
17 district shall be under the direction and control of the
18 district school board with the district school superintendent
19 as executive officer.

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

23 Section 41. Section 1001.34, Florida Statutes, is
24 created to read:

25 1001.34 Membership of district school board.--Each
26 district school board shall be composed of not less than five
27 members. Each member of the district school board shall be a
28 qualified elector of the district in which she or he serves,
29 shall be a resident of the district school board member
30 residence area from which she or he is elected, and shall
31 maintain said residency throughout her or his term of office.

1 Section 42. Section 1001.35, Florida Statutes, is
2 created to read:

3 1001.35 Term of office.--District school board members
4 shall be elected at the general election in November for terms
5 of 4 years.

6 Section 43. Section 1001.36, Florida Statutes, is
7 created to read:

8 1001.36 District school board member residence
9 areas.--

10 (1) For the purpose of electing district school board
11 members, each district shall be divided into at least five
12 district school board member residence areas, which shall be
13 numbered one to five, inclusive, and which shall, as nearly as
14 practicable, be equal in population.

15 (a) For those school districts, which have seven
16 district school board members, the district may be divided
17 into five district school board member residence areas, with
18 two district school board members elected at large, or the
19 district may be divided into seven district school board
20 member residence areas. In the latter case, the residence
21 areas shall be numbered one to seven inclusive and shall be
22 equal in population as nearly as practicable.

23 (b) For those school districts which have seven
24 district school board members, the number of district school
25 board member residence areas shall be determined by resolution
26 passed by a majority vote of the district school board.

27 (2) Any district school board may make any change that
28 it deems necessary in the boundaries of any district school
29 board member residence area at any meeting of the district
30 school board, provided that such changes shall be made only in
31 odd-numbered years and that no change that would affect the

1 residence qualifications of any incumbent member shall
2 disqualify such incumbent member during the term for which he
3 or she is elected.

4 (3) Such changes in boundaries shall be shown by
5 resolutions spread upon the minutes of the district school
6 board, shall be recorded in the office of the clerk of the
7 circuit court, and shall be published at least once in a
8 newspaper published in the district within 30 days after the
9 adoption of the resolution, or, if there be no newspaper
10 published in the district, shall be posted at the county
11 courthouse door for 4 weeks thereafter. A certified copy of
12 this resolution shall be transmitted to the Department of
13 State.

14 Section 44. Section 1001.361, Florida Statutes, is
15 created to read:

16 1001.361 Election of board by districtwide
17 vote.--Notwithstanding any provision of local law or any
18 county charter, the election of members of the district school
19 board shall be by vote of the qualified electors of the entire
20 district in a nonpartisan election as provided in chapter 105.
21 Each candidate for district school board member shall, at the
22 time she or he qualifies, be a resident of the district school
23 board member residence area from which the candidate seeks
24 election. Each candidate who qualifies to have her or his name
25 placed on the ballot shall be listed according to the district
26 school board member residence area in which she or he resides.
27 Each qualified elector of the district shall be entitled to
28 vote for one candidate from each district school board member
29 residence area. The candidate from each district school board
30 member residence area who receives the highest number of votes

1 in the general election shall be elected to the district
2 school board.

3 Section 45. Section 1001.362, Florida Statutes, is
4 created to read:

5 1001.362 Alternate procedure for the election of
6 district school board members to provide for single-member
7 representation.--

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

11 (2) District school board members shall be elected to
12 office in accordance with the provisions of ss. 1001.36 and
13 1001.361, or as otherwise provided by law, unless a
14 proposition calling for single-member representation within
15 the residence areas of the district is submitted to and
16 approved by a majority of the qualified electors voting on
17 such proposition in the manner provided in subsection (3).

18 (a) If the district school board is composed of five
19 members, such proposition shall provide that the five members
20 shall reside one in each of five residence areas, the areas
21 together covering the entire district and as nearly equal in
22 population as practicable, pursuant to s. 1001.36, each of
23 whom shall be elected only by the qualified electors who
24 reside in the same residence area as the member.

25 (b) If the district school board is composed of seven
26 members, at the option of the school board, such proposition
27 shall provide that:

28 1. Five of the seven members shall reside one in each
29 of five residence areas, the areas together covering the
30 entire district and as nearly equal in population as
31 practicable, pursuant to s. 1001.36, each of whom shall be

1 electd only by the qualified electors who reside in the same
2 residence area as the member, and two of the seven members
3 shall be elected at large; or

4 2. All seven members shall reside one in each of seven
5 residence areas, the areas together covering the entire
6 district and as nearly equal in population as practicable,
7 pursuant to s. 1001.36, each of whom shall be elected only by
8 the qualified electors who reside in the same residence area
9 as the member.

10 (c) All members shall be elected for 4-year terms, but
11 such terms shall be staggered so that, alternately, one more
12 or one less than half of the members elected from residence
13 areas and, if applicable, one of the members elected at large
14 from the entire district are elected every 2 years. Any
15 member may be elected to an initial term of less than 4 years
16 if necessary to achieve or maintain such system of staggered
17 terms.

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

23 (a) The district school board may adopt a formal
24 resolution directing an election to be held to place the
25 proposition on the ballot.

26 (b) The electors of the school district may petition
27 to have the proposition placed on the ballot by presenting to
28 the school board petitions signed by not less than 10 percent
29 of the duly qualified electors residing within the school
30 district. The number of signatures required shall be
31 determined by the supervisor of elections according to the

1 number of registered electors in the district as of the date
2 the petitioning electors register as a political committee as
3 provided in subsection (4).

4 (4) The electors petitioning to have the proposition
5 placed on the ballot shall register as a political committee
6 pursuant to s. 106.03, and a specific person shall be
7 designated therein as chair of the committee to act for the
8 committee.

9 (5)(a) Each petition form circulated for single-member
10 representation within the residence areas of a district where
11 the school board is composed of five members shall include the
12 wording: "As a registered elector of the school district of
13 County, Florida, I am petitioning for a referendum
14 election to determine whether the five school board members of
15 said district shall be elected from single-member residence
16 areas by electors residing in each of those areas only."

17 (b) Each petition form circulated for single-member
18 representation within the residence areas of a district where
19 the district school board is composed of seven members, none
20 of whom are to be elected at large, shall include the wording:
21 "As a registered elector of the school district of
22 County, Florida, I am petitioning for a referendum election to
23 determine whether the seven members of said district shall be
24 elected from single-member residence areas by electors
25 residing in each of those areas only."

26 (c) Each petition form circulated for single-member
27 representation within the residence areas of a district where
28 the school board is composed of seven members, two of whom are
29 to be elected at large, shall include the wording: "As a
30 registered elector of the school district of County,
31 Florida, I am petitioning for a referendum election to

1 determine whether five of the seven district school board
2 members of said district shall be elected from single-member
3 residence areas by electors residing in each of those areas
4 only, with the two remaining members being elected at large."

5
6 The petition shall also include space for the signature and
7 address of the elector. Each signature obtained shall be
8 dated when made and is valid for a period of 4 years following
9 that date.

10 (6) Upon the filing of the petitions with the district
11 school board by the chair of the committee, the district
12 school board shall submit the petitions to the supervisor of
13 elections for verification of the signatures. Within a period
14 of not more than 30 days, the supervisor of elections shall
15 determine whether the petitions contain the required number of
16 valid signatures. The supervisor of elections shall be paid
17 by the committee seeking verification the sum of 10 cents for
18 each name checked.

19 (7) If it is determined that the petitions have the
20 required signatures, the supervisor of elections shall certify
21 the petitions to the district school board, which shall adopt
22 a resolution requesting that an election date be set to
23 conform to the earliest primary, general, or otherwise-called
24 special election that occurs not less than 30 days after
25 certification of the petitions. If it is determined that the
26 petitions do not contain the required signatures, the
27 supervisor of elections shall so notify the district school
28 board, which shall file the petitions without taking further
29 action, and the matter shall be at an end. No additional names
30 may be added to the petitions, and the petitions may not be
31 used in any other proceeding.

1 (8) No special election may be called for the sole
2 purpose of presenting the proposition to the vote of the
3 electors.

4 (9) Any district adopting any of the propositions set
5 forth in this section may thereafter return to the procedures
6 otherwise provided by law by following the same procedure
7 outlined in subsection (3).

8 (10) No district school board member elected prior to
9 or at the election that approves any revision as permitted
10 herein shall be affected in his or her term of office. The
11 resolution adopted by the district school board under
12 paragraph (3)(a) or subsection (7) which presents the proposed
13 revision to the electorate for approval shall specify an
14 orderly method and procedure for implementing the revision
15 contemplated in the resolution.

16 Section 46. Section 1001.363, Florida Statutes, is
17 created to read:

18 1001.363 District school board members to represent
19 entire district.--Each district school board of each district
20 shall represent the entire district. Each member of the
21 district school board shall serve as the representative of the
22 entire district, rather than as the representative of a
23 district school board member residence area.

24 Section 47. Section 1001.37, Florida Statutes, is
25 created to read:

26 1001.37 District school board members shall
27 qualify.--Before entering upon the duties of office after
28 being elected, or, if appointed, within 10 days after
29 receiving notice of appointment, each member of the district
30 school board shall take the prescribed oath of office.

31

1 Section 48. Section 1001.371, Florida Statutes, is
2 created to read:

3 1001.371 Organization of district school board.--On
4 the third Tuesday after the first Monday in November of each
5 year, the district school board shall organize by electing a
6 chair. It may elect a vice chair, and the district school
7 superintendent shall act ex officio as the secretary. If a
8 vacancy should occur in the position of chair, the district
9 school board shall proceed to elect a chair at the next
10 ensuing regular or special meeting. At the organization
11 meeting, the district school superintendent shall act as chair
12 until the organization is completed. The chair and secretary
13 shall then make and sign a copy of the proceedings of
14 organization, including the schedule for regular meetings and
15 the names and addresses of all district school officers, and
16 annex their affidavits that the same is a true and correct
17 copy of the original, and the secretary shall file the
18 document within 2 weeks with the Department of Education.

19 Section 49. Section 1001.372, Florida Statutes, is
20 created to read:

21 1001.372 District school board meetings.--

22 (1) REGULAR AND SPECIAL MEETINGS.--The district school
23 board shall hold not less than one regular meeting each month
24 for the transaction of business according to a schedule
25 arranged by the district school board and shall convene in
26 special sessions when called by the district school
27 superintendent or by the district school superintendent on
28 request of the chair of the district school board, or on
29 request of a majority of the members of the district school
30 board; provided that actions taken at special meetings shall
31 have the same force and effect as if taken at a regular

1 meeting; and provided further that in the event the district
2 school superintendent should fail to call a special meeting
3 when requested to do so, as prescribed herein, such a meeting
4 may be called by the chair of the district school board or by
5 a majority of the members of the district school board by
6 giving 2 days' written notice of the time and purpose of the
7 meeting to all members and to the district school
8 superintendent, in which event the minutes of the meeting
9 shall set forth the facts regarding the procedure in calling
10 the meeting and the reason therefor and shall be signed either
11 by the chair or by a majority of the members of the district
12 school board.

13 (2) PLACE OF MEETINGS.--

14 (a) Except as provided in paragraph (b), all regular
15 and special meetings of the district school board shall be
16 held in the office of the district school superintendent or in
17 a room convenient to that office and regularly designated as
18 the district school board meeting room.

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

22 (c) For purpose of this section, due public notice
23 shall consist of publication in a newspaper of general
24 circulation in the county or in each county where there is no
25 newspaper of general circulation in the county an announcement
26 over at least one radio station whose signal is generally
27 received in the county, a reasonable number of times daily
28 during the 48 hours immediately preceding the date of such
29 meeting, or by posting a notice at the courthouse door if no
30 newspaper is published in the county, at least 2 days prior to
31 the meeting.

1 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The
2 presiding officer of any district school board may order the
3 removal, from a public meeting held by the district school
4 board, of any person interfering with the expeditious or
5 orderly process of such meeting, provided such officer has
6 first issued a warning that continued interference with the
7 orderly processes of the meeting will result in removal. Any
8 law enforcement authority or a sergeant-at-arms designated by
9 the officer shall remove any person ordered removed pursuant
10 to this section.

11 (4) MAJORITY A QUORUM.--A majority shall constitute a
12 quorum for any meeting of the district school board. No
13 business may be transacted at any meeting unless a quorum is
14 present, except that a minority of the district school board
15 may adjourn the meeting from time to time until a quorum is
16 present.

17 Section 50. Section 1001.38, Florida Statutes, is
18 created to read:

19 1001.38 Vacancies; how filled.--The office of any
20 district school board member shall be vacant when the member
21 removes his or her residence from the district school board
22 member residence area from which he or she was elected. All
23 vacancies on the district school board shall be filled by
24 appointment by the Governor.

25 Section 51. Section 1001.39, Florida Statutes, is
26 created to read:

27 1001.39 District school board members; travel
28 expenses.--

29 (1) In addition to the salary provided in s. 1001.395,
30 each member of a district school board shall be allowed, from
31 the district school fund, reimbursement of travel expenses as

1 authorized in s. 112.061, except as provided in subsection
2 (2). Any travel outside the district shall also be governed
3 by the rules of the State Board of Education.

4 (2) Each district school board may reimburse a
5 district school board member for travel expenses for travel
6 from the member's residence incurred in the performance of a
7 public purpose authorized by law to be performed by the
8 district school board, including, but not limited to,
9 attendance at regular and special board meetings. Mileage
10 allowance in the amount provided by law for reimbursement of
11 travel expenses, when authorized, shall be computed from the
12 member's place of residence to the place of the meeting or
13 function and return.

14 Section 52. Effective upon this act becoming a law,
15 section 1001.395, Florida Statutes, is created to read:

16 1001.395 District school board members;
17 compensation.--

18 (1) Each district school board shall determine the
19 salary of its members at its first regular public meeting in
20 October of each year. The salary shall be set at any amount
21 up to but not more than the lowest entry-level bachelor's
22 degree step on the teacher pay scale in the district or the
23 current salary of the district school board member, whichever
24 is less. The proposed salary to be adopted shall be noticed
25 at the time of the meeting notice and shall not be increased
26 during the public meeting. The salary adopted by the district
27 school board shall be in effect during the succeeding 12
28 months.

29 (2) This section shall apply to members of the
30 district school board elected on or after November 2002.
31

1 Section 53. Section 1001.40, Florida Statutes, is
2 created to read:

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

14 Section 54. Section 1001.41, Florida Statutes, is
15 created to read:

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

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

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

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

30
31

1 (4) Contract, sue, and be sued. The district school
2 board shall constitute the contracting agent for the district
3 school system.

4 (5) Perform duties and exercise those responsibilities
5 that are assigned to it by law or by rules of the State Board
6 of Education or the Commissioner of Education and, in addition
7 thereto, those that it may find to be necessary for the
8 improvement of the district school system in carrying out the
9 purposes and objectives of the education code.

10 (6) Assign students to schools.

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

14 Section 55. Section 1001.42, Florida Statutes, is
15 created to read:

16 1001.42 Powers and duties of district school
17 board.--The district school board, acting as a board, shall
18 exercise all powers and perform all duties listed below:

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

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

29 (b) Minutes, contents.--The minutes shall show the
30 vote of each member present on all matters on which the
31 district school board takes action. It shall be the duty of

1 each member to see to it that both the matter and his or her
2 vote thereon are properly recorded in the minutes. Unless
3 otherwise shown by the minutes, it shall be presumed that the
4 vote of each member present supported any action taken by the
5 district school board in either the exercise of, violation of,
6 or neglect of the powers and duties imposed upon the district
7 school board by law or rule, whether such action is recorded
8 in the minutes or is otherwise established. It shall also be
9 presumed that the policies, appointments, programs, and
10 expenditures not recorded in the minutes but made and actually
11 in effect in the district school system were made and put into
12 effect at the direction of the district school board, unless
13 it can be shown that they were done without the actual or
14 constructive knowledge of the members of the district school
15 board.

16 (2) CONTROL PROPERTY.--Subject to rules of the State
17 Board of Education, control property and convey the title to
18 real and personal property.

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

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

25 (a) Schools and enrollment plans.--Establish schools
26 and adopt enrollment plans that may include school attendance
27 areas and open enrollment provisions.

28 (b) Elimination of school centers and consolidation of
29 schools.--Provide for the elimination of school centers and
30 the consolidation of schools.

31

1 (c) Adequate educational facilities for all children
2 without tuition.--Provide adequate educational facilities for
3 all children without payment of tuition.

4 (d) Cooperate with school boards of adjoining
5 districts in maintaining schools.--Approve plans for
6 cooperating with school boards of adjoining districts in this
7 state or in adjoining states for establishing school
8 attendance areas composed of territory lying within the
9 districts and for the joint maintenance of district-line
10 schools or other schools which are to serve those attendance
11 areas. The conditions of such cooperation shall be as
12 follows:

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

22 2. Control.--Control of the school or schools involved
23 shall be vested in the district school board of the district
24 in which the school or schools are located unless otherwise
25 agreed by the district school boards.

26 3. Settlement of disagreements.--In the event an
27 agreement cannot be reached relating to such attendance areas
28 or to the school or schools therein, the matter may be
29 referred jointly by the cooperating district school boards or
30 by either district school board to the Department of Education
31

1 for decision under rules of the State Board of Education, and
2 its decision shall be binding on both school boards.

3 (e) Classification and standardization of
4 schools.--Provide for the classification and standardization
5 of schools.

6 (f) Opening and closing of schools; fixing uniform
7 date.--Adopt policies for the opening and closing of schools
8 and fix uniform dates.

9 (g) Observance of school holidays and vacation
10 periods.--Designate the observance of school holidays and
11 vacation periods.

12 (h) Career and technical classes and schools.--Provide
13 for the establishment and maintenance of career and technical
14 schools, departments, or classes, giving instruction in career
15 and technical education as defined by rules of the State Board
16 of Education, and use any moneys raised by public taxation in
17 the same manner as moneys for other school purposes are used
18 for the maintenance and support of public schools or classes.

19 (i) District school boards may establish public
20 evening schools.--Have the authority to establish public
21 evening schools.

22 (j) Cooperate with other agencies in joint
23 projects.--Cooperate with other agencies in joint projects.

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

27 (l) Exceptional students.--Provide for an appropriate
28 program of special instruction, facilities, and services for
29 exceptional students as prescribed by the State Board of
30 Education as acceptable in accordance with the provisions of
31 s. 1003.57.

1 (m) Alternative education programs for students in
2 residential care facilities.--Provide in accordance with the
3 provisions of chapter 1006, educational programs according to
4 rules of the State Board of Education to students who reside
5 in residential care facilities operated by the Department of
6 Children and Family Services.

7 (n) Educational services in detention facilities.--In
8 accordance with the provisions of chapter 1006, district
9 school boards shall offer services to students in detention
10 facilities.

11 (5) PERSONNEL.--Designate positions to be filled,
12 prescribe qualifications for those positions, and provide for
13 the appointment, compensation, promotion, suspension, and
14 dismissal of employees, subject to the requirements of chapter
15 1012. Notwithstanding s. 1012.55 or any other provision of law
16 or rule to the contrary, the district school board may,
17 consistent with adopted district school board policy relating
18 to alternative certification for school principals, appoint
19 persons to the position of school principal who do not hold
20 educator certification.

21 (6) CHILD WELFARE.--In accordance with the provisions
22 of chapters 1003 and 1006, provide for the proper accounting
23 for all children of school age, for the attendance and control
24 of students at school, and for proper attention to health,
25 safety, and other matters relating to the welfare of children.

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

29 (8) TRANSPORTATION OF STUDENTS.--After considering
30 recommendations of the district school superintendent, make
31 provision for the transportation of students to the public

1 schools or school activities they are required or expected to
2 attend; authorize transportation routes arranged efficiently
3 and economically; provide the necessary transportation
4 facilities, and, when authorized under rules of the State
5 Board of Education and if more economical to do so, provide
6 limited subsistence in lieu thereof; and adopt the necessary
7 rules and regulations to ensure safety, economy, and
8 efficiency in the operation of all buses, as prescribed in
9 chapter 1006.

10 (9) SCHOOL PLANT.--Approve plans for locating,
11 planning, constructing, sanitating, insuring, maintaining,
12 protecting, and condemning school property as prescribed in
13 chapter 1013 and as follows:

14 (a) School building program.--Approve and adopt a
15 districtwide school building program.

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

17 1. 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 2. Approve the proposed purchase of any site,
22 playground, or recreational area for which district funds are
23 to be used.

24 3. Expand existing sites.

25 4. Rent buildings when necessary.

26 5. Enter into leases or lease-purchase arrangements,
27 in accordance with the requirements and conditions provided in
28 s. 1013.15(2), with private individuals or corporations for
29 the rental of necessary grounds and educational facilities for
30 school purposes or of educational facilities to be erected for
31 school purposes. Current or other funds authorized by law may

1 be used to make payments under a lease-purchase agreement.
2 Notwithstanding any other statutes, if the rental is to be
3 paid from funds received from ad valorem taxation and the
4 agreement is for a period greater than 12 months, an approving
5 referendum must be held. The provisions of such contracts,
6 including building plans, shall be subject to approval by the
7 Department of Education, and no such contract shall be entered
8 into without such approval. As used in this section,
9 "educational facilities" means the buildings and equipment
10 that are built, installed, or established to serve educational
11 purposes and that may lawfully be used. The State Board of
12 Education may adopt such rules as are necessary to implement
13 these provisions.

14 6. Provide for the proper supervision of construction.
15 7. Make or contract for additions, alterations, and
16 repairs on buildings and other school properties.

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

20 (c) Maintenance and upkeep of school plant.--Provide
21 adequately for the proper maintenance and upkeep of school
22 plants, so that students may attend school without sanitary or
23 physical hazards, and provide for the necessary heat, lights,
24 water, power, and other supplies and utilities necessary for
25 the operation of the schools.

26 (d) Insurance of school property.--Carry insurance on
27 every school building in all school plants including contents,
28 boilers, and machinery, except buildings of three classrooms
29 or less that are of frame construction and located in a tenth
30 class public protection zone as defined by the Florida
31 Inspection and Rating Bureau, and on all school buses and

1 other property under the control of the district school board
2 or title to which is vested in the district school board,
3 except as exceptions may be authorized under rules of the
4 State Board of Education.

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

11 (10) FINANCE.--Take steps to assure students adequate
12 educational facilities through the financial procedure
13 authorized in chapters 1010 and 1011 and as prescribed below:

14 (a) Provide for all schools to operate at least 180
15 days.--Provide for the operation of all public schools, both
16 elementary and secondary, as free schools for a term of at
17 least 180 days or the equivalent on an hourly basis as
18 specified by rules of the State Board of Education; determine
19 district school funds necessary in addition to state funds to
20 operate all schools for such minimum term; and arrange for the
21 levying of district school taxes necessary to provide the
22 amount needed from district sources.

23 (b) Annual budget.--Cause to be prepared, adopt, and
24 have submitted to the Department of Education as required by
25 law and rules of the State Board of Education, the annual
26 school budget, such budget to be so prepared and executed as
27 to promote the improvement of the district school system.

28 (c) Tax levies.--Adopt and spread on its minutes a
29 resolution fixing the district school tax levy, provided for
30 under s. 9, Art. VII of the State Constitution, necessary to
31 carry on the school program adopted for the district for the

1 next ensuing fiscal year as required by law, and fixing the
2 district bond interest and sinking fund tax levy necessary for
3 districts against which bonds are outstanding; and adopt and
4 spread on its minutes a resolution suggesting the tax levy
5 provided for in s. 9, Art. VII of the State Constitution,
6 found necessary to carry on the school program adopted for the
7 district for the next ensuing fiscal year.

8 (d) School funds.--Require that an accurate account is
9 kept of all funds that should be transmitted to the district
10 school board for school purposes at various periods during the
11 year from all sources and, if any funds are not transmitted
12 promptly, take the necessary steps to have such funds made
13 available.

14 (e) Borrow money.--Borrow money, as prescribed in ss.
15 1011.12-1011.16, when necessary in anticipation of funds
16 reasonably to be expected during the year as shown by the
17 budget.

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

20 (g) Approval and payment of accounts.--Implement a
21 system of accounting and budgetary control to ensure that
22 payments do not exceed amounts budgeted, as required by law;
23 make available all records for proper audit by state
24 officials; and have prepared required periodic statements to
25 be filed with the Department of Education as provided by rules
26 of the State Board of Education.

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

31

1 (i) Contracts for materials, supplies, and
2 services.--Contract for materials, supplies, and services
3 needed for the district school system. No contract for
4 supplying these needs shall be made with any member of the
5 district school board, with the district school
6 superintendent, or with any business organization in which any
7 district school board member or the district school
8 superintendent has any financial interest whatsoever.

9 (j) Purchasing regulations to be secured from
10 Department of Management Services.--Secure purchasing
11 regulations and amendments and changes thereto from the
12 Department of Management Services and prior to any purchase
13 have reported to it by its staff, and give consideration to
14 the lowest price available to it under such regulations,
15 provided a regulation applicable to the item or items being
16 purchased has been adopted by the department. The department
17 should meet with educational administrators to expand the
18 inventory of standard items for common usage in all schools
19 and postsecondary educational institutions.

20 (k) Protection against loss.--Provide for adequate
21 protection against any loss or damage to school property or
22 loss resulting from any liability for which the district
23 school board or its officers, agents, or employees may be
24 responsible under law. In fulfilling this responsibility, the
25 district school board may purchase insurance, to be
26 self-insured, to enter into risk management programs managed
27 by district school boards, school-related associations, or
28 insurance companies, or to have any combination thereof in any
29 area to the extent the district school board is either
30 authorized or required by law to contract for insurance. Any
31 risk management program entered into pursuant to this

1 subsection shall provide for strict accountability of all
2 funds to the member district school boards and an annual audit
3 by an independent certified public accountant of all receipts
4 and disbursements.

5 (l) Internal auditor.--The district school board may
6 employ an internal auditor to perform ongoing financial
7 verification of the financial records of the school district.
8 The internal auditor shall report directly to the district
9 school board or its designee.

10 (m) Financial and performance audits.--In addition to
11 the audits required by ss. 11.45 and 218.39, the district
12 school board may contract with an independent certified public
13 accountant to conduct a financial or performance audit of its
14 accounts and records retained by it and paid from its public
15 funds.

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

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

23 (b) Reports to the department.--Require that the
24 district school superintendent prepare all reports to the
25 Department of Education that may be required by law or rules
26 of the State Board of Education; see that all such reports are
27 promptly transmitted to the department; withhold the further
28 payment of salary to the superintendent or employee when
29 notified by the department that he or she has failed to file
30 any report within the time or in the manner prescribed; and
31 continue to withhold the salary until the district school

1 board is notified by the department that such report has been
2 received and accepted, provided that when any report has not
3 been received by the date due and after due notice has been
4 given to the district school board of that fact, the
5 department, if it deems necessary, may require the report to
6 be prepared by a member of its staff, and the district school
7 board shall pay all expenses connected therewith. Any member
8 of the district school board who is responsible for the
9 violation of this provision is subject to suspension and
10 removal.

11 (c) Reports to parents.--Require that, at regular
12 intervals, reports are made by school principals or teachers
13 to parents, apprising them of the progress being made by the
14 students in their studies and giving other needful
15 information.

16 (12) COOPERATION WITH OTHER DISTRICT SCHOOL
17 BOARDS.--May establish and participate in educational
18 consortia that are designed to provide joint programs and
19 services to cooperating school districts, consistent with the
20 provisions of s. 4(b), Art. IX of the State Constitution. The
21 State Board of Education shall adopt rules providing for the
22 establishment, funding, administration, and operation of such
23 consortia.

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

27 (14) SCHOOL LUNCH PROGRAM.--Assume such
28 responsibilities and exercise such powers and perform such
29 duties as may be assigned to it by law or as may be required
30 by rules of the State Board of Education or, as in the opinion
31 of the district school board, are necessary to ensure school

1 lunch services, consistent with needs of students; effective
2 and efficient operation of the program; and the proper
3 articulation of the school lunch program with other phases of
4 education in the district.

5 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT
6 PROGRAM.--

7 (a) Adopt procedures whereby the general public can be
8 adequately informed of the educational programs, needs, and
9 objectives of public education within the district, including
10 educational opportunities available through the Florida
11 Virtual School.

12 (b) Encourage teachers and administrators to keep
13 parents informed of student progress, student programs,
14 student attendance requirements pursuant to ss. 1003.26,
15 1003.27, 414.1251, and 984.151, and availability of resources
16 for academic assistance.

17 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
18 ACCOUNTABILITY.--Maintain a system of school improvement and
19 education accountability as provided by statute and State
20 Board of Education rule. This system of school improvement and
21 education accountability shall be consistent with, and
22 implemented through, the district's continuing system of
23 planning and budgeting required by this section and ss.
24 1008.385, 1010.01, and 1011.01. This system of school
25 improvement and education accountability shall include, but is
26 not limited to, the following:

27 (a) School improvement plans.--Annually approve and
28 require implementation of a new, amended, or continuation
29 school improvement plan for each school in the district,
30 except that a district school board may establish a district
31 school improvement plan that includes all schools in the

1 district operating for the purpose of providing educational
2 services to youth in Department of Juvenile Justice programs.
3 Such plan shall be designed to achieve the state education
4 priorities pursuant to s. 1000.03(5) and student performance
5 standards. Each plan shall also address issues relative to
6 budget, training, instructional materials, technology,
7 staffing, student support services, specific school safety and
8 discipline strategies, and other matters of resource
9 allocation, as determined by district school board policy, and
10 shall be based on an analysis of student achievement and other
11 school performance data.

12 (b) Approval process.--Develop a process for approval
13 of a school improvement plan presented by an individual school
14 and its advisory council. In the event a district school board
15 does not approve a school improvement plan after exhausting
16 this process, the Department of Education shall be notified of
17 the need for assistance.

18 (c) Assistance and intervention.--

19 1. Develop a 2-year plan of increasing individualized
20 assistance and intervention for each school in danger of not
21 meeting state standards or making adequate progress, as
22 defined pursuant to statute and State Board of Education rule,
23 toward meeting the goals and standards of its approved school
24 improvement plan.

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

28 3. Develop a plan to encourage teachers with
29 demonstrated mastery in improving student performance to
30 remain at or transfer to a school designated as performance
31 grade category "D" or "F" or to an alternative school that

1 serves disruptive or violent youths. If a classroom teacher,
 2 as defined by s. 1012.01(2)(a), who meets the definition of
 3 teaching mastery developed according to the provisions of this
 4 paragraph, requests assignment to a school designated as
 5 performance grade category "D" or "F" or to an alternative
 6 school that serves disruptive or violent youths, the district
 7 school board shall make every practical effort to grant the
 8 request.

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

14 (d) After 2 years.--Notify the Commissioner of
 15 Education and the State Board of Education in the event any
 16 school does not make adequate progress toward meeting the
 17 goals and standards of a school improvement plan by the end of
 18 2 years of failing to make adequate progress and proceed
 19 according to guidelines developed pursuant to statute and
 20 State Board of Education rule. School districts shall provide
 21 intervention and assistance to schools in danger of being
 22 designated as performance grade category "F," failing to make
 23 adequate progress.

24 (e) Public disclosure.--Provide information regarding
 25 performance of students and educational programs as required
 26 pursuant to ss. 1008.385 and 1008.22 and implement a system of
 27 school reports as required by statute and State Board of
 28 Education rule that shall include schools operating for the
 29 purpose of providing educational services to youth in
 30 Department of Juvenile Justice programs, and for those
 31 schools, report on the elements specified in s. 1003.52(20).

1 Annual public disclosure reports shall be in an easy-to-read
2 report card format and shall include the school's student and
3 school performance grade category designation and performance
4 data as specified in state board rule.

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

9 (17) LOCAL-LEVEL DECISIONMAKING.--

10 (a) Adopt policies that clearly encourage and enhance
11 maximum decisionmaking appropriate to the school site. Such
12 policies must include guidelines for schools in the adoption
13 and purchase of district and school site instructional
14 materials and technology, staff training, school advisory
15 council member training, student support services, budgeting,
16 and the allocation of staff resources.

17 (b) Adopt waiver process policies to enable all
18 schools to exercise maximum flexibility and notify advisory
19 councils of processes to waive school district and state
20 policies.

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

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

29 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies
30 allowing students attending schools that have been designated
31 as performance grade category "F," failing to make adequate

1 progress, for 2 school years in a 4-year period to attend a
2 higher performing school in the district or an adjoining
3 district or be granted a state opportunity scholarship to a
4 private school, in conformance with s. 1002.38 and State Board
5 of Education rule.

6 (19) AUTHORITY TO DECLARE AN EMERGENCY.--May declare
7 an emergency in cases in which one or more schools in the
8 district are failing or are in danger of failing and negotiate
9 special provisions of its contract with the appropriate
10 bargaining units to free these schools from contract
11 restrictions that limit the school's ability to implement
12 programs and strategies needed to improve student performance.

13 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
14 anonymity of students in large schools, adopt policies to
15 encourage any school that does not meet the definition of a
16 small school, as established by s. 1013.43(2), to subdivide
17 into schools-within-a-school, that shall operate within
18 existing resources in accordance with the provisions of
19 chapter 1003.

20 (21) FLORIDA VIRTUAL SCHOOL.--Provide students with
21 access to enroll in courses available through the Florida
22 Virtual School and award credit for successful completion of
23 such courses. Access shall be available to students during or
24 after the normal school day, and through summer school
25 enrollment.

26 (22) ADOPT RULES.--Adopt rules pursuant to ss.
27 120.536(1) and 120.54 to implement this section.

28 Section 56. Section 1001.43, Florida Statutes, is
29 created to read:

30 1001.43 Supplemental powers and duties of district
31 school board.--The district school board may exercise the

1 following supplemental powers and duties as authorized by this
2 code or State Board of Education rule.

3 (1) STUDENT MANAGEMENT.--The district school board may
4 adopt programs and policies to ensure the safety and welfare
5 of individuals, the student body, and school personnel, which
6 programs and policies may:

7 (a) Prohibit the possession of weapons and drugs on
8 campus, student hazing, and other activities that could
9 threaten the operation of the school or the safety and welfare
10 of the student body or school personnel.

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

15 (c) Provide procedures for student dismissal
16 precautions and for granting permission for students to leave
17 school grounds during school hours, including releasing a
18 student from school upon request by a parent or for public
19 appearances of school groups.

20 (d) Provide procedures for managing protests,
21 demonstrations, sit-ins, walk-outs, or other acts of civil
22 disobedience.

23 (e) Provide procedures for detaining students and for
24 readmission of students after expulsion.

25 (f) Regulate student automobile use and parking.

26 (2) FISCAL MANAGEMENT.--The district school board may
27 adopt policies providing for fiscal management of the school
28 district with respect to school purchasing, facilities,
29 nonstate revenue sources, budgeting, fundraising, and other
30 activities relating to the fiscal management of district
31

1 resources, including, but not limited to, the policies
2 governing:

3 (a) Sales calls and demonstrations by agents,
4 solicitors, salespersons, and vendors on campus; local
5 preference criteria for vendors; specifications for quantity
6 purchasing; prioritization of awards for bids; declining bid
7 awards; and purchase requisitions, approvals, and routing.

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

11 (c) Inventory and disposal of district property; use
12 of safe-deposit boxes; and selection of real estate
13 appraisers.

14 (d) Payment of contractors and other service
15 providers.

16 (e) Accounting systems; petty cash accounts procedures
17 and reporting; school activities funds procedures and
18 reporting; management and reporting of grants from private
19 sources; and management of funds, including auxiliary
20 enterprise funds.

21 (f) District budgeting system, including setting
22 budget deadlines and schedules, budget planning, and
23 implementation and determination of budget priorities.

24 (3) INSTRUCTIONAL AIDS.--The district school board may
25 adopt policies providing for innovative teaching techniques,
26 teaching programs and methods, instructional aids and
27 objectives, extracurricular and interscholastic activities,
28 and supplemental programs including, but not limited to,
29 policies providing for:

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

1 (b) Instructional priorities and objectives, pilot
2 projects and evaluations, curriculum adoption and design, and
3 lesson planning.

4 (c) Extracurricular and interscholastic activities,
5 including field trips, publishing a student newspaper and
6 other publications, and special programs relating to the arts,
7 music, or other topics of current interest.

8 (d) Participation in physical education programs,
9 including appropriate physical education attire and protective
10 gear; programs for exceptional students; summer school; and
11 the Title I program, including comparability procedures.

12 (4) FACILITIES MANAGEMENT.--The district school board
13 may adopt policies providing for management of the physical
14 campus and its environs, including, but not limited to, energy
15 conservation measures; building and ground maintenance;
16 fencing, landscaping, and other property improvements; site
17 acquisition; new construction and renovation; dedication and
18 rededication or naming and renaming of district buildings and
19 other district facilities; and development of facilities
20 management planning and priorities.

21 (5) SCHOOL COMMUNITY RELATIONS.--The district school
22 board may adopt policies governing public gifts and donations
23 to schools; input from the community concerning instruction
24 resources; advertising in schools; participation in community
25 affairs, including coordination with local governments and
26 planning authorities; protocols for interagency agreements;
27 business community partnerships; community use of school
28 facilities; public solicitations in schools, including the
29 distribution and posting of promotional materials and
30 literature; visitors to the school campus; school advisory
31 councils; and parent volunteers and chaperones.

1 (6) LEGAL ISSUES.--The district school board may adopt
2 policies and procedures necessary to implement federal
3 mandates and programs, court orders, and other legal
4 requirements of the state.

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

11 (a) The provision of first aid and emergency medical
12 care and the provision of school health care facilities and
13 services.

14 (b) The provision of school safety patrol.

15 (c) Procedures for reporting hazards, including
16 threats of nature, bomb threats, threatening messages, and
17 similar occurrences, and the provision of warning systems
18 including alarm systems and other technical devices.

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

21 (e) Procedures for reporting accidents, including
22 traffic accidents and traffic violations involving
23 district-owned vehicles.

24 (f) Student insurance programs.

25 (8) STUDENT ASSESSMENT AND AFFAIRS.--The district
26 school board may adopt policies and procedures governing
27 attendance monitoring and checks; truancy; graduation
28 requirements and graduation exercises; fees, fines, and
29 charges imposed on students; evaluation of student records and
30 transcripts; transfer of student records; grading and academic
31 evaluation of students; tests and examinations, including

1 early examinations; guidance and counseling; and student
2 participation in competitions, student performances and
3 exhibitions, contests for students, and social events.

4 (9) ADMINISTRATIVE SUPPORT SERVICES.--The district
5 school board may adopt policies and procedures governing
6 purchase of property insurance, including comprehensive
7 general liability insurance; transportation of students for
8 extracurricular activities and special events, including
9 transportation of students in privately owned vehicles;
10 transportation of district personnel, including personal use
11 of district owned vehicles; computer security and computer
12 room access and computer database resources; mail and delivery
13 services, including use of couriers; copyright compliance;
14 computerized data systems, including computer use,
15 transmission of data, access to the Internet, and other
16 technology-based services.

17 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND
18 OPERATIONS.--The district school board may adopt policies and
19 procedures necessary for the daily business operation of the
20 district school board, including, but not limited to, the
21 provision of legal services for the district school board;
22 conducting a district legislative program; district school
23 board member participation at conferences, conventions, and
24 workshops, including member compensation and reimbursement for
25 expenses; district school board policy development, adoption,
26 and repeal; district school board meeting procedures,
27 including participation via telecommunications networks, use
28 of technology at meetings, and presentations by nondistrict
29 personnel; citizen communications with the district school
30 board and with individual district school board members;
31 collaboration with local government and other entities as

1 required by law; and organization of the district school
2 board, including special committees and advisory committees.

3 (11) PERSONNEL.--The district school board may adopt
4 policies and procedures necessary for the management of all
5 personnel of the school system.

6 (12) COOPERATION WITH COMMUNITY COLLEGES.--The
7 district school board shall work with the community colleges
8 in the district to ensure that the community college students
9 have access to remedial education.

10 Section 57. Section 1001.44, Florida Statutes, is
11 created to read:

12 1001.44 Technical centers.--

13 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE
14 TECHNICAL CENTERS.--Any district school board, after first
15 obtaining the approval of the Department of Education, may, as
16 a part of the district school system, organize, establish and
17 operate a technical center, or acquire and operate a technical
18 school previously established.

19 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
20 ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--The district school
21 boards of any two or more contiguous districts may, upon first
22 obtaining the approval of the department, enter into an
23 agreement to organize, establish and operate, or acquire and
24 operate, a technical center under this section.

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

27 (a) A technical center established or acquired under
28 provisions of law and minimum standards prescribed by the
29 commissioner shall comprise a part of the district school
30 system and shall mean an educational institution offering
31 terminal courses of a technical nature, and courses for

1 out-of-school youth and adults; shall be subject to all
2 applicable provisions of this code; shall be under the control
3 of the district school board of the school district in which
4 it is located; and shall be directed by a director responsible
5 through the district school superintendent to the district
6 school board of the school district in which the center is
7 located.

8 (b) Each technical center shall maintain an academic
9 transcript for each student enrolled in the center. Such
10 transcript shall delineate each course completed by the
11 student. Courses shall be delineated by the course prefix and
12 title assigned pursuant to s. 1007.24. The center shall make
13 a copy of a student's transcript available to any student who
14 requests it.

15 Section 58. Section 1001.451, Florida Statutes, is
16 created to read:

17 1001.451 Regional consortium service
18 organizations.--In order to provide a full range of programs
19 to larger numbers of students, minimize duplication of
20 services, and encourage the development of new programs and
21 services:

22 (1) School districts with 20,000 or fewer unweighted
23 full-time equivalent students may enter into cooperative
24 agreements to form a regional consortium service organization.
25 Each regional consortium service organization shall provide,
26 at a minimum, three of the following services: exceptional
27 student education; teacher education centers; environmental
28 education; federal grant procurement and coordination; data
29 processing; health insurance; risk management insurance; staff
30 development; purchasing; or planning and accountability.

31

1 (2)(a) Each regional consortium service organization
2 that consists of four or more school districts is eligible to
3 receive, through the Department of Education, an incentive
4 grant of \$25,000 per school district to be used for the
5 delivery of services within the participating school
6 districts.

7 (b) Application for incentive grants shall be made to
8 the Commissioner of Education by July 30 of each year for
9 distribution to qualifying regional consortium service
10 organizations by January 1 of the fiscal year.

11 Section 59. Section 1001.452, Florida Statutes, is
12 created to read:

13 1001.452 District and school advisory councils.--

14 (1) ESTABLISHMENT.--

15 (a) The district school board shall establish an
16 advisory council for each school in the district and shall
17 develop procedures for the election and appointment of
18 advisory council members. Each school advisory council shall
19 include in its name the words "school advisory council." The
20 school advisory council shall be the sole body responsible for
21 final decisionmaking at the school relating to implementation
22 of the provisions of ss. 1008.345, and 1001.42(16). A majority
23 of the members of each school advisory council must be persons
24 who are not employed by the school. Each advisory council
25 shall be composed of the principal and an appropriately
26 balanced number of teachers, education support employees,
27 students, parents, and other business and community citizens
28 who are representative of the ethnic, racial, and economic
29 community served by the school. Technical center and high
30 school advisory councils shall include students, and middle
31 and junior high school advisory councils may include students.

1 School advisory councils of technical and adult education
2 centers are not required to include parents as members.
3 Council members representing teachers, education support
4 employees, students, and parents shall be elected by their
5 respective peer groups at the school in a fair and equitable
6 manner as follows:

- 7 1. Teachers shall be elected by teachers.
- 8 2. Education support employees shall be elected by
9 education support employees.
- 10 3. Students shall be elected by students.
- 11 4. Parents shall be elected by parents.

12
13 The district school board shall establish procedures for use
14 by schools in selecting business and community members that
15 include means of ensuring wide notice of vacancies and of
16 taking input on possible members from local business, chambers
17 of commerce, community and civic organizations and groups, and
18 the public at large. The district school board shall review
19 the membership composition of each advisory council. If the
20 district school board determines that the membership elected
21 by the school is not representative of the ethnic, racial, and
22 economic community served by the school, the district school
23 board shall appoint additional members to achieve proper
24 representation. The commissioner shall determine if schools
25 have maximized their efforts to include on their advisory
26 councils minority persons and persons of lower socioeconomic
27 status. Although schools are strongly encouraged to establish
28 school advisory councils, the district school board of any
29 school district that has a student population of 10,000 or
30 fewer may establish a district advisory council which shall
31 include at least one duly elected teacher from each school in

1 the district. For the purposes of school advisory councils
 2 and district advisory councils, the term "teacher" shall
 3 include classroom teachers, certified student services
 4 personnel, and media specialists. For purposes of this
 5 paragraph, "education support employee" means any person
 6 employed by a school who is not defined as instructional or
 7 administrative personnel pursuant to s. 1012.01 and whose
 8 duties require 20 or more hours in each normal working week.

9 (b) The district school board may establish a district
 10 advisory council representative of the district and composed
 11 of teachers, students, parents, and other citizens or a
 12 district advisory council that may be comprised of
 13 representatives of each school advisory council. Recognized
 14 schoolwide support groups that meet all criteria established
 15 by law or rule may function as school advisory councils.

16 (c) For those schools operating for the purpose of
 17 providing educational services to youth in Department of
 18 Juvenile Justice programs, district school boards may
 19 establish a district advisory council with appropriate
 20 representatives for the purpose of developing and monitoring a
 21 district school improvement plan that encompasses all such
 22 schools in the district, pursuant to s. 1001.42(16)(a).

23 (2) DUTIES.--Each advisory council shall perform such
 24 functions as are prescribed by regulations of the district
 25 school board; however, no advisory council shall have any of
 26 the powers and duties now reserved by law to the district
 27 school board. Each school advisory council shall assist in the
 28 preparation and evaluation of the school improvement plan
 29 required pursuant to s. 1001.42(16). With technical assistance
 30 from the Department of Education, each school advisory council
 31 shall assist in the preparation of the school's annual budget

1 and plan as required by s. 1008.385(1). A portion of funds
2 provided in the annual General Appropriations Act for use by
3 school advisory councils must be used for implementing the
4 school improvement plan.

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

8 Section 61. Section 1001.46, Florida Statutes, is
9 created to read:

10 1001.46 District school superintendent; election and
11 term of office.--The district school superintendent shall be
12 elected for a term of 4 years or until the election or
13 appointment and qualification of his or her successor.

14 Section 62. Section 1001.461, Florida Statutes, is
15 created to read:

16 1001.461 District school superintendent; procedures
17 for making office appointive.--

18 (1) Pursuant to the provisions of s. 5, Art. IX of the
19 State Constitution, the district school superintendent shall
20 be appointed by the district school board in a school district
21 wherein the proposition is affirmed by a majority of the
22 qualified electors voting in the same election making the
23 office of district school superintendent appointive.

24 (2) To submit the proposition to the electors, the
25 district school board by formal resolution shall request an
26 election, that shall be at a general election or a statewide
27 primary or special election. The board of county
28 commissioners, upon such timely request from the district
29 school board, shall cause to be placed on the ballot at such
30 election the proposition to make the office of district school
31 superintendent appointive.

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

6 Section 63. Section 1001.462, Florida Statutes, is
7 created to read:

8 1001.462 Oath of district school
9 superintendent.--Before entering upon the duties of his or her
10 office, the district school superintendent shall take the oath
11 of office prescribed by the State Constitution.

12 Section 64. Section 1001.463, Florida Statutes, is
13 created to read:

14 1001.463 Vacancy in office of district school
15 superintendent.--The office of district school superintendent
16 in any district shall be vacant when the district school
17 superintendent removes his or her residence from the district.

18 Section 65. Section 1001.464, Florida Statutes, is
19 created to read:

20 1001.464 District school superintendent to devote full
21 time to office.--The position of district school
22 superintendent shall be considered a full-time position.

23 Section 66. Section 1001.47, Florida Statutes, is
24 created to read:

25 1001.47 District school superintendent; salary.--

26 (1) Each district school superintendent shall receive
27 as salary the amount indicated pursuant to this section.
28 However, a district school board, by majority vote, may
29 approve a salary in excess of the amount specified in this
30 section.

31

1 (2) Notwithstanding the provisions of chapter 145 to
2 the contrary, the annual salaries of elected district school
3 superintendents for 1993 and each year thereafter shall be
4 established at the same amounts as the district school
5 superintendents were paid for fiscal year 1991-1992, adjusted
6 by each annual increase provided for in chapter 145.

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

9 (4)(a) There shall be an additional \$2,000 per year
10 special qualification salary for each district school
11 superintendent who has met the certification requirements
12 established by the Department of Education. Any district
13 school superintendent who is certified during a calendar year
14 shall receive in that year a pro rata share of the special
15 qualification salary based on the remaining period of the
16 year.

17 (b) In order to qualify for the special qualification
18 salary provided by paragraph (a), the district school
19 superintendent must complete the requirements established by
20 the Department of Education within 6 years after first taking
21 office.

22 (c) After a district school superintendent meets the
23 requirements of paragraph (a), in order to remain certified
24 the district school superintendent shall thereafter be
25 required to complete each year a course of continuing
26 education as prescribed by the Department of Education.

27 (5)(a) The Department of Education shall provide a
28 leadership development and performance compensation program
29 for district school superintendents, comparable to chief
30 executive officer development programs for corporate executive
31 officers, to include:

1 1. A content-knowledge-and-skills phase consisting of:
2 creative leadership models and theory, demonstration of
3 effective practice, simulation exercises and personal skills
4 practice, and assessment with feedback, taught in a
5 professional training setting under the direction of
6 experienced, successful trainers.

7 2. A competency-acquisition phase consisting of
8 on-the-job application of knowledge and skills for a period of
9 not less than 6 months following the successful completion of
10 the content-knowledge-and-skills phase. The
11 competency-acquisition phase shall be supported by adequate
12 professional technical assistance provided by experienced
13 trainers approved by the department. Competency acquisition
14 shall be demonstrated through assessment and feedback.

15 (b) Upon the successful completion of both phases and
16 demonstrated successful performance, as determined by the
17 department, a district school superintendent shall be issued a
18 Chief Executive Officer Leadership Development Certificate and
19 shall be given an annual performance salary incentive of not
20 less than \$3,000 or more than \$7,500 based upon his or her
21 performance evaluation.

22 (c) A district school superintendent's eligibility to
23 continue receiving the annual performance salary incentive is
24 contingent upon his or her continued performance assessment
25 and followup training prescribed by the department.

26 Section 67. Section 1001.48, Florida Statutes, is
27 created to read:

28 1001.48 Secretary and executive officer of the
29 district school board.--The district school superintendent
30 shall be the secretary and executive officer of the district
31 school board, provided that when the district school

1 superintendent is required to be absent on account of
2 performing services in the volunteer forces of the United
3 States or in the National Guard of the state or in the regular
4 Army or Navy of the United States, when said district school
5 superintendent shall be called into active training or service
6 of the United States under an Act of Congress or pursuant to a
7 proclamation by the President of the United States, the
8 district school superintendent shall then be entitled to a
9 leave of absence not to exceed the remaining portion of the
10 term for which he or she was elected.

11 Section 68. Section 1001.49, Florida Statutes, is
12 created to read:

13 1001.49 General powers of district school
14 superintendent.--The district school superintendent shall have
15 the authority, and when necessary for the more efficient and
16 adequate operation of the district school system, the district
17 school superintendent shall exercise the following powers:

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

21 (2) ADVISE, COUNSEL, AND RECOMMEND TO DISTRICT SCHOOL
22 BOARD.--Advise and counsel with the district school board on
23 all educational matters and recommend to the district school
24 board for action such matters as should be acted upon.

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

29 (4) RECOMMEND AND EXECUTE RULES.--Prepare and organize
30 by subjects and submit to the district school board for
31 adoption such rules to supplement those adopted by the State

1 Board of Education as, in the district school superintendent's
2 opinion, will contribute to the efficient operation of any
3 aspect of education in the district. When rules have been
4 adopted, the district school superintendent shall see that
5 they are executed.

6 (5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From
7 time to time prepare, organize by subject, and submit to the
8 district school board for adoption such minimum standards
9 relating to the operation of any phase of the district school
10 system as are needed to supplement those adopted by the State
11 Board of Education and as will contribute to the efficient
12 operation of any aspect of education in the district and
13 ensure that minimum standards adopted by the district school
14 board and the state board are observed.

15 (6) PERFORM DUTIES AND EXERCISE
16 RESPONSIBILITIES.--Perform such duties and exercise such
17 responsibilities as are assigned to the district school
18 superintendent by law and by rules of the State Board of
19 Education.

20 Section 69. Section 1001.50, Florida Statutes, is
21 created to read:

22 1001.50 Superintendents employed under Art. IX of the
23 State Constitution.--

24 (1) In every district authorized to employ a district
25 school superintendent under Art. IX of the State Constitution,
26 the district school superintendent shall be the executive
27 officer of the district school board and shall not be subject
28 to the provisions of law, either general or special, relating
29 to tenure of employment or contracts of other school
30 personnel. The district school superintendent's duties
31

1 relating to the district school system shall be as provided by
2 law and rules of the State Board of Education.

3 (2) The district school board of each of such
4 districts shall enter into contracts of employment with the
5 district school superintendent and shall adopt rules relating
6 to his or her appointment.

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

11 (a) The population of the district.

12 (b) The rate and character of population growth.

13 (c) The size and composition of the student body to be
14 served.

15 (d) The geographic extent of the district.

16 (e) The number and character of the schools to be
17 supervised.

18 (f) The educational qualifications, professional
19 experience, and age of the candidate for the position of
20 district school superintendent.

21 Section 70. Section 1001.51, Florida Statutes, is
22 created to read:

23 1001.51 Duties and responsibilities of district school
24 superintendent.--The district school superintendent shall
25 exercise all powers and perform all duties listed below and
26 elsewhere in the law, provided that, in so doing, he or she
27 shall advise and counsel with the district school board. The
28 district school superintendent shall perform all tasks
29 necessary to make sound recommendations, nominations,
30 proposals, and reports required by law to be acted upon by the
31 district school board. All such recommendations, nominations,

1 proposals, and reports by the district school superintendent
2 shall be either recorded in the minutes or shall be made in
3 writing, noted in the minutes, and filed in the public records
4 of the district school board. It shall be presumed that, in
5 the absence of the record required in this section, the
6 recommendations, nominations, and proposals required of the
7 district school superintendent were not contrary to the action
8 taken by the district school board in such matters.

9 (1) ASSIST IN ORGANIZATION OF DISTRICT SCHOOL
10 BOARD.--Preside at the organization meeting of the district
11 school board and transmit to the Department of Education,
12 within 2 weeks following such meeting, a certified copy of the
13 proceedings of organization, including the schedule of regular
14 meetings, and the names and addresses of district school
15 officials.

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

20 (3) RECORDS FOR THE DISTRICT SCHOOL BOARD.--Keep
21 minutes of all official actions and proceedings of the
22 district school board and keep such other records, including
23 records of property held or disposed of by the district school
24 board, as may be necessary to provide complete information
25 regarding the district school system.

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

28 (5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the
29 assembling of data and sponsor studies and surveys essential
30 to the development of a planned school program for the entire
31 district and prepare and recommend such a program to the

1 district school board as the basis for operating the district
2 school system.

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

8 (7) PERSONNEL.--Be responsible, as required herein,
9 for directing the work of the personnel, subject to the
10 requirements of chapter 1012.

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

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

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

21 (11) FINANCE.--Recommend measures to the district
22 school board to assure adequate educational facilities
23 throughout the district, in accordance with the financial
24 procedure authorized in chapters 1010 and 1011 and as
25 prescribed below:

26 (a) Plan for operating all schools for minimum
27 term.--Determine and recommend district funds necessary in
28 addition to state funds to provide for at least a 180-day
29 school term or the equivalent on an hourly basis as specified
30 by rules adopted by the State Board of Education and recommend
31

1 plans for ensuring the operation of all schools for the term
2 authorized by the district school board.

3 (b) Annual budget.--Prepare the annual school budget
4 to be submitted to the district school board for adoption
5 according to law and submit this budget, when adopted by the
6 district school board, to the Department of Education on or
7 before the date required by rules of the State Board of
8 Education.

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

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

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

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

30 (g) Payrolls and accounts.--Maintain accurate and
31 current statements of accounts due to be paid by the district

1 school board; certify these statements as correct; liquidate
2 district school board obligations in accordance with the
3 official budget and rules of the district school board; and
4 prepare periodic reports as required by rules of the State
5 Board of Education, showing receipts, balances, and
6 disbursements to date, and file copies of such periodic
7 reports with the Department of Education.

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

11 (i) Contracts.--After study of the feasibility of
12 contractual services with industry, recommend to the district
13 school board the desirable terms, conditions, and
14 specifications for contracts for supplies, materials, or
15 services to be rendered and see that materials, supplies, or
16 services are provided according to contract.

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

26 (k) Protection against loss.--Recommend programs and
27 procedures to the district school board necessary to protect
28 the school system adequately against loss or damage to school
29 property or against loss resulting from any liability for
30 which the district school board or its officers, agents, or
31 employees may be responsible under law.

1 (l) Millage elections.--Recommend plans and procedures
2 for holding and supervising all school district millage
3 elections.

4 (m) Budgets and expenditures.--Prepare, after
5 consulting with the principals of the various schools,
6 tentative annual budgets for the expenditure of district funds
7 for the benefit of public school students of the district.

8 (n) Bonds.--Recommend the amounts of bonds to be
9 issued in the district and assist in the preparation of the
10 necessary papers for an election to determine whether the
11 proposed bond issue will be approved by the electors and, if
12 such bond issue be approved by the electors, recommend plans
13 for the sale of bonds and for the proper expenditure of the
14 funds derived therefrom.

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

21 (a) Forms, blanks, and reports.--Require that all
22 employees accurately keep all records and promptly make in
23 proper form all reports required by the education code or by
24 rules of the State Board of Education; recommend the keeping
25 of such additional records and the making of such additional
26 reports as may be deemed necessary to provide data essential
27 for the operation of the school system; and prepare such forms
28 and blanks as may be required and ensure that these records
29 and reports are properly prepared.

30 (b) Reports to the department.--Prepare, for the
31 approval of the district school board, all reports that may be

1 required by law or rules of the State Board of Education to be
2 made to the department and transmit promptly all such reports,
3 when approved, to the department, as required by law. If any
4 such reports are not transmitted at the time and in the manner
5 prescribed by law or by State Board of Education rules, the
6 salary of the district school superintendent must be withheld
7 until the report has been properly submitted. Unless otherwise
8 provided by rules of the State Board of Education, the annual
9 report on attendance and personnel is due on or before July 1,
10 and the annual school budget and the report on finance are due
11 on the date prescribed by the commissioner.

12
13 Any district school superintendent who knowingly signs and
14 transmits to any state official a false or incorrect report
15 shall forfeit his or her right to any salary for the period of
16 1 year from that date.

17 (13) COOPERATION WITH OTHER AGENCIES.--

18 (a) Cooperation with governmental agencies in
19 enforcement of laws and rules.--Recommend plans for
20 cooperating with, and, on the basis of approved plans,
21 cooperate with federal, state, county, and municipal agencies
22 in the enforcement of laws and rules pertaining to all matters
23 relating to education and child welfare.

24 (b) Identifying and reporting names of migratory
25 children, other information.--Recommend plans for identifying
26 and reporting to the Department of Education the name of each
27 child in the school district who qualifies according to the
28 definition of a migratory child, based on Pub. L. No. 95-561,
29 and for reporting such other information as may be prescribed
30 by the department.

31

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

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

11 (16) VISITATION OF SCHOOLS.--Visit the schools;
12 observe the management and instruction; give suggestions for
13 improvement; and advise supervisors, principals, teachers,
14 patrons, and other citizens with the view of promoting
15 interest in education and improving the school conditions of
16 the district.

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

24 (18) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend
25 such conferences for district school superintendents as may be
26 called or scheduled by the Department of Education and avail
27 himself or herself of means of professional and general
28 improvement so that he or she may function most efficiently.

29 (19) RECOMMEND REVOKING CERTIFICATES.--Recommend in
30 writing to the Department of Education the revoking of any
31 certificate for good cause, including a full statement of the

1 reason for the district school superintendent's
2 recommendation.

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

10 (21) RECOMMEND PROCEDURES FOR INFORMING GENERAL
11 PUBLIC.--Recommend to the district school board procedures
12 whereby the general public can be adequately informed of the
13 educational programs, needs, and objectives of public
14 education within the district.

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

19 (23) OTHER DUTIES AND RESPONSIBILITIES.--Perform such
20 other duties as are assigned to the district school
21 superintendent by law or by rules of the State Board of
22 Education.

23 Section 71. Section 1001.52, Florida Statutes, is
24 created to read:

25 1001.52 Reproduction and destruction of district
26 school records.--

27 (1) The purpose of this section is to reduce the
28 present space required by the district school systems for the
29 storage of their records and to permit the district school
30 superintendent to administer the affairs of the district
31 school system more efficiently.

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

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

22 Section 72. Section 1001.53, Florida Statutes, is
23 created to read:

24 1001.53 District school superintendent responsible for
25 enforcement of attendance.--The district school superintendent
26 shall be responsible for the enforcement of the attendance
27 provisions of chapters 1003 and 1006. In a district in which
28 no attendance assistant is employed, the district school
29 superintendent shall have those duties and responsibilities
30 and exercise those powers assigned by law to attendance
31 assistants.

1 Section 73. Part II.c. of chapter 1001, Florida
2 Statutes, shall be entitled "School Principals" and shall
3 consist of s. 1001.54.

4 Section 74. Section 1001.54, Florida Statutes, is
5 created to read:

6 1001.54 Duties of school principals.--

7 (1) A district school board shall employ, through
8 written contract, public school principals. The school
9 principal has authority over school district personnel in
10 accordance with s. 1012.28.

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

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

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

23 Section 75. Part III of chapter 1001, Florida
24 Statutes, shall be entitled "Community Colleges" and shall
25 consist of ss. 1001.61-1001.65.

26 Section 76. Section 1001.61, Florida Statutes, is
27 created to read:

28 1001.61 Community college boards of trustees;
29 membership.--

30 (1) Community college boards of trustees shall be
31 comprised of five members when a community college district is

1 confined to one school board district; seven members when a
2 community college district is confined to one school board
3 district and the board of trustees so elects; and not more
4 than nine members when the district contains two or more
5 school board districts, as provided by rules of the State
6 Board of Education. However, Florida Community College at
7 Jacksonville shall have an odd number of trustees.

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

10 (3) Members of the board of trustees shall receive no
11 compensation but may receive reimbursement for expenses as
12 provided in s. 112.061.

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

24 (5) A community college president shall serve as the
25 executive officer and corporate secretary of the board of
26 trustees and shall be responsible to the board of trustees for
27 setting the agenda for meetings of the board of trustees in
28 consultation with the chair. The president also serves as the
29 chief administrative officer of the community college, and all
30 the components of the institution and all aspects of its
31

1 operation are responsible to the board of trustees through the
2 president.

3 Section 77. Section 1001.62, Florida Statutes, is
4 created to read:

5 1001.62 Transfer of benefits arising under local or
6 special acts.--All local or special acts in force on July 1,
7 1968, that provide benefits for a community college through a
8 district school board shall continue in full force and effect,
9 and such benefits shall be transmitted to the community
10 college board of trustees.

11 Section 78. Section 1001.63, Florida Statutes, is
12 created to read:

13 1001.63 Community college board of trustees; board of
14 trustees to constitute a corporation.--Each community college
15 board of trustees is constituted a body corporate by the name
16 of "The District Board of Trustees of ...(name of community
17 college)..., Florida" with all the powers and duties of a body
18 corporate, including a corporate seal, the power to contract
19 and be contracted with, to sue or be sued, to plead and be
20 impleaded in all courts of law or equity, and to give and
21 receive donations. In all suits against a board of trustees,
22 service of process shall be made on the chair of the board of
23 trustees or, in the absence of the chair, the corporate
24 secretary or designee of the chair.

25 Section 79. Section 1001.64, Florida Statutes, is
26 created to read:

27 1001.64 Community college boards of trustees; powers
28 and duties.--

29 (1) The boards of trustees shall be responsible for
30 cost-effective policy decisions appropriate to the community
31 college's mission, the implementation and maintenance of

1 high-quality education programs within law and rules of the
2 State Board of Education, the measurement of performance, the
3 reporting of information, and the provision of input regarding
4 state policy, budgeting, and education standards.

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

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

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

22 (b) Each board of trustees is specifically authorized
23 to adopt rules, procedures, and policies, consistent with law
24 and rules of the State Board of Education, related to its
25 mission and responsibilities as set forth in s. 1004.65, its
26 governance, personnel, budget and finance, administration,
27 programs, curriculum and instruction, buildings and grounds,
28 travel and purchasing, technology, students, contracts and
29 grants, or college property.

30 (5) Each board of trustees shall have responsibility
31 for the use, maintenance, protection, and control of community

1 college owned or community college controlled buildings and
 2 grounds, property and equipment, name, trademarks and other
 3 proprietary marks, and the financial and other resources of
 4 the community college. Such authority may include placing
 5 restrictions on activities and on access to facilities,
 6 firearms, food, tobacco, alcoholic beverages, distribution of
 7 printed materials, commercial solicitation, animals, and
 8 sound.

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

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

28 (8) Each board of trustees has authority for policies
 29 related to students, enrollment of students, student records,
 30 student activities, financial assistance, and other student
 31 services.

1 (a) Each board of trustees shall govern admission of
2 students pursuant to s. 1007.263 and rules of the State Board
3 of Education. A board of trustees may establish additional
4 admissions criteria, which shall be included in the district
5 interinstitutional articulation agreement developed according
6 to s. 1007.235, to ensure student readiness for postsecondary
7 instruction. Each board of trustees may consider the past
8 actions of any person applying for admission or enrollment and
9 may deny admission or enrollment to an applicant because of
10 misconduct if determined to be in the best interest of the
11 community college.

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 (g) 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) Each board of trustees shall appoint, suspend, or
24 remove the president of the community college. The board of
25 trustees may appoint a search committee. The board of trustees
26 shall conduct annual evaluations of the president in
27 accordance with rules of the State Board of Education and
28 submit such evaluations to the State Board of Education for
29 review. The evaluation must address the achievement of the
30 performance goals established by the accountability process
31 implemented pursuant to s. 1008.45 and the performance of the

1 president in achieving the annual and long-term goals and
2 objectives established in the community college's employment
3 accountability program implemented pursuant to s. 1012.86.

4 (20) Each board of trustees is authorized to enter
5 into contracts to provide a State Community College System
6 Optional Retirement Program pursuant to s. 1012.875 and to
7 enter into consortia with other boards of trustees for this
8 purpose.

9 (21) Each board of trustees is authorized to purchase
10 annuities for its community college personnel who have 25 or
11 more years of creditable service and who have reached age 55
12 and have applied for retirement under the Florida Retirement
13 System pursuant to the provisions of s. 1012.87.

14 (22) A board of trustees may defray all costs of
15 defending civil actions against officers, employees, or agents
16 of the board of trustees pursuant to s. 1012.85.

17 (23) Each board of trustees has authority for risk
18 management, safety, security, and law enforcement operations.
19 Each board of trustees is authorized to employ personnel,
20 including police officers pursuant to s. 1012.88, to carry out
21 the duties imposed by this subsection.

22 (24) Each board of trustees shall provide rules
23 governing parking and the direction and flow of traffic within
24 campus boundaries. Except for sworn law enforcement personnel,
25 persons employed to enforce campus parking rules have no
26 authority to arrest or issue citations for moving traffic
27 violations. The board of trustees may adopt a uniform code of
28 appropriate penalties for violations. Such penalties, unless
29 otherwise provided by law, may include the levying of fines,
30 the withholding of diplomas or transcripts pending compliance
31 with rules or payment of fines, and the imposition of

1 probation, suspension, or dismissal. Moneys collected from
2 parking rule infractions shall be deposited in appropriate
3 funds at each community college for student financial aid
4 purposes.

5 (25) Each board of trustees constitutes the
6 contracting agent of the community college. It may when acting
7 as a body make contracts, sue, and be sued in the name of the
8 board of trustees. In any suit, a change in personnel of the
9 board of trustees shall not abate the suit, which shall
10 proceed as if such change had not taken place.

11 (26) Each board of trustees is authorized to contract
12 for the purchase, sale, lease, license, or acquisition in any
13 manner (including purchase by installment or lease-purchase
14 contract which may provide for the payment of interest on the
15 unpaid portion of the purchase price and for the granting of a
16 security interest in the items purchased) of goods, materials,
17 equipment, and services required by the community college. The
18 board of trustees may choose to consolidate equipment
19 contracts under master equipment financing agreements made
20 pursuant to s. 287.064.

21 (27) Each board of trustees shall be responsible for
22 managing and protecting real and personal property acquired or
23 held in trust for use by and for the benefit of such community
24 college. To that end, any board of trustees is authorized to
25 be self-insured, to enter into risk management programs, or to
26 purchase insurance for whatever coverage it may choose, or to
27 have any combination thereof, in anticipation of any loss,
28 damage, or destruction. A board of trustees may contract for
29 self-insurance services pursuant to s. 1001.64(27).

30 (28) Each board of trustees is authorized to enter
31 into agreements for, and accept, credit card, charge card, and

1 debit card payments as compensation for goods, services,
2 tuition, and fees. Each community college is further
3 authorized to establish accounts in credit card, charge card,
4 and debit card banks for the deposit of sales invoices.

5 (29) Each board of trustees may provide incubator
6 facilities to eligible small business concerns pursuant to s.
7 1004.79.

8 (30) Each board of trustees may establish a technology
9 transfer center for the purpose of providing institutional
10 support to local business and industry and governmental
11 agencies in the application of new research in technology
12 pursuant to the provisions of s. 1004.78.

13 (31) Each board of trustees may establish economic
14 development centers for the purpose of serving as liaisons
15 between community colleges and the business sector pursuant to
16 the provisions of s. 1004.80.

17 (32) Each board of trustees may establish a child
18 development training center pursuant to s. 1004.81.

19 (33) Each board of trustees is authorized to develop
20 and produce work products relating to educational endeavors
21 that are subject to trademark, copyright, or patent statutes
22 pursuant to chapter 1004.

23 (34) Each board of trustees shall administer the
24 facilities program pursuant to chapter 1013, including but not
25 limited to: the construction of public educational and
26 ancillary plant; the acquisition and disposal of property;
27 compliance with building and life safety codes; submission of
28 data and information relating to facilities and construction;
29 use of buildings and grounds; establishment of safety and
30 sanitation programs for the protection of building occupants;
31 and site planning and selection.

1 (35) Each board of trustees may exercise the right of
2 eminent domain pursuant to the provisions of chapter 1013.

3 (36) Each board of trustees may enter into
4 lease-purchase arrangements with private individuals or
5 corporations for necessary grounds and buildings for community
6 college purposes, other than dormitories, or for buildings
7 other than dormitories to be erected for community college
8 purposes. Such arrangements shall be paid from capital outlay
9 and debt service funds as provided by s. 1011.84(2), with
10 terms not to exceed 30 years at a stipulated rate. The
11 provisions of such contracts, including building plans, are
12 subject to approval by the Department of Education, and no
13 such contract may be entered into without such approval.

14 (37) Each board of trustees may purchase, acquire,
15 receive, hold, own, manage, lease, sell, dispose of, and
16 convey title to real property, in the best interests of the
17 community college.

18 (38) Each board of trustees is authorized to borrow
19 funds and incur debt, including entering into lease-purchase
20 agreements and the issuance of revenue bonds as specifically
21 authorized and only for the purposes authorized in ss.
22 1009.22(6) and (9) and 1009.23(11) and (12). At the option of
23 the board of trustees, bonds may be issued which are secured
24 by a combination of revenues authorized to be pledged to bonds
25 pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9)
26 and 1009.23(12). Lease-purchase agreements may be secured by a
27 combination of revenues as specifically authorized pursuant to
28 ss. 1009.22(7) and 1009.23(10).

29 (39) Each board of trustees shall prescribe conditions
30 for direct-support organizations to be certified and to use
31 community college property and services. Conditions relating

1 to certification must provide for audit review and oversight
2 by the board of trustees.

3 (40) Each board of trustees may adopt policies
4 pursuant to s. 1010.02 that provide procedures for
5 transferring to the direct-support organization of that
6 community college for administration by such organization
7 contributions made to the community college.

8 (41) The board of trustees shall exert every effort to
9 collect all delinquent accounts pursuant to s. 1010.03.

10 (42) Each board of trustees shall implement a plan, in
11 accordance with guidelines of the State Board of Education,
12 for working on a regular basis with the other community
13 college boards of trustees, representatives of the university
14 boards of trustees, and representatives of the district school
15 boards to achieve the goals of the seamless education system.

16 (43) Each board of trustees has responsibility for
17 compliance with state and federal laws, rules, regulations,
18 and requirements.

19 (44) Each board of trustees may adopt rules,
20 procedures, and policies related to institutional governance,
21 administration, and management in order to promote orderly and
22 efficient operation, including, but not limited to, financial
23 management, budget management, physical plant management, and
24 property management.

25 (45) Each board of trustees may adopt rules and
26 procedures related to data or technology, including, but not
27 limited to, information systems, communications systems,
28 computer hardware and software, and networks.

29 (46) Each board of trustees may consider the past
30 actions of any person applying for employment and may deny
31

1 employment to a person because of misconduct if determined to
2 be in the best interest of the community college.

3 Section 80. Section 1001.65, Florida Statutes, is
4 created to read:

5 1001.65 Community college presidents; powers and
6 duties.--The president is the chief executive officer of the
7 community college, shall be corporate secretary of the
8 community college board of trustees, and is responsible for
9 the operation and administration of the community college.

10 Each community college president shall:

11 (1) Recommend the adoption of rules, as appropriate,
12 to the community college board of trustees to implement
13 provisions of law governing the operation and administration
14 of the community college, which shall include the specific
15 powers and duties enumerated in this section. Such rules shall
16 be consistent with law, the mission of the community college
17 and the rules and policies of the State Board of Education.

18 (2) Prepare a budget request and an operating budget
19 pursuant to s. 1011.30 for approval by the community college
20 board of trustees at such time and in such format as the State
21 Board of Education may prescribe.

22 (3) Establish and implement policies and procedures to
23 recruit, appoint, transfer, promote, compensate, evaluate,
24 reward, demote, discipline, and remove personnel, within law
25 and rules of the State Board of Education and in accordance
26 with rules or policies approved by the community college board
27 of trustees.

28 (4) Govern admissions, subject to law and rules or
29 policies of the community college board of trustees and the
30 State Board of Education.

31

1 (5) Approve, execute, and administer contracts for and
2 on behalf of the community college board of trustees for
3 licenses; the acquisition or provision of commodities, goods,
4 equipment, and services; leases of real and personal property;
5 and planning and construction to be rendered to or by the
6 community college, provided such contracts are within law and
7 guidelines of the State Board of Education and in conformance
8 with policies of the community college board of trustees, and
9 are for the implementation of approved programs of the
10 community college.

11 (6) Act for the community college board of trustees as
12 custodian of all community college property and financial
13 resources. The authority vested in the community college
14 president under this subsection includes the authority to
15 prioritize the use of community college space, property,
16 equipment, and resources and the authority to impose charges
17 for the use of those items.

18 (7) Establish the internal academic calendar of the
19 community college within general guidelines of the State Board
20 of Education.

21 (8) Administer the community college's program of
22 intercollegiate athletics.

23 (9) Recommend to the board of trustees the
24 establishment and termination of programs within the approved
25 role and scope of the community college.

26 (10) Award degrees.

27 (11) Recommend to the board of trustees a schedule of
28 tuition and fees to be charged by the community college,
29 within law and rules of the State Board of Education.

30 (12) Organize the community college to efficiently and
31 effectively achieve the goals of the community college.

1 (13) Review periodically the operations of the
2 community college in order to determine how effectively and
3 efficiently the community college is being administered and
4 whether it is meeting the goals of its strategic plan adopted
5 by the State Board of Education.

6 (14) Enter into agreements for student exchange
7 programs that involve students at the community college and
8 students in other institutions of higher learning.

9 (15) Approve the internal procedures of student
10 government organizations and provide purchasing, contracting,
11 and budgetary review processes for these organizations.

12 (16) Ensure compliance with federal and state laws,
13 rules, regulations, and other requirements that are applicable
14 to the community college.

15 (17) Maintain all data and information pertaining to
16 the operation of the community college, and report on the
17 attainment by the community college of institutional and
18 statewide performance accountability goals.

19 (18) The college president shall certify to the
20 department a project's compliance with the requirements for
21 expenditure of PECO funds prior to release of funds pursuant
22 to the provisions of chapter 1013.

23 (19) Each community college president must provide to
24 the law enforcement agency and fire department that has
25 jurisdiction over the community college a copy of the floor
26 plans and other relevant documents for each educational
27 facility as defined in s. 1013.01(6). After the initial
28 submission of the floor plans and other relevant documents,
29 the community college president shall submit, by October 1 of
30 each year, revised floor plans and other relevant documents
31

1 for each educational facility that was modified during the
2 preceding year.

3 (20) Each community college president shall establish
4 a committee to consider requests for waivers from the
5 provisions of s. 1008.29 and approve or disapprove the
6 committee's recommendations.

7 (21) Community college presidents shall jointly
8 develop and implement with school superintendents a
9 comprehensive articulated acceleration program, including a
10 comprehensive interinstitutional articulation agreement, for
11 the students enrolled in their respective school districts and
12 service areas pursuant to the provisions of s. 1007.235.

13 (22) Each president of a community college shall have
14 authority, after notice to the student of the charges and
15 after a hearing thereon, to expel, suspend, or otherwise
16 discipline any student who is found to have violated any law,
17 ordinance, or rule or regulation of the State Board of
18 Education or of the board of trustees of the community college
19 pursuant to the provisions of s. 1006.62.

20 (23) Each community college president shall submit an
21 annual employment accountability plan to the Department of
22 Education pursuant to the provisions of s. 1012.86.

23 (24) The community college presidents, or the
24 presidents' designees, shall annually evaluate each department
25 chairperson, dean, provost, and vice president in achieving
26 the annual and long-term goals and objectives of the community
27 college's employment accountability plan.

28 (25) The authority vested with a community college
29 shall be vested with the president of the community college or
30 his or her designee.

31

1 Section 81. Part IV of chapter 1001, Florida Statutes,
2 shall be entitled "State Universities" and shall consist of
3 ss. 1001.71-1001.75.

4 Section 82. Section 1001.71, Florida Statutes, is
5 created to read:

6 1001.71 University boards of trustees; membership.--

7 (1) University boards of trustees shall be comprised
8 of 12 members appointed by the Governor and confirmed by the
9 Senate in the regular legislative session immediately
10 following his or her appointment. In addition, the student
11 body president elected on the main campus of the university
12 shall serve ex officio as a voting member of his or her
13 university board of trustees. There shall be no state
14 residency requirement for university board members, but the
15 Governor shall consider diversity and regional representation.

16 (2) Members of the boards of trustees shall receive no
17 compensation but may be reimbursed for travel and per diem
18 expenses as provided in s. 112.061.

19 (3) The Governor may remove a trustee upon the
20 recommendation of the State Board of Education, or for cause.

21 (4) Boards of trustees' members shall be appointed for
22 staggered 4-year terms, and may be reappointed for additional
23 terms not to exceed 8 years of service.

24 (5) Each board of trustees shall select its chair and
25 vice chair from the appointed members at its first regular
26 meeting after July 1. The chair shall serve for 2 years and
27 may be reselected for one additional consecutive term. The
28 duties of the chair shall include presiding at all meetings of
29 the board of trustees, calling special meetings of the board
30 of trustees, attesting to actions of the board of trustees,
31 and notifying the Governor in writing whenever a board member

1 fails to attend three consecutive regular board meetings in
2 any fiscal year, which failure may be grounds for removal. The
3 duty of the vice chair is to act as chair during the absence
4 or disability of the chair.

5 (6) The university president shall serve as executive
6 officer and corporate secretary of the board of trustees and
7 shall be responsible to the board of trustees for all
8 operations of the university and for setting the agenda for
9 meetings of the board of trustees in consultation with the
10 chair.

11 Section 83. Section 1001.72, Florida Statutes, is
12 created to read:

13 1001.72 University boards of trustees; boards to
14 constitute a corporation.--

15 (1) Each board of trustees shall be a public body
16 corporate by the name of "The (name of university) Board of
17 Trustees," with all the powers of a body corporate, including
18 a corporate seal, the power to contract and be contracted
19 with, to sue and be sued, to plead and be impleaded in all
20 courts of law or equity, and to give and receive donations. In
21 all suits against a board of trustees, service of process
22 shall be made on the chair of the board of trustees or, in the
23 absence of the chair, on the corporate secretary or designee.

24 (2) It is the intent of the Legislature that the
25 university boards of trustees are not departments of the
26 executive branch of state government within the scope and
27 meaning of s. 6, Art. IV of the State Constitution.

28 (3) The corporation is constituted as a public
29 instrumentality, and the exercise by the corporation of the
30 power conferred by this section is considered to be the
31 performance of an essential public function. The corporation

1 shall constitute an agency for the purposes of s. 120.52. The
2 corporation is subject to chapter 119, subject to exceptions
3 applicable to the corporation, and to the provisions of
4 chapter 286; however, the corporation shall be entitled to
5 provide notice of internal review committee meetings for
6 competitive proposals or procurement to applicants by mail or
7 facsimile rather than by means of publication. The corporation
8 is not governed by chapter 607, but by the provisions of this
9 part.

10 (4) No bureau, department, division, agency, or
11 subdivision of the state shall exercise any responsibility and
12 authority to operate any state university except as
13 specifically provided by law or rules of the State Board of
14 Education. This section shall not prohibit any department,
15 bureau, division, agency, or subdivision of the state from
16 providing access to programs or systems or providing other
17 assistance to a state university pursuant to an agreement
18 between the board of trustees and such department, bureau,
19 division, agency, or subdivision of the state.

20 Section 84. Section 1001.73, Florida Statutes, is
21 created to read:

22 1001.73 University board empowered to act as
23 trustee.--

24 (1) Whenever appointed by any competent court of the
25 state, or by any statute, or in any will, deed, or other
26 instrument, or in any manner whatever as trustee of any funds
27 or real or personal property in which any of the institutions
28 or agencies under its management, control, or supervision, or
29 their departments or branches or students, faculty members,
30 officers, or employees, may be interested as beneficiaries, or
31 otherwise, or for any educational purpose, a university board

1 of trustees is hereby authorized to act as trustee with full
2 legal capacity as trustee to administer such trust property,
3 and the title thereto shall vest in said board as trustee. In
4 all such cases, the university board of trustees shall have
5 the power and capacity to do and perform all things as fully
6 as any individual trustee or other competent trustee might do
7 or perform, and with the same rights, privileges, and duties,
8 including the power, capacity, and authority to convey,
9 transfer, mortgage, or pledge such property held in trust and
10 to contract and execute all other documents relating to said
11 trust property which may be required for, or appropriate to,
12 the administration of such trust or to accomplish the purposes
13 of any such trust.

14 (2) Deeds, mortgages, leases, and other contracts of
15 the university board of trustees relating to real property of
16 any such trust or any interest therein may be executed by the
17 university board of trustees, as trustee, in the same manner
18 as is provided by the laws of the state for the execution of
19 similar documents by other corporations or may be executed by
20 the signatures of a majority of the members of the board of
21 trustees; however, to be effective, any such deed, mortgage,
22 or lease contract for more than 10 years of any trust
23 property, executed hereafter by the university board of
24 trustees, shall be approved by a resolution of the State Board
25 of Education; and such approving resolution may be evidenced
26 by the signature of either the chair or the secretary of the
27 State Board of Education to an endorsement on the instrument
28 approved, reciting the date of such approval, and bearing the
29 seal of the State Board of Education. Such signed and sealed
30 endorsement shall be a part of the instrument and entitled to
31 record without further proof.

1 (3) Any and all such appointments of, and acts by, the
2 Board of Regents as trustee of any estate, fund, or property
3 prior to May 18, 1949, are hereby validated, and said board's
4 capacity and authority to act as trustee subject to the
5 provisions of s. 1000.01(5)(a) in all of such cases is
6 ratified and confirmed; and all deeds, conveyances, lease
7 contracts, and other contracts heretofore executed by the
8 Board of Regents, either by the signatures of a majority of
9 the members of the board or in the board's name by its chair
10 or chief executive officer, are hereby approved, ratified,
11 confirmed, and validated.

12 (4) Nothing herein shall be construed to authorize a
13 university board of trustees to contract a debt on behalf of,
14 or in any way to obligate, the state; and the satisfaction of
15 any debt or obligation incurred by the university board as
16 trustee under the provisions of this section shall be
17 exclusively from the trust property, mortgaged or encumbered;
18 and nothing herein shall in any manner affect or relate to the
19 provisions of ss. 1010.61-1010.619, or s. 1013.78.

20 Section 85. Section 1001.74, Florida Statutes, is
21 created to read:

22 1001.74 Powers and duties of university boards of
23 trustees.--

24 (1) The boards of trustees shall be responsible for
25 cost-effective policy decisions appropriate to the
26 university's mission, the implementation and maintenance of
27 high-quality education programs within law and rules of the
28 State Board of Education, the measurement of performance, the
29 reporting of information, and the provision of input regarding
30 state policy, budgeting, and education standards.

31

1 (2) Each board of trustees is vested with the
2 authority to govern its university, as necessary to provide
3 proper governance and improvement of the university in
4 accordance with law and with rules of the State Board of
5 Education. Each board of trustees shall perform all duties
6 assigned by law or by rule of the State Board of Education or
7 the Commissioner of Education.

8 (3) A board of trustees shall have the power to take
9 action without a recommendation from the president and shall
10 have the power to require the president to deliver to the
11 board of trustees all data and information required by the
12 board of trustees in the performance of its duties.

13 (4) Each board of trustees may adopt rules pursuant to
14 ss. 120.536(1) and 120.54 to implement the provisions of law
15 conferring duties upon it. Such rules must be consistent with
16 rules of the State Board of Education.

17 (5) Each board of trustees shall have the authority to
18 acquire real and personal property and contract for the sale
19 and disposal of same and approve and execute contracts for the
20 purchase, sale, lease, license, or acquisition of commodities,
21 goods, equipment, contractual services, leases of real and
22 personal property, and construction. The acquisition may
23 include purchase by installment or lease-purchase. Such
24 contracts may provide for payment of interest on the unpaid
25 portion of the purchase price. Title to all real property
26 acquired prior to January 7, 2003, and to all real property
27 acquired with funds appropriated by the Legislature shall be
28 vested in the Board of Trustees of the Internal Improvement
29 Trust Fund and shall be transferred and conveyed by it.
30 Notwithstanding any other provisions of this subsection, each
31 board of trustees shall comply with the provisions of s.

1 287.055 for the procurement of professional services as
2 defined therein.

3 (6) Each board of trustees shall have responsibility
4 for the use, maintenance, protection, and control of
5 university-owned or university-controlled buildings and
6 grounds, property and equipment, name, trademarks and other
7 proprietary marks, and the financial and other resources of
8 the university. 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. The authority vested in the board of trustees in this
13 subsection includes the prioritization of the use of space,
14 property, equipment, and resources and the imposition of
15 charges for those items.

16 (7) Each board of trustees has responsibility for the
17 establishment and discontinuance of degree programs up to and
18 including the master's degree level; the establishment and
19 discontinuance of course offerings; provision of credit and
20 noncredit educational offerings; location of classes; services
21 provided; and dissemination of information concerning such
22 programs and services. Approval of new programs must be
23 pursuant to criteria established by the State Board of
24 Education.

25 (8) Each board of trustees is authorized to create
26 divisions of sponsored research pursuant to the provisions of
27 s. 1011.411 to serve the function of administration and
28 promotion of the programs of research.

29 (9) Each board of trustees has responsibility for:
30 ensuring that students have access to general education
31 courses as identified in rule and requiring no more than 120

1 semester hours of coursework for baccalaureate degree programs
2 unless approved by the State Board of Education. At least half
3 of the required coursework for any baccalaureate degree must
4 be offered at the lower-division level, except in program
5 areas approved by the State Board of Education.

6 (10) Each board of trustees has responsibility for
7 policies related to students, enrollment of students, student
8 activities and organizations, financial assistance, and other
9 student services.

10 (a) Each board of trustees shall govern admission of
11 students pursuant to s. 1007.261 and rules of the State Board
12 of Education. Each board of trustees may consider the past
13 actions of any person applying for admission or enrollment and
14 may deny admission or enrollment to an applicant because of
15 misconduct if determined to be in the best interest of the
16 university.

17 (b) Each board of trustees shall establish student
18 performance standards for the award of degrees and
19 certificates.

20 (c) Each board of trustees must identify its core
21 curricula and work with school districts to ensure that its
22 curricula coordinate with the core curricula and prepare
23 students for college-level work.

24 (d) Each board of trustees must adopt a written
25 antihazing policy, appropriate penalties for violations of
26 such policy, and a program for enforcing such policy.

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

1 withholding of diplomas or transcripts pending compliance with
2 rules or payment of fines, and the imposition of probation,
3 suspension, or dismissal.

4 (f) Each board of trustees shall establish a
5 committee, at least one-half of the members of which shall be
6 students appointed by the student body president, to
7 periodically review and evaluate the student judicial system.

8 (g) Each board of trustees must adopt a policy
9 pursuant to s. 1006.53 that reasonably accommodates the
10 religious observance, practice, and belief of individual
11 students in regard to admissions, class attendance, and the
12 scheduling of examinations and work assignments.

13 (h) A board of trustees may establish
14 intrainstitutional and interinstitutional programs to maximize
15 articulation pursuant to s. 1007.22.

16 (i) Each board of trustees shall approve the internal
17 procedures of student government organizations.

18 (11) Each board of trustees shall establish fees
19 pursuant to ss. 1009.24 and 1009.26.

20 (12) Each board of trustees shall submit an
21 institutional budget request, including a request for fixed
22 capital outlay, and an operating budget to the State Board of
23 Education for approval in accordance with guidelines
24 established by the State Board of Education.

25 (13) Each board of trustees shall account for
26 expenditures of all state, local, federal, and other funds in
27 the manner described by the Department of Education.

28 (14) Each board of trustees shall develop a strategic
29 plan specifying institutional goals and objectives for the
30 university for recommendation to the State Board of Education.

31

1 (15) Each board of trustees shall develop an
2 accountability plan pursuant to guidelines established by the
3 State Board of Education.

4 (16) Each board of trustees shall maintain an
5 effective information system to provide accurate, timely, and
6 cost-effective information about the university.

7 (17) Each board of trustees is authorized to secure
8 comprehensive general liability insurance pursuant to s.
9 1004.24.

10 (18) Each board of trustees may provide for payment of
11 the costs of civil actions against officers, employees, or
12 agents of the board pursuant to s. 1012.965.

13 (19) Each board of trustees shall establish the
14 personnel program for all employees of the university,
15 including the president, pursuant to the provisions of chapter
16 1012 and, in accordance with rules and guidelines of the State
17 Board of Education, including: compensation and other
18 conditions of employment, recruitment and selection,
19 nonreappointment, standards for performance and conduct,
20 evaluation, benefits and hours of work, leave policies,
21 recognition and awards, inventions and works, travel, learning
22 opportunities, exchange programs, academic freedom and
23 responsibility, promotion, assignment, demotion, transfer,
24 tenure and permanent status, ethical obligations and conflicts
25 of interest, restrictive covenants, disciplinary actions,
26 complaints, appeals and grievance procedures, and separation
27 and termination from employment.

28 (20) Each board of trustees may consider the past
29 actions of any person applying for employment and may deny
30 employment to a person because of misconduct if determined to
31 be in the best interest of the university.

1 (21) Each board of trustees shall appoint a
2 presidential search committee to make recommendations to the
3 full board of trustees, from which the board of trustees may
4 select a candidate for ratification by the State Board of
5 Education.

6 (22) Each board of trustees shall conduct an annual
7 evaluation of the president in accordance with rules of the
8 State Board of Education and submit such evaluations to the
9 State Board of Education for review. The evaluation must
10 address the achievement of the performance goals established
11 by the accountability process implemented pursuant to s.
12 1008.46 and the performance of the president in achieving the
13 annual and long-term goals and objectives established in the
14 institution's employment equity accountability program
15 implemented pursuant to s. 1012.95.

16 (23) Each board of trustees constitutes the
17 contracting agent of the university.

18 (24) Each board of trustees may enter into agreements
19 for, and accept, credit card payments as compensation for
20 goods, services, tuition, and fees.

21 (25) Each board of trustees may establish educational
22 research centers for child development pursuant to s. 1011.48.

23 (26) Each board of trustees may develop and produce
24 work products relating to educational endeavors that are
25 subject to trademark, copyright, or patent statutes pursuant
26 to s. 1004.23.

27 (27) Each board of trustees shall submit to the State
28 Board of Education, for approval, all new campuses and
29 instructional centers.

30
31

1 (28) Each board of trustees shall administer a program
2 for the maintenance and construction of facilities pursuant to
3 chapter 1013.

4 (29) Each board of trustees shall ensure compliance
5 with the provisions of s. 287.09451 for all procurement and
6 ss. 255.101 and 255.102 for construction contracts, and rules
7 adopted pursuant thereto, relating to the utilization of
8 minority business enterprises, except that procurements
9 costing less than the amount provided for in CATEGORY FIVE as
10 provided in s. 287.017 shall not be subject to s. 287.09451.

11 (30) Each board of trustees may exercise the right of
12 eminent domain pursuant to the provisions of chapter 1013. Any
13 suits or actions brought by the board of trustees shall be
14 brought in the name of the board of trustees, and the
15 Department of Legal Affairs shall conduct the proceedings for,
16 and act as the counsel of, the board of trustees.

17 (31) Notwithstanding the provisions of s. 253.025,
18 each board of trustees may, with the consent of the Board of
19 Trustees of the Internal Improvement Trust Fund, sell, convey,
20 transfer, exchange, trade, or purchase real property and
21 related improvements necessary and desirable to serve the
22 needs and purposes of the university.

23 (a) The board of trustees may secure appraisals and
24 surveys. The board of trustees shall comply with the rules of
25 the Board of Trustees of the Internal Improvement Trust Fund
26 in securing appraisals. Whenever the board of trustees finds
27 it necessary for timely property acquisition, it may contract,
28 without the need for competitive selection, with one or more
29 appraisers whose names are contained on the list of approved
30 appraisers maintained by the Division of State Lands in the
31 Department of Environmental Protection.

1 (b) The board of trustees may negotiate and enter into
2 an option contract before an appraisal is obtained. The option
3 contract must state that the final purchase price may not
4 exceed the maximum value allowed by law. The consideration for
5 such an option contract may not exceed 10 percent of the
6 estimate obtained by the board of trustees or 10 percent of
7 the value of the parcel, whichever is greater, unless
8 otherwise authorized by the board of trustees.

9 (c) This subsection is not intended to abrogate in any
10 manner the authority delegated to the Board of Trustees of the
11 Internal Improvement Trust Fund or the Division of State Lands
12 to approve a contract for purchase of state lands or to
13 require policies and procedures to obtain clear legal title to
14 parcels purchased for state purposes. Title to property
15 acquired by a university board of trustees prior to January 7,
16 2003, and to property acquired with funds appropriated by the
17 Legislature shall vest in the Board of Trustees of the
18 Internal Improvement Trust Fund.

19 (32) Each board of trustees shall prepare and adopt a
20 campus master plan pursuant to s. 1013.30.

21 (33) Each board of trustees shall prepare, adopt, and
22 execute a campus development agreement pursuant to s. 1013.30.

23 (34) Each board of trustees has responsibility for
24 compliance with state and federal laws, rules, regulations,
25 and requirements.

26 (35) Each board of trustees may govern traffic on the
27 grounds of that campus pursuant to s. 1006.66.

28 (36) A board of trustees has responsibility for
29 supervising faculty practice plans for the academic health
30 science centers.

31

1 (37) Each board of trustees shall prescribe conditions
2 for direct-support organizations and university health
3 services support organizations to be certified and to use
4 university property and services. Conditions relating to
5 certification must provide for audit review and oversight by
6 the board of trustees.

7 (38) Each board of trustees shall actively implement a
8 plan, in accordance with guidelines of the State Board of
9 Education, for working on a regular basis with the other
10 university boards of trustees, representatives of the
11 community college boards of trustees, and representatives of
12 the district school boards, to achieve the goals of the
13 seamless education system.

14 (39) Notwithstanding the provisions of s. 216.351, a
15 board of trustees may authorize the rent or lease of parking
16 facilities, provided that such facilities are funded through
17 parking fees or parking fines imposed by a university. A board
18 of trustees may authorize a university to charge fees for
19 parking at such rented or leased parking facilities.

20 (40) Each board of trustees may adopt rules and
21 procedures related to data and technology, including
22 information systems, communications systems, computer hardware
23 and software, and networks.

24 (41) A board of trustees shall perform such other
25 duties as are provided by law or rule of the State Board of
26 Education.

27 Section 86. Section 1001.75, Florida Statutes, is
28 created to read:

29 1001.75 University presidents; powers and duties.--The
30 president is the chief executive officer of the state
31 university, shall be corporate secretary of the university

1 board of trustees, and is responsible for the operation and
2 administration of the university. Each state university
3 president shall:

4 (1) Recommend the adoption of rules, as appropriate,
5 to the university board of trustees to implement provisions of
6 law governing the operation and administration of the
7 university, which shall include the specific powers and duties
8 enumerated in this section. Such rules shall be consistent
9 with the mission of the university and the rules and policies
10 of the State Board of Education.

11 (2) Prepare a budget request and an operating budget
12 for approval by the university board of trustees.

13 (3) Establish and implement policies and procedures to
14 recruit, appoint, transfer, promote, compensate, evaluate,
15 reward, demote, discipline, and remove personnel, within law
16 and rules of the State Board of Education and in accordance
17 with rules or policies approved by the university board of
18 trustees.

19 (4) Govern admissions, subject to law and rules or
20 policies of the university board of trustees and the State
21 Board of Education.

22 (5) Approve, execute, and administer contracts for and
23 on behalf of the university board of trustees for licenses;
24 the acquisition or provision of commodities, goods, equipment,
25 and services; leases of real and personal property; and
26 planning and construction to be rendered to or by the
27 university, provided such contracts are within law and rules
28 of the State Board of Education and in conformance with
29 policies of the university board of trustees, and are for the
30 implementation of approved programs of the university.

31 University presidents shall comply with the provisions of s.

1 287.055 for the procurement of professional services and may
2 approve and execute all contracts on behalf of the board of
3 trustees for planning, construction, and equipment. For the
4 purposes of a university president's contracting authority, a
5 "continuing contract" for professional services under the
6 provisions of s. 287.055 is one in which construction costs do
7 not exceed \$1 million or the fee for study activity does not
8 exceed \$100,000.

9 (6) Act for the university board of trustees as
10 custodian of all university property.

11 (7) Establish the internal academic calendar of the
12 university within general guidelines of the State Board of
13 Education.

14 (8) Administer the university's program of
15 intercollegiate athletics.

16 (9) Recommend to the board of trustees the
17 establishment and termination of undergraduate and
18 master's-level degree programs within the approved role and
19 scope of the university.

20 (10) Award degrees.

21 (11) Recommend to the board of trustees a schedule of
22 tuition and fees to be charged by the university, within law
23 and rules of the State Board of Education.

24 (12) Organize the university to efficiently and
25 effectively achieve the goals of the university.

26 (13) Review periodically the operations of the
27 university in order to determine how effectively and
28 efficiently the university is being administered and whether
29 it is meeting the goals of its strategic plan adopted by the
30 State Board of Education.

31

1 (14) Enter into agreements for student exchange
2 programs that involve students at the university and students
3 in other institutions of higher learning.

4 (15) Provide purchasing, contracting, and budgetary
5 review processes for student government organizations.

6 (16) Ensure compliance with federal and state laws,
7 rules, regulations, and other requirements that are applicable
8 to the university.

9 (17) Maintain all data and information pertaining to
10 the operation of the university, and report on the attainment
11 by the university of institutional and statewide performance
12 accountability goals.

13 (18) Adjust property records and dispose of
14 state-owned tangible personal property in the university's
15 custody in accordance with procedures established by the
16 university board of trustees. Notwithstanding the provisions
17 of s. 273.055(5), all moneys received from the disposition of
18 state-owned tangible personal property shall be retained by
19 the university and disbursed for the acquisition of tangible
20 personal property and for all necessary operating
21 expenditures. The university shall maintain records of the
22 accounts into which such moneys are deposited.

23 (19) The powers, duties, and authority vested with a
24 university shall be vested with the president of the
25 university or his or her designee.

26 Section 87. Chapter 1002, Florida Statutes, shall be
27 entitled "Student and Parental Rights and Educational Choices"
28 and shall consist of ss. 1002.01-1002.44.

29 Section 88. Part I of chapter 1002, Florida Statutes,
30 shall be entitled "General Provisions" and shall consist of s.
31 1002.01.

1 Section 89. Section 1002.01, Florida Statutes, is
2 created to read:

3 1002.01 Definitions.--

4 (1) A "home education program" means the sequentially
5 progressive instruction of a student directed by his or her
6 parent in order to satisfy the attendance requirements of ss.
7 1002.41, 1003.01(4), and 1003.21(1).

8 (2) A "private school" is a nonpublic school defined
9 as an individual, association, copartnership, or corporation,
10 or department, division, or section of such organizations,
11 that designates itself as an educational center that includes
12 kindergarten or a higher grade or as an elementary, secondary,
13 business, technical, or trade school below college level or
14 any organization that provides instructional services that
15 meet the intent of s. 1003.01(14) or that gives preemployment
16 or supplementary training in technology or in fields of trade
17 or industry or that offers academic, literary, or career and
18 technical training below college level, or any combination of
19 the above, including an institution that performs the
20 functions of the above schools through correspondence or
21 extension, except those licensed under the provisions of
22 chapter 1005. A private school may be a parochial, religious,
23 denominational, for-profit, or nonprofit school. This
24 definition does not include home education programs conducted
25 in accordance with s. 1002.41.

26 Section 90. Part II of chapter 1002, Florida Statutes,
27 shall be entitled "Student and Parental Rights" and shall
28 consist of ss. 1002.20-1002.22.

29 Section 91. Section 1002.20, Florida Statutes, is
30 created to read:

31

1 1002.20 K-12 student and parent rights.--K-12 students
2 and their parents are afforded numerous statutory rights
3 including, but not limited to, the following:

4 (1) SYSTEM OF EDUCATION.--In accordance with s. 1,
5 Art. IX of the State Constitution, all K-12 public school
6 students are entitled to a uniform, safe, secure, efficient,
7 and high quality system of education, one that allows students
8 the opportunity to obtain a high quality education. Parents
9 are responsible to ready their children for school; however,
10 the State of Florida cannot be the guarantor of each
11 individual student's success.

12 (2) ATTENDANCE.--

13 (a) Compulsory school attendance.--The compulsory
14 school attendance laws apply to all children between the ages
15 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),
16 and, in accordance with the provisions of s. 1003.21(1) and
17 (2)(a):

18 1. A student who attains the age of 16 years during
19 the school year has the right to file a formal declaration of
20 intent to terminate school enrollment if the declaration is
21 signed by the parent. The parent has the right to be notified
22 by the school district of the district's receipt of the
23 student's declaration of intent to terminate school
24 enrollment.

25 2. Students who become or have become married or who
26 are pregnant and parenting have the right to attend school and
27 receive the same or equivalent educational instruction as
28 other students.

29 (b) Regular school attendance.--Parents of students
30 who have attained the age of 6 years by February 1 of any
31 school year but who have not attained the age of 16 years must

1 comply with the compulsory school attendance laws. Parents
2 have the option to comply with the school attendance laws by
3 attendance of the student in a public school; a parochial,
4 religious, or denominational school; a private school; a home
5 education program; or a private tutoring program, in
6 accordance with the provisions of s. 1003.01(14).

7 (c) Absence for religious purposes.--A parent of a
8 public school student may request and be granted permission
9 for absence of the student from school for religious
10 instruction or religious holidays, in accordance with the
11 provisions of s. 1003.21(2)(b).

12 (d) Dropout prevention and academic intervention
13 programs.--The parent of a public school student has the right
14 to receive written notice by certified mail prior to placement
15 of the student in a dropout prevention and academic
16 intervention program and shall be notified in writing and
17 entitled to an administrative review of any action by school
18 personnel relating to the student's placement, in accordance
19 with the provisions of s. 1003.53(5).

20 (3) HEALTH ISSUES.--

21 (a) School-entry health examinations.--The parent of
22 any child attending a public or private school shall be exempt
23 from the requirement of a health examination upon written
24 request stating objections on religious grounds in accordance
25 with the provisions of s. 1003.22(1) and (2).

26 (b) Immunizations.--The parent of any child attending
27 a public or private school shall be exempt from the school
28 immunization requirements upon meeting any of the exemptions
29 in accordance with the provisions of s. 1003.22(5).

30 (c) Biological experiments.--Parents may request that
31 their child be excused from performing surgery or dissection

1 in biological science classes in accordance with the
2 provisions of s. 1003.47.

3 (d) Reproductive health and disease education.--A
4 public school student whose parent makes written request to
5 the school principal shall be exempted from the teaching of
6 reproductive health or any disease, including HIV/AIDS, in
7 accordance with the provisions of s. 1003.42(3).

8 (e) Contraceptive services to public school
9 students.--In accordance with the provisions of s.
10 1006.062(7), students may not be referred to or offered
11 contraceptive services at school facilities without the
12 parent's consent.

13 (f) Career and technical education courses involving
14 hazardous substances.--High school students must be given
15 plano safety glasses or devices in career and technical
16 education courses involving the use of hazardous substances
17 likely to cause eye injury, in accordance with the provisions
18 of s. 1006.65.

19 (g) Substance abuse reports.--The parent of a public
20 school student must be timely notified of any verified report
21 of a substance abuse violation by the student, in accordance
22 with the provisions of s. 1006.09(8).

23 (h) Inhaler use.--Asthmatic students whose parent and
24 physician provide their approval to the school principal may
25 carry a metered dose inhaler on their person while in school.
26 The school principal shall be provided a copy of the parent's
27 and physician's approval.

28 (4) DISCIPLINE.--

29 (a) Suspension of public school student.--In
30 accordance with the provisions of s. 1006.09(1)-(4):
31

1 1. A student may be suspended only as provided by rule
2 of the district school board. A good faith effort must be made
3 to immediately inform the parent by telephone of the student's
4 suspension and the reason. Each suspension and the reason
5 must be reported in writing within 24 hours to the parent by
6 U.S. mail. A good faith effort must be made to use parental
7 assistance before suspension unless the situation requires
8 immediate suspension.

9 2. A student with a disability may only be recommended
10 for suspension or expulsion in accordance with State Board of
11 Education rules.

12 (b) Expulsion.--Public school students and their
13 parents have the right to written notice of a recommendation
14 of expulsion, including the charges against the student and a
15 statement of the right of the student to due process, in
16 accordance with the provisions of s. 1001.51(8).

17 (c) Corporal punishment.--In accordance with the
18 provisions of s. 1003.32, corporal punishment of a public
19 school student may only be administered by a teacher or school
20 principal within guidelines of the school principal and
21 according to district school board policy. Another adult must
22 be present and must be informed in the student's presence of
23 the reason for the punishment. Upon request, the teacher or
24 school principal must provide the parent with a written
25 explanation of the reason for the punishment and the name of
26 the other adult who was present.

27 (5) SAFETY.--In accordance with the provisions of s.
28 1006.13(5), students who have been victims of certain felony
29 offenses by other students, as well as the siblings of the
30 student victims, have the right to be kept separated from the
31

1 student offender both at school and during school
2 transportation.

3 (6) EDUCATIONAL CHOICE.--

4 (a) Public school choices.--Parents of public school
5 students may seek whatever public school choice options that
6 are applicable to their students and are available to students
7 in their school districts. These options may include
8 controlled open enrollment, lab schools, charter schools,
9 charter technical career centers, magnet schools, alternative
10 schools, special programs, advanced placement, dual
11 enrollment, International Baccalaureate, early admissions,
12 credit by examination or demonstration of competency, the New
13 World School of the Arts, the Florida School for the Deaf and
14 Blind, and the Florida Virtual High School. These options may
15 also include the public school choice options of the
16 Opportunity Scholarship Program and the McKay Scholarships for
17 Students with Disabilities Program.

18 (b) Private school choices.--Parents of public school
19 students may seek private school choice options under certain
20 programs.

21 1. Under the Opportunity Scholarship Program, the
22 parent of a student in a failing public school may request and
23 receive an opportunity scholarship for the student to attend a
24 private school in accordance with the provisions of s.
25 1002.38.

26 2. Under the McKay Scholarships for Students with
27 Disabilities Program, the parent of a public school student
28 with a disability who is dissatisfied with the student's
29 progress may request and receive a McKay Scholarship for the
30 student to attend a private school in accordance with the
31 provisions of s. 1002.39.

1 3. Under the corporate income tax credit scholarship
2 program, the parent of a student who qualifies for free or
3 reduced-price school lunch may seek a scholarship from an
4 eligible nonprofit scholarship-funding organization in
5 accordance with the provisions of s. 220.187.

6 (c) Home education.--The parent of a student may
7 choose to place the student in a home education program in
8 accordance with the provisions of s. 1002.41.

9 (d) Private tutoring.--The parent of a student may
10 choose to place the student in a private tutoring program in
11 accordance with the provisions of s. 1002.43(1).

12 (7) NONDISCRIMINATION.--All education programs,
13 activities, and opportunities offered by public educational
14 institutions must be made available without discrimination on
15 the basis of race, ethnicity, national origin, gender,
16 disability, or marital status, in accordance with the
17 provisions of s. 1000.05.

18 (8) STUDENTS WITH DISABILITIES.--Parents of public
19 school students with disabilities and parents of public school
20 students in residential care facilities are entitled to notice
21 and due process in accordance with the provisions of ss.
22 1003.57 and 1003.58. Public school students with disabilities
23 must be provided the opportunity to meet the graduation
24 requirements for a standard high school diploma in accordance
25 with the provisions of s. 1003.43(4). Certain public school
26 students with disabilities may be awarded a special diploma
27 upon high school graduation.

28 (9) BLIND STUDENTS.--Blind students have the right to
29 an individualized written education program and appropriate
30 instructional materials to attain literacy, in accordance with
31 provisions of s. 1003.55.

1 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In
2 accordance with the provisions of s. 1003.56, limited English
3 proficient students have the right to receive ESOL (English
4 for Speakers of Other Languages) instruction designed to
5 develop the student's mastery of listening, speaking, reading,
6 and writing in English as rapidly as possible, and the
7 students' parents have the right of parental involvement in
8 the ESOL program.

9 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the
10 joint statement of current case law by the American Jewish
11 Congress, the ACLU, the Anti-Defamation League, and others:

12 (a) Right to pray.--Students have the right to pray
13 individually or in groups or to discuss their religious views
14 with their peers so long as they are not disruptive.

15 (b) Right to express.--Students may express their
16 religious beliefs in the form of reports, homework, and
17 artwork, and such expressions are constitutionally protected.
18 Teachers may not reject or correct such submissions simply
19 because they include a religious symbol or address religious
20 themes.

21 (c) Right to distribute.--Students have the right to
22 distribute religious literature to their schoolmates, subject
23 to those reasonable time, place, and manner or other
24 constitutionally acceptable restrictions imposed on the
25 distribution of all nonschool literature.

26 (d) Right to participate.--Student participation in
27 before-school or after-school events, such as "See you at the
28 pole," is permissible.

29 (e) Right to speak.--Students have the right to speak
30 to, and attempt to persuade, their peers about religious
31 topics just as they do with regard to political topics.

1 (f) Right to meet.--Student religious clubs in
2 secondary schools must be permitted to meet and to have equal
3 access to campus media to announce their meetings if a school
4 receives federal funds and permits any student noncurricular
5 club to meet during noninstructional time.

6 (12) PLEDGE OF ALLEGIANCE.--A public school student
7 must be excused from reciting the pledge of allegiance upon
8 written request by the student's parent, in accordance with
9 the provisions of s. 1003.44.

10 (13) STUDENT RECORDS.--

11 (a) Parent rights.--Parents have rights regarding the
12 student records of their children, including right of access,
13 right of waiver of access, right to challenge and hearing, and
14 right of privacy, in accordance with the provisions of s.
15 1002.22.

16 (b) Student rights.--In accordance with the provisions
17 of s. 1008.386, a student is not required to provide his or
18 her social security number as a condition for enrollment or
19 graduation.

20 (14) STUDENT REPORT CARDS.--Students and their parents
21 have the right to receive student report cards on a regular
22 basis that clearly depict and grade the student's academic
23 performance in each class or course, the student's conduct,
24 and the student's attendance, in accordance with the
25 provisions of s. 1003.33.

26 (15) STUDENT PROGRESS REPORTS.--Parents of public
27 school students shall be apprised at regular intervals of the
28 academic progress and other needed information regarding their
29 child, in accordance with the provisions of s. 1003.02(1)(h)2.

30 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT
31 RATING REPORTS.--Parents of public school students are

1 entitled to an easy-to-read report card about the grade
2 designation, school accountability including the school
3 financial report, and school improvement rating of their
4 child's school in accordance with the provisions of ss.
5 1008.22, 1003.02(3), and 1010.215(5).

6 (17) ATHLETICS; PUBLIC HIGH SCHOOL.--

7 (a) Eligibility.--Eligibility requirements for all
8 students participating in high school athletic competition
9 must allow a student to be eligible in the school in which he
10 or she first enrolls each school year, or makes himself or
11 herself a candidate for an athletic team by engaging in
12 practice before enrolling, in accordance with the provisions
13 of s. 1006.20(2)(a).

14 (b) Medical evaluation.--Students must satisfactorily
15 pass a medical evaluation each year before participating in
16 athletics, unless the parent objects in writing based on
17 religious tenets or practices, in accordance with the
18 provisions of s. 1006.20(2)(d).

19 (18) EXTRACURRICULAR ACTIVITIES.--In accordance with
20 the provisions of s. 1006.15:

21 (a) Eligibility.--Students who meet specified academic
22 and conduct requirements are eligible to participate in
23 extracurricular activities.

24 (b) Home education students.--Home education students
25 who meet specified academic and conduct requirements are
26 eligible to participate in extracurricular activities at the
27 public school to which the student would be assigned or could
28 choose to attend according to district school board policies,
29 or may develop an agreement to participate at a private
30 school.

31

1 (c) Charter school students.--Charter school students
2 who meet specified academic and conduct requirements are
3 eligible to participate in extracurricular activities at the
4 public school to which the student would be assigned or could
5 choose to attend according to district school board policies,
6 unless such activity is provided by the student's charter
7 school.

8 (d) Discrimination prohibited.--Organizations that
9 regulate or govern extracurricular activities of public
10 schools shall not discriminate against any eligible student
11 based on an educational choice of public, private, or home
12 education.

13 (19) INSTRUCTIONAL MATERIALS.--

14 (a) Core courses.--Each public school student is
15 entitled to sufficient instructional materials in the core
16 courses of mathematics, language arts, social studies,
17 science, reading, and literature, in accordance with the
18 provisions of ss. 1003.02(1)(d) and 1006.40(2).

19 (b) Curricular objectives.--The parent of each public
20 school student has the right to receive effective
21 communication from the school principal as to the manner in
22 which instructional materials are used to implement the
23 school's curricular objectives, in accordance with the
24 provisions of s. 1006.28(3)(a).

25 (c) Sale of instructional materials.--Upon request of
26 the parent of a public school student, the school principal
27 must sell to the parent any instructional materials used in
28 the school, in accordance with the provisions of s.
29 1006.28(3)(c).

30 (d) Dual enrollment students.--Instructional materials
31 purchased by a district school board or community college

1 board of trustees on behalf of public school dual enrollment
2 students shall be made available to the dual enrollment
3 students free of charge, in accordance with the provisions of
4 s. 1007.271(14) and (15).

5 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in
6 juvenile justice programs have the right to receive
7 educational programs and services in accordance with the
8 provisions of s. 1003.52.

9 (21) PARENTAL INPUT AND MEETINGS.--

10 (a) Meetings with school district personnel.--Parents
11 of public school students may be accompanied by another adult
12 of their choice at any meeting with school district personnel.

13 (b) School district best financial management practice
14 reviews.--Public school students and their parents may provide
15 input regarding their concerns about the operations and
16 management of the school district both during and after the
17 conduct of a school district best financial management
18 practices review, in accordance with the provisions of s.
19 1008.35.

20 (c) District school board educational facilities
21 programs.--Parents of public school students and other members
22 of the public have the right to receive proper public notice
23 and opportunity for public comment regarding the district
24 school board's educational facilities work program, in
25 accordance with the provisions of s. 1013.35.

26 (22) TRANSPORTATION.--

27 (a) Transportation to school.--Public school students
28 shall be provided transportation to school, in accordance with
29 the provisions of s. 1006.21(3)(a).

30 (b) Hazardous walking conditions.--K-6 public school
31 students shall be provided transportation if they are

1 subjected to hazardous walking conditions, in accordance with
2 the provisions of ss. 1006.21(3)(b) and 1006.23.

3 (c) Parental consent.--Each parent of a public school
4 student must be notified in writing and give written consent
5 before the student may be transported in a privately owned
6 motor vehicle to a school function, in accordance with the
7 provisions of s. 1006.22(2)(b).

8 Section 92. Section 1002.21, Florida Statutes, is
9 created to read:

10 1002.21 Postsecondary student and parent rights.--

11 (1) STUDENT RECORDS.--Parents have rights regarding
12 the student records of their children, and students 18 years
13 of age and older have rights regarding their student records,
14 including right of access, right of waiver of access, right to
15 challenge and hearing, and right of privacy, in accordance
16 with the provisions of ss. 1002.22, 1005.36, and 1006.52.

17 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
18 disabled students may be eligible for reasonable substitution
19 for admission, graduation, and upper-level division
20 requirements of public postsecondary educational institutions,
21 in accordance with the provisions of s. 1007.264.

22 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public
23 postsecondary education students may be expelled, suspended,
24 or otherwise disciplined by the president of a public
25 postsecondary educational institution after notice to the
26 student of the charges and a hearing on the charges, in
27 accordance with the provisions of s. 1006.62.

28 (4) RELIGIOUS BELIEFS.--Public postsecondary
29 educational institutions must provide reasonable
30 accommodations for the religious practices and beliefs of
31 individual students in regard to admissions, class attendance,

1 and the scheduling of examinations and work assignments, in
2 accordance with the provisions of s. 1006.53, and must provide
3 and describe in the student handbook a grievance procedure for
4 students to seek redress when they feel they have been
5 unreasonably denied an educational benefit due to their
6 religious beliefs or practices.

7 (5) STUDENT HANDBOOKS.--Each state university and
8 community college shall provide its students with an
9 up-to-date student handbook that includes student rights and
10 responsibilities, appeals processes available to students,
11 contact persons available to help students, student conduct
12 code, and information regarding HIV and AIDS, in accordance
13 with the provisions of s. 1006.50.

14 (6) STUDENT OMBUDSMAN OFFICE.--Each state university
15 and community college shall maintain a student ombudsman
16 office and established procedures for students to appeal to
17 the office regarding decisions about the student's access to
18 courses and credit granted toward the student's degree, in
19 accordance with the provisions of s. 1006.51.

20 Section 93. Section 1002.22, Florida Statutes, is
21 created to read:

22 1002.22 Student records and reports; rights of parents
23 and students; notification; penalty.--

24 (1) PURPOSE.--The purpose of this section is to
25 protect the rights of students and their parents with respect
26 to student records and reports as created, maintained, and
27 used by public educational institutions in the state. The
28 intent of the Legislature is that students and their parents
29 shall have rights of access, rights of challenge, and rights
30 of privacy with respect to such records and reports, and that
31 rules shall be available for the exercise of these rights.

1 (2) DEFINITIONS.--As used in this section:

2 (a) "Chief executive officer" means that person,
3 whether elected or appointed, who is responsible for the
4 management and administration of any public educational body
5 or unit, or the chief executive officer's designee for student
6 records; that is, the district school superintendent, the
7 director of an area technical center, the president of a
8 public postsecondary educational institution, or their
9 designees.

10 (b) "Directory information" includes the student's
11 name, address, telephone number if it is a listed number, date
12 and place of birth, major field of study, participation in
13 officially recognized activities and sports, weight and height
14 of members of athletic teams, dates of attendance, degrees and
15 awards received, and the most recent previous educational
16 agency or institution attended by the student.

17 (c) "Records" and "reports" mean official records,
18 files, and data directly related to students that are created,
19 maintained, and used by public educational institutions,
20 including all material that is incorporated into each
21 student's cumulative record folder and intended for school use
22 or to be available to parties outside the school or school
23 system for legitimate educational or research purposes.
24 Materials that shall be considered as part of a student's
25 record include, but are not necessarily limited to:
26 identifying data, including a student's social security
27 number; academic work completed; level of achievement records,
28 including grades and standardized achievement test scores;
29 attendance data; scores on standardized intelligence,
30 aptitude, and psychological tests; interest inventory results;
31 health data; family background information; teacher or

1 counselor ratings and observations; verified reports of
2 serious or recurrent behavior patterns; and any other
3 evidence, knowledge, or information recorded in any medium,
4 including, but not limited to, handwriting, typewriting,
5 print, magnetic tapes, film, microfilm, and microfiche, and
6 maintained and used by an educational agency or institution or
7 by a person acting for such agency or institution. However,
8 the terms "records" and "reports" do not include:

9 1. Records of instructional, supervisory, and
10 administrative personnel, and educational personnel ancillary
11 to those persons, that are kept in the sole possession of the
12 maker of the record and are not accessible or revealed to any
13 other person except a substitute for any of such persons. An
14 example of records of this type is instructor's grade books.

15 2. Records of law enforcement units of the institution
16 that are maintained solely for law enforcement purposes and
17 that are not available to persons other than officials of the
18 institution or law enforcement officials of the same
19 jurisdiction in the exercise of that jurisdiction.

20 3. Records made and maintained by the institution in
21 the normal course of business that relate exclusively to a
22 student in his or her capacity as an employee and that are not
23 available for use for any other purpose.

24 4. Records created or maintained by a physician,
25 psychiatrist, psychologist, or other recognized professional
26 or paraprofessional acting in his or her professional or
27 paraprofessional capacity, or assisting in that capacity, that
28 are created, maintained, or used only in connection with the
29 provision of treatment to the student and that are not
30 available to anyone other than persons providing such
31

1 treatment. However, such records shall be open to a physician
2 or other appropriate professional of the student's choice.

3 5. Directory information as defined in this section.

4 6. Other information, files, or data that do not
5 permit the personal identification of a student.

6 7. Letters or statements of recommendation or
7 evaluation that were confidential under Florida law and that
8 were received and made a part of the student's educational
9 records prior to July 1, 1977.

10 8. Copies of the student's fingerprints. No public
11 educational institution shall maintain any report or record
12 relative to a student that includes a copy of the student's
13 fingerprints.

14 (d) "Student" means any child or adult who is enrolled
15 or who has been enrolled in any instructional program or
16 activity conducted under the authority and direction of an
17 institution comprising a part of the state system of public
18 education and with respect to whom an educational institution
19 maintains educational records and reports or personally
20 identifiable information, but does not include a person who
21 has not been in attendance as an enrollee at such institution.

22 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
23 student who attends or has attended any public school, area
24 technical center, or public postsecondary educational
25 institution shall have the following rights with respect to
26 any records or reports created, maintained, and used by any
27 public educational institution in the state. However,
28 whenever a student has attained 18 years of age, or is
29 attending a postsecondary educational institution, the
30 permission or consent required of, and the rights accorded to,
31 the parents of the student shall thereafter be required of and

1 accorded to the student only, unless the student is a
2 dependent student of such parents as defined in 26 U.S.C. s.
3 152 (s. 152 of the Internal Revenue Code of 1954). The State
4 Board of Education shall adopt rules whereby parents or
5 students may exercise these rights:

6 (a) Right of access.--

7 1. Such parent or student shall have the right, upon
8 request directed to the appropriate school official, to be
9 provided with a list of the types of records and reports,
10 directly related to students, as maintained by the institution
11 that the student attends or has attended.

12 2. Such parent or student shall have the right, upon
13 request, to be shown any record or report relating to such
14 student maintained by any public educational institution.
15 When the record or report includes information on more than
16 one student, the parent or student shall be entitled to
17 receive, or be informed of, only that part of the record or
18 report that pertains to the student who is the subject of the
19 request. Upon a reasonable request therefor, the institution
20 shall furnish such parent or student with an explanation or
21 interpretation of any such record or report.

22 3. Copies of any list, record, or report requested
23 under the provisions of this paragraph shall be furnished to
24 the parent or student upon request.

25 4. The State Board of Education shall adopt rules to
26 be followed by all public educational institutions in granting
27 requests for lists, or for access to reports and records or
28 for copies or explanations thereof under this paragraph.
29 However, access to any report or record requested under the
30 provisions of subparagraph 2. shall be granted within 30 days
31 after receipt of such request by the institution. Fees may be

1 charged for furnishing any copies of reports or records
2 requested under subparagraph 3., but such fees shall not
3 exceed the actual cost to the institution of producing such
4 copies.

5 (b) Right of waiver of access to confidential letters
6 or statements.--A parent or student shall have the right to
7 waive the right of access to letters or statements of
8 recommendation or evaluation, except that such waiver shall
9 apply to recommendations or evaluations only if:

10 1. The parent or student is, upon request, notified of
11 the names of all persons submitting confidential letters or
12 statements.

13 2. Such recommendations or evaluations are used solely
14 for the purpose for which they were specifically intended.

15
16 Such waivers may not be required as a condition for admission
17 to, receipt of financial aid from, or receipt of any other
18 services or benefits from, any public agency or public
19 educational institution in this state.

20 (c) Right to challenge and hearing.--A parent or
21 student shall have the right to challenge the content of any
22 record or report to which such person is granted access under
23 paragraph (a), in order to ensure that the record or report is
24 not inaccurate, misleading, or otherwise in violation of the
25 privacy or other rights of the student and to provide an
26 opportunity for the correction, deletion, or expunction of any
27 inaccurate, misleading, or otherwise inappropriate data or
28 material contained therein. Any challenge arising under the
29 provisions of this paragraph may be settled through informal
30 meetings or discussions between the parent or student and
31 appropriate officials of the educational institution. If the

1 parties at such a meeting agree to make corrections, to make
2 deletions, to expunge material, or to add a statement of
3 explanation or rebuttal to the file, such agreement shall be
4 reduced to writing and signed by the parties; and the
5 appropriate school officials shall take the necessary actions
6 to implement the agreement. If the parties cannot reach an
7 agreement, upon the request of either party, a hearing shall
8 be held on such challenge under rules adopted by the State
9 Board of Education. Upon the request of the parent or student,
10 the hearing shall be exempt from the requirements of s.
11 286.011. Such rules shall include at least the following
12 provisions:
13 1. The hearing shall be conducted within a reasonable
14 period of time following the request for the hearing.
15 2. The hearing shall be conducted, and the decision
16 rendered, by an official of the educational institution or
17 other party who does not have a direct interest in the outcome
18 of the hearing.
19 3. The parent or student shall be afforded a full and
20 fair opportunity to present evidence relevant to the issues
21 raised under this paragraph.
22 4. The decision shall be rendered in writing within a
23 reasonable period of time after the conclusion of the hearing.
24 5. The appropriate school officials shall take the
25 necessary actions to implement the decision.
26 (d) Right of privacy.--Every student shall have a
27 right of privacy with respect to the educational records kept
28 on him or her. Personally identifiable records or reports of a
29 student, and any personal information contained therein, are
30 confidential and exempt from the provisions of s. 119.07(1).
31 No state or local educational agency, board, public school,

1 technical center, or public postsecondary educational
2 institution shall permit the release of such records, reports,
3 or information without the written consent of the student's
4 parent, or of the student himself or herself if he or she is
5 qualified as provided in this subsection, to any individual,
6 agency, or organization. However, personally identifiable
7 records or reports of a student may be released to the
8 following persons or organizations without the consent of the
9 student or the student's parent:

10 1. Officials of schools, school systems, technical
11 centers, or public postsecondary educational institutions in
12 which the student seeks or intends to enroll; and a copy of
13 such records or reports shall be furnished to the parent or
14 student upon request.

15 2. Other school officials, including teachers within
16 the educational institution or agency, who have legitimate
17 educational interests in the information contained in the
18 records.

19 3. The United States Secretary of Education, the
20 Director of the National Institute of Education, the Assistant
21 Secretary for Education, the Comptroller General of the United
22 States, or state or local educational authorities who are
23 authorized to receive such information subject to the
24 conditions set forth in applicable federal statutes and
25 regulations of the United States Department of Education, or
26 in applicable state statutes and rules of the State Board of
27 Education.

28 4. Other school officials, in connection with a
29 student's application for or receipt of financial aid.

30 5. Individuals or organizations conducting studies for
31 or on behalf of an institution or a board of education for the

1 purpose of developing, validating, or administering predictive
2 tests, administering student aid programs, or improving
3 instruction, if such studies are conducted in such a manner as
4 will not permit the personal identification of students and
5 their parents by persons other than representatives of such
6 organizations and if such information will be destroyed when
7 no longer needed for the purpose of conducting such studies.

8 6. Accrediting organizations, in order to carry out
9 their accrediting functions.

10 7. School readiness coalitions and the Florida
11 Partnership for School Readiness in order to carry out their
12 assigned duties.

13 8. For use as evidence in student expulsion hearings
14 conducted by a district school board pursuant to the
15 provisions of chapter 120.

16 9. Appropriate parties in connection with an
17 emergency, if knowledge of the information in the student's
18 educational records is necessary to protect the health or
19 safety of the student or other individuals.

20 10. The Auditor General and the Office of Program
21 Policy Analysis and Government Accountability in connection
22 with their official functions; however, except when the
23 collection of personally identifiable information is
24 specifically authorized by law, any data collected by the
25 Auditor General and the Office of Program Policy Analysis and
26 Government Accountability is confidential and exempt from the
27 provisions of s. 119.07(1) and shall be protected in such a
28 way as will not permit the personal identification of students
29 and their parents by other than the Auditor General, the
30 Office of Program Policy Analysis and Government
31 Accountability, and their staff, and such personally

1 identifiable data shall be destroyed when no longer needed for
2 the Auditor General's and the Office of Program Policy
3 Analysis and Government Accountability's official use.

4 11.a. A court of competent jurisdiction in compliance
5 with an order of that court or the attorney of record pursuant
6 to a lawfully issued subpoena, upon the condition that the
7 student and the student's parent are notified of the order or
8 subpoena in advance of compliance therewith by the educational
9 institution or agency.

10 b. A person or entity pursuant to a court of competent
11 jurisdiction in compliance with an order of that court or the
12 attorney of record pursuant to a lawfully issued subpoena,
13 upon the condition that the student, or his or her parent if
14 the student is either a minor and not attending a
15 postsecondary educational institution or a dependent of such
16 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
17 Revenue Code of 1954), is notified of the order or subpoena in
18 advance of compliance therewith by the educational institution
19 or agency.

20 12. Credit bureaus, in connection with an agreement
21 for financial aid that the student has executed, provided that
22 such information may be disclosed only to the extent necessary
23 to enforce the terms or conditions of the financial aid
24 agreement. Credit bureaus shall not release any information
25 obtained pursuant to this paragraph to any person.

26 13. Parties to an interagency agreement among the
27 Department of Juvenile Justice, school and law enforcement
28 authorities, and other signatory agencies for the purpose of
29 reducing juvenile crime and especially motor vehicle theft by
30 promoting cooperation and collaboration, and the sharing of
31 appropriate information in a joint effort to improve school

1 safety, to reduce truancy and in-school and out-of-school
 2 suspensions, and to support alternatives to in-school and
 3 out-of-school suspensions and expulsions that provide
 4 structured and well-supervised educational programs
 5 supplemented by a coordinated overlay of other appropriate
 6 services designed to correct behaviors that lead to truancy,
 7 suspensions, and expulsions, and that support students in
 8 successfully completing their education. Information provided
 9 in furtherance of such interagency agreements is intended
 10 solely for use in determining the appropriate programs and
 11 services for each juvenile or the juvenile's family, or for
 12 coordinating the delivery of such programs and services, and
 13 as such is inadmissible in any court proceedings prior to a
 14 dispositional hearing unless written consent is provided by a
 15 parent or other responsible adult on behalf of the juvenile.

16
 17 This paragraph does not prohibit any educational institution
 18 from publishing and releasing to the general public directory
 19 information relating to a student if the institution elects to
 20 do so. However, no educational institution shall release, to
 21 any individual, agency, or organization that is not listed in
 22 subparagraphs 1.-13., directory information relating to the
 23 student body in general or a portion thereof unless it is
 24 normally published for the purpose of release to the public in
 25 general. Any educational institution making directory
 26 information public shall give public notice of the categories
 27 of information that it has designated as directory information
 28 with respect to all students attending the institution and
 29 shall allow a reasonable period of time after such notice has
 30 been given for a parent or student to inform the institution

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1 in writing that any or all of the information designated
 2 should not be released.

3 (4) NOTIFICATION.--Every parent and student entitled
 4 to rights relating to student records and reports under the
 5 provisions of subsection (3) shall be notified annually, in
 6 writing, of such rights and that the institution has a policy
 7 of supporting the law; the types of information and data
 8 generally entered in the student records as maintained by the
 9 institution; and the procedures to be followed in order to
 10 exercise such rights. The notification shall be general in
 11 form and in a manner to be determined by the State Board of
 12 Education and may be incorporated with other printed materials
 13 distributed to students, such as being printed on the back of
 14 school assignment forms or report cards for students attending
 15 kindergarten or grades 1 through 12 in the public school
 16 system and being printed in college catalogs or in other
 17 program announcement bulletins for students attending
 18 postsecondary educational institutions.

19 (5) PENALTY.--In the event that any public school
 20 official or employee, district school board official or
 21 employee, technical center official or employee, or public
 22 postsecondary educational institution official or employee
 23 refuses to comply with any of the provisions of this section,
 24 the aggrieved parent or student shall have an immediate right
 25 to bring an action in the circuit court to enforce the
 26 violated right by injunction. Any aggrieved parent or student
 27 who brings such an action and whose rights are vindicated may
 28 be awarded attorney's fees and court costs.

29 (6) APPLICABILITY TO RECORDS OF DEFUNCT
 30 INSTITUTIONS.--The provisions of this section also apply to
 31 student records that any nonpublic educational institution

1 that is no longer operating has deposited with the district
2 school superintendent in the county where the nonpublic
3 educational institution was located.

4 Section 94. Part III of chapter 1002, Florida
5 Statutes, shall be entitled "Educational Choice" and shall
6 consist of ss. 1002.31-1002.39.

7 Section 95. Section 1002.31, Florida Statutes, is
8 created to read:

9 1002.31 Public school parental choice.--

10 (1) As used in this section, "controlled open
11 enrollment" means a public education delivery system that
12 allows school districts to make student school assignments
13 using parents' indicated preferential school choice as a
14 significant factor.

15 (2) Each district school board may offer controlled
16 open enrollment within the public schools. The controlled open
17 enrollment program shall be offered in addition to the
18 existing choice programs such as magnet schools, alternative
19 schools, special programs, advanced placement, and dual
20 enrollment.

21 (3) Each district school board shall develop a
22 controlled open enrollment plan which describes the
23 implementation of subsection (2).

24 (4) School districts shall adhere to federal
25 desegregation requirements. No controlled open enrollment
26 plan that conflicts with federal desegregation orders shall be
27 implemented.

28 (5) Each school district shall develop a system of
29 priorities for its plan that includes consideration of the
30 following:

31

1 (a) An application process required to participate in
2 the controlled open enrollment program.

3 (b) A process that allows parents to declare school
4 preferences.

5 (c) A process that encourages placement of siblings
6 within the same school.

7 (d) A lottery procedure used by the school district to
8 determine student assignment.

9 (e) An appeals process for hardship cases.

10 (f) The procedures to maintain socioeconomic,
11 demographic, and racial balance.

12 (g) The availability of transportation.

13 (h) A process that promotes strong parental
14 involvement, including the designation of a parent liaison.

15 (i) A strategy that establishes a clearinghouse of
16 information designed to assist parents in making informed
17 choices.

18 (6) Plans shall be submitted to the Commissioner of
19 Education. The Commissioner of Education shall develop an
20 annual report on the status of school choice and deliver the
21 report to the Governor, the President of the Senate, and the
22 Speaker of the House of Representatives at least 90 days prior
23 to the convening of the regular session of the Legislature.

24 (7) Notwithstanding any provision of this section, a
25 school district with schools operating on both multiple
26 session schedules and single session schedules shall afford
27 parents of students in multiple session schools preferred
28 access to the controlled open enrollment program of the school
29 district.

30 (8) Each district school board shall annually report
31 the number of students applying for and attending the various

1 types of public schools of choice in the district, including
2 schools such as magnet schools and public charter schools,
3 according to rules adopted by the State Board of Education.

4 Section 96. Section 1002.32, Florida Statutes, is
5 created to read:

6 1002.32 Developmental research (laboratory) schools.--

7 (1) SHORT TITLE.--This section may be cited as the
8 "Sidney Martin Developmental Research School Act."

9 (2) ESTABLISHMENT.--There is established a category of
10 public schools to be known as developmental research
11 (laboratory) schools (lab schools). Each lab school shall
12 provide sequential instruction and shall be affiliated with
13 the college of education within the state university of
14 closest geographic proximity. A lab school to which a charter
15 has been issued under s. 1002.33(5)(b) must be affiliated with
16 the college of education within the state university that
17 issued the charter, but is not subject to the requirement that
18 the state university be of closest geographic proximity. For
19 the purpose of state funding, Florida Agricultural and
20 Mechanical University, Florida Atlantic University, Florida
21 State University, the University of Florida, and other
22 universities approved by the State Board of Education and the
23 Legislature are authorized to sponsor one or more lab schools.

24 (3) MISSION.--The mission of a lab school shall be the
25 provision of a vehicle for the conduct of research,
26 demonstration, and evaluation regarding management, teaching,
27 and learning. Programs to achieve the mission of a lab school
28 shall embody the goals and standards established pursuant to
29 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate
30 education for its students.

31

1 (a) Each lab school shall emphasize mathematics,
 2 science, computer science, and foreign languages. The primary
 3 goal of a lab school is to enhance instruction and research in
 4 such specialized subjects by using the resources available on
 5 a state university campus, while also providing an education
 6 in nonspecialized subjects. Each lab school shall provide
 7 sequential elementary and secondary instruction where
 8 appropriate. A lab school may not provide instruction at grade
 9 levels higher than grade 12 without authorization from the
 10 State Board of Education. Each developmental research school
 11 shall develop and implement a school improvement plan pursuant
 12 to s. 1003.02(3).

13 (b) Research, demonstration, and evaluation conducted
 14 at a lab school may be generated by the college of education
 15 and other colleges within the university with which the school
 16 is affiliated.

17 (c) Research, demonstration, and evaluation conducted
 18 at a lab school may be generated by the State Board of
 19 Education. Such research shall respond to the needs of the
 20 education community at large, rather than the specific needs
 21 of the affiliated college.

22 (d) Research, demonstration, and evaluation conducted
 23 at a lab school may consist of pilot projects to be generated
 24 by the affiliated college, the State Board of Education, or
 25 the Legislature.

26 (e) The exceptional education programs offered at a
 27 lab school shall be determined by the research and evaluation
 28 goals and the availability of students for efficiently sized
 29 programs. The fact that a lab school offers an exceptional
 30 education program in no way lessens the general responsibility
 31

1 of the local school district to provide exceptional education
2 programs.

3 (4) STUDENT ADMISSIONS.--Each lab school may establish
4 a primary research objective related to fundamental issues and
5 problems that occur in the public elementary and secondary
6 schools of the state. A student population reflective of the
7 student population of the public school environment in which
8 the issues and problems are most prevalent shall be promoted
9 and encouraged through the establishment and implementation of
10 an admission process that is designed to result in a
11 representative sample of public school enrollment based on
12 gender, race, socioeconomic status, and academic ability,
13 notwithstanding the provisions of s. 1000.05.

14 (5) STUDENT FEES.--Each lab school may charge a
15 student activity and service fee. Any school that elects to
16 charge such a fee shall provide information regarding the use
17 of the fee as well as an annual report that documents the
18 manner in which the moneys provided by such fee were expended.
19 The annual report prescribed in this subsection shall be
20 distributed to the parents of each student. No additional fees
21 shall be charged.

22 (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab
23 school may accrue supplemental revenue from
24 supplemental-support organizations, which include, but are not
25 limited to, alumni associations, foundations, parent-teacher
26 associations, and booster associations. The governing body of
27 each supplemental-support organization shall recommend the
28 expenditure of moneys collected by the organization for the
29 benefit of the school. Such expenditures shall be contingent
30 upon the recommendations of the school advisory council and
31 review of the director. The director may override any proposed

1 expenditure of the organization that would violate Florida
2 Statutes or breach sound educational management.

3 (7) PERSONNEL.--

4 (a) Each lab school may employ either a director or a
5 principal, or both, at the discretion of the university. The
6 duties of such personnel shall be as follows:

7 1. Each director shall be the chief executive officer
8 and shall oversee the education, research, and evaluation
9 goals of the school. The director shall be responsible for
10 recommending policy to the advisory board. The director shall
11 be accountable for the financial resources of the school.

12 2. Each principal shall be the chief educational
13 officer and shall oversee the educational program of the
14 school. The principal shall be accountable for the daily
15 operation and administration of the school.

16 (b) Faculty may serve simultaneously as instructional
17 personnel for the lab school and the university with which the
18 school is affiliated. Nothing in this section is intended to
19 affect the collective bargaining rights of lab school
20 employees, except as specifically provided in this section.

21 (c) Lab school faculty members shall meet the
22 certification requirements of ss. 1012.32 and 1012.42.

23 (8) ADVISORY BOARDS.--Each public school in the state
24 shall establish a school advisory council that is reflective
25 of the population served by the school, pursuant to s.
26 1001.452, and is responsible for the development and
27 implementation of the school improvement plan pursuant to s.
28 1003.02(3). Lab schools shall comply with the provisions of s.
29 1001.452 in one of two ways:

30 (a) Each lab school may establish two advisory bodies
31 as follows:

1 1. An advisory body pursuant to the provisions and
2 requirements of s. 1001.452 to be responsible for the
3 development and implementation of the school improvement plan,
4 pursuant to s. 1003.02(3).

5 2. An advisory board to provide general oversight and
6 guidance. The dean of the affiliated college of education
7 shall be a standing member of the board, and the president of
8 the university shall appoint four faculty members from the
9 related university, at least two of whom are from the college
10 of education, one layperson who resides in the county in which
11 the school is located, two parents of students who attend the
12 lab school, and one lab school student appointed by the
13 principal to serve on the advisory board. The term of each
14 member shall be for 2 years, and any vacancy shall be filled
15 with a person of the same classification as his or her
16 predecessor for the balance of the unexpired term. The
17 president shall stagger the terms of the initial appointees in
18 a manner that results in the expiration of terms of no more
19 than two members in any year. The president shall call the
20 organizational meeting of the board. The board shall annually
21 elect a chair and a vice chair. There shall be no limitation
22 on successive appointments to the board or successive terms
23 that may be served by a chair or vice chair. The board shall
24 adopt internal organizational procedures or bylaws necessary
25 for efficient operation as provided in chapter 120. Board
26 members shall not receive per diem or travel expenses for the
27 performance of their duties. The board shall:

28 a. Meet at least quarterly.

29 b. Monitor the operations of the school and the
30 distribution of moneys allocated for such operations.

31

1 c. Establish necessary policy, program, and
2 administration modifications.

3 d. Evaluate biennially the performance of the director
4 and principal and recommend corresponding action to the dean
5 of the college of education.

6 e. Annually review evaluations of the school's
7 operation and research findings.

8 (b) Each lab school may establish one advisory body
9 responsible for the development and implementation of the
10 school improvement plan, pursuant to s. 1003.02(3), in
11 addition to general oversight and guidance responsibilities.
12 The advisory body shall reflect the membership composition
13 requirements established in s. 1001.452, but may also include
14 membership by the dean of the college of education and
15 additional members appointed by the president of the
16 university that represent faculty members from the college of
17 education, the university, or other bodies deemed appropriate
18 for the mission of the school.

19 (9) FUNDING.--Funding for a lab school, including a
20 charter lab school, shall be provided as follows:

21 (a) Each lab school shall be allocated its
22 proportional share of operating funds from the Florida
23 Education Finance Program as provided in s. 1011.62 and the
24 General Appropriations Act. The nonvoted ad valorem millage
25 that would otherwise be required for lab schools shall be
26 allocated from state funds. The required local effort funds
27 calculated pursuant to s. 1011.62 shall be allocated from
28 state funds to the schools as a part of the allocation of
29 operating funds pursuant to s. 1011.62. Each eligible lab
30 school shall also receive a proportional share of the sparsity
31 supplement as calculated pursuant to s. 1011.62. In addition,

1 each lab school shall receive its proportional share of all
 2 categorical funds, with the exception of s. 1011.68, and new
 3 categorical funds enacted after July 1, 1994, for the purpose
 4 of elementary or secondary academic program enhancement. The
 5 sum of funds available as provided in this paragraph shall be
 6 included annually in the Florida Education Finance Program and
 7 appropriate categorical programs funded in the General
 8 Appropriations Act.

9 (b) There is created a Lab School Educational Facility
 10 Trust Fund to be administered by the Commissioner of
 11 Education. Allocations from such fund shall be expended solely
 12 for the purpose of facility construction, repair, renovation,
 13 remodeling, site improvement, or maintenance. The commissioner
 14 shall administer the fund in accordance with ss. 1013.60,
 15 1013.64, 1013.65, and 1013.66.

16 (c) All operating funds provided under this section
 17 shall be deposited in a Lab School Trust Fund and shall be
 18 expended for the purposes of this section. The university
 19 assigned a lab school shall be the fiscal agent for these
 20 funds, and all rules of the university governing the budgeting
 21 and expenditure of state funds shall apply to these funds
 22 unless otherwise provided by law or rule of the State Board of
 23 Education. The State Board of Education shall be the public
 24 employer of lab school personnel for collective bargaining
 25 purposes.

26 (d) Each lab school shall receive funds for operating
 27 purposes in an amount determined as follows: multiply the
 28 maximum allowable nonvoted discretionary millage for
 29 operations pursuant to s. 1011.71(1) by the value of 95
 30 percent of the current year's taxable value for school
 31 purposes for the district in which each lab school is located;

1 divide the result by the total full-time equivalent membership
2 of the district; and multiply the result by the full-time
3 equivalent membership of the lab school. The amount thus
4 obtained shall be discretionary operating funds and shall be
5 appropriated from state funds in the General Appropriations
6 Act to the Lab School Trust Fund.

7 (e) Each lab school shall receive funds for capital
8 improvement purposes in an amount determined as follows:
9 multiply the maximum allowable nonvoted discretionary millage
10 for capital improvements pursuant to s. 1011.71(2) by the
11 value of 95 percent of the current year's taxable value for
12 school purposes for the district in which each lab school is
13 located; divide the result by the total full-time equivalent
14 membership of the district; and multiply the result by the
15 full-time equivalent membership of the lab school. The amount
16 thus obtained shall be discretionary capital improvement funds
17 and shall be appropriated from state funds in the General
18 Appropriations Act to the Lab School Educational Facility
19 Trust Fund.

20 (f) In addition to the funds appropriated for capital
21 outlay budget needs, lab schools may receive specific funding
22 as specified in the General Appropriations Act for upgrading,
23 renovating, and remodeling science laboratories.

24 (g) Each lab school is designated a teacher education
25 center and may provide inservice training to school district
26 personnel. The Department of Education shall provide funds to
27 the Lab School Trust Fund for this purpose from appropriations
28 for inservice teacher education.

29 (h) A lab school to which a charter has been issued
30 under s. 1002.33(5)(b) is eligible to receive funding for
31 charter school capital outlay if it meets the eligibility

1 requirements of s. 1013.62. If the lab school receives funds
2 from charter school capital outlay, the school shall receive
3 capital outlay funds otherwise provided in this subsection
4 only to the extent that funds allocated pursuant to s. 1013.62
5 are insufficient to provide capital outlay funds to the lab
6 school at one-fifteenth of the cost per student station.

7 (10) IMPLEMENTATION.--The State Board of Education
8 shall adopt rules necessary to facilitate the implementation
9 of this section.

10 (11) EXCEPTIONS TO LAW.--To encourage innovative
11 practices and facilitate the mission of the lab schools, in
12 addition to the exceptions to law specified in s. 1001.23(2),
13 the following exceptions shall be permitted for lab schools:

14 (a) The methods and requirements of the following
15 statutes shall be held in abeyance: ss. 1001.30; 1001.31;
16 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361;
17 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38;
18 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46;
19 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
20 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4);
21 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;
22 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
23 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
24 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
25 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

26 (b) With the exception of s. 1001.42(16), s. 1001.42
27 shall be held in abeyance. Reference to district school boards
28 in s. 1001.42(16) shall mean the president of the university
29 or the president's designee.

30 Section 97. Section 1002.33, Florida Statutes, is
31 created to read:

1 1002.33 Charter schools.--

2 (1) AUTHORIZATION.--Charter schools shall be part of
3 the state's program of public education. All charter schools
4 in Florida are public schools. A charter school may be formed
5 by creating a new school or converting an existing public
6 school to charter status. A public school may not use the term
7 charter in its name unless it has been approved under this
8 section.

9 (2) PURPOSE.--The purpose of charter schools shall be
10 to:

11 (a) Provide additional academic choices for parents
12 and students.

13 (b) Increase learning opportunity choices for
14 students.

15 (c) Increase learning opportunities for all students,
16 with special emphasis on expanded learning experiences for
17 students who are identified as academically low achieving.

18 (d) Encourage the use of different and innovative
19 learning methods.

20 (e) Improve student learning.

21 (f) Establish a new form of accountability for
22 schools.

23 (g) Require the measurement of learning outcomes and
24 create innovative measurement tools.

25 (h) Make the school the unit for improvement.

26 (i) Provide rigorous competition within the public
27 school district to stimulate continual improvement in all
28 public schools.

29 (j) Expand the capacity of the public school system.

30 (k) Create new professional opportunities for
31 teachers.

1 (3) APPLICATION FOR CHARTER STATUS.--

2 (a) An application for a new charter school may be
3 made by an individual, teachers, parents, a group of
4 individuals, a municipality, or a legal entity organized under
5 the laws of this state.

6 (b) An application for a conversion charter school
7 shall be made by the district school board, the principal,
8 teachers, parents, and/or the school advisory council at an
9 existing public school that has been in operation for at least
10 2 years prior to the application to convert, including a
11 public school-within-a-school that is designated as a school
12 by the district school board. An application submitted
13 proposing to convert an existing public school to a charter
14 school shall demonstrate the support of at least 50 percent of
15 the teachers employed at the school and 50 percent of the
16 parents voting whose children are enrolled at the school,
17 provided that a majority of the parents eligible to vote
18 participate in the ballot process, according to rules adopted
19 by the State Board of Education. A district school board
20 denying an application for a conversion charter school shall
21 provide notice of denial to the applicants in writing within
22 30 days after the meeting at which the district school board
23 denied the application. The notice must specify the exact
24 reasons for denial and must provide documentation supporting
25 those reasons. A private school, parochial school, or home
26 education program shall not be eligible for charter school
27 status.

28 (4) UNLAWFUL REPRISAL.--

29 (a) No district school board, or district school board
30 employee who has control over personnel actions, shall take
31 unlawful reprisal against another district school board

1 employee because that employee is either directly or
 2 indirectly involved with an application to establish a charter
 3 school. As used in this subsection, the term "unlawful
 4 reprisal" means an action taken by a district school board or
 5 a school system employee against an employee who is directly
 6 or indirectly involved in a lawful application to establish a
 7 charter school, which occurs as a direct result of that
 8 involvement, and which results in one or more of the
 9 following: disciplinary or corrective action; adverse transfer
 10 or reassignment, whether temporary or permanent; suspension,
 11 demotion, or dismissal; an unfavorable performance evaluation;
 12 a reduction in pay, benefits, or rewards; elimination of the
 13 employee's position absent of a reduction in workforce as a
 14 result of lack of moneys or work; or other adverse significant
 15 changes in duties or responsibilities that are inconsistent
 16 with the employee's salary or employment classification. The
 17 following procedures shall apply to an alleged unlawful
 18 reprisal that occurs as a consequence of an employee's direct
 19 or indirect involvement with an application to establish a
 20 charter school:

21 1. Within 60 days after the date upon which a reprisal
 22 prohibited by this subsection is alleged to have occurred, an
 23 employee may file a complaint with the Department of
 24 Education.

25 2. Within 3 working days after receiving a complaint
 26 under this section, the Department of Education shall
 27 acknowledge receipt of the complaint and provide copies of the
 28 complaint and any other relevant preliminary information
 29 available to each of the other parties named in the complaint,
 30 which parties shall each acknowledge receipt of such copies to
 31 the complainant.

1 3. If the Department of Education determines that the
2 complaint demonstrates reasonable cause to suspect that an
3 unlawful reprisal has occurred, the Department of Education
4 shall conduct an investigation to produce a fact-finding
5 report.

6 4. Within 90 days after receiving the complaint, the
7 Department of Education shall provide the district school
8 superintendent of the complainant's district and the
9 complainant with a fact-finding report that may include
10 recommendations to the parties or a proposed resolution of the
11 complaint. The fact-finding report shall be presumed
12 admissible in any subsequent or related administrative or
13 judicial review.

14 5. If the Department of Education determines that
15 reasonable grounds exist to believe that an unlawful reprisal
16 has occurred, is occurring, or is to be taken, and is unable
17 to conciliate a complaint within 60 days after receipt of the
18 fact-finding report, the Department of Education shall
19 terminate the investigation. Upon termination of any
20 investigation, the Department of Education shall notify the
21 complainant and the district school superintendent of the
22 termination of the investigation, providing a summary of
23 relevant facts found during the investigation and the reasons
24 for terminating the investigation. A written statement under
25 this paragraph is presumed admissible as evidence in any
26 judicial or administrative proceeding.

27 6. The Department of Education shall either contract
28 with the Division of Administrative Hearings under s. 120.65,
29 or otherwise provide for a complaint for which the Department
30 of Education determines reasonable grounds exist to believe
31 that an unlawful reprisal has occurred, is occurring, or is to

1 be taken, and is unable to conciliate, to be heard by a panel
2 of impartial persons. Upon hearing the complaint, the panel
3 shall make findings of fact and conclusions of law for a final
4 decision by the Department of Education.

5
6 It shall be an affirmative defense to any action brought
7 pursuant to this section that the adverse action was
8 predicated upon grounds other than, and would have been taken
9 absent, the employee's exercise of rights protected by this
10 section.

11 (b) In any action brought under this section for which
12 it is determined reasonable grounds exist to believe that an
13 unlawful reprisal has occurred, is occurring, or is to be
14 taken, the relief shall include the following:

15 1. Reinstatement of the employee to the same position
16 held before the unlawful reprisal was commenced, or to an
17 equivalent position, or payment of reasonable front pay as
18 alternative relief.

19 2. Reinstatement of the employee's full fringe
20 benefits and seniority rights, as appropriate.

21 3. Compensation, if appropriate, for lost wages,
22 benefits, or other lost remuneration caused by the unlawful
23 reprisal.

24 4. Payment of reasonable costs, including attorney's
25 fees, to a substantially prevailing employee, or to the
26 prevailing employer if the employee filed a frivolous action
27 in bad faith.

28 5. Issuance of an injunction, if appropriate, by a
29 court of competent jurisdiction.

30 6. Temporary reinstatement to the employee's former
31 position or to an equivalent position, pending the final

1 outcome of the complaint, if it is determined that the action
2 was not made in bad faith or for a wrongful purpose, and did
3 not occur after a district school board's initiation of a
4 personnel action against the employee that includes
5 documentation of the employee's violation of a disciplinary
6 standard or performance deficiency.

7 (5) SPONSOR.--

8 (a) A district school board may sponsor a charter
9 school in the county over which the district school board has
10 jurisdiction.

11 (b) A state university may grant a charter to a lab
12 school created under s. 1002.32 and shall be considered to be
13 the school's sponsor. Such school shall be considered a
14 charter lab school.

15 (c) The sponsor shall monitor and review the charter
16 school in its progress towards the goals established in the
17 charter.

18 (d) The sponsor shall monitor the revenues and
19 expenditures of the charter school.

20 (e) The sponsor may approve a charter for a charter
21 school before the applicant has secured space, equipment, or
22 personnel, if the applicant indicates approval is necessary
23 for it to raise working capital.

24 (f) The sponsor's policies shall not apply to a
25 charter school.

26 (g) A sponsor shall ensure that the charter is
27 innovative and consistent with the state education goals
28 established by s. 1000.03(5).

29 (6) APPLICATION PROCESS AND REVIEW.--

30 (a) A district school board shall receive and review
31 all applications for a charter school. A district school board

1 shall receive and consider charter school applications
 2 received on or before October 1 of each calendar year for
 3 charter schools to be opened at the beginning of the school
 4 district's next school year, or to be opened at a time agreed
 5 to by the applicant and the district school board. A district
 6 school board may receive applications later than this date if
 7 it chooses. A sponsor may not charge an applicant for a
 8 charter any fee for the processing or consideration of an
 9 application, and a sponsor may not base its consideration or
 10 approval of an application upon the promise of future payment
 11 of any kind.

12 1. In order to facilitate an accurate budget
 13 projection process, a district school board shall be held
 14 harmless for FTE students who are not included in the FTE
 15 projection due to approval of charter school applications
 16 after the FTE projection deadline. In a further effort to
 17 facilitate an accurate budget projection, within 15 calendar
 18 days after receipt of a charter school application, a district
 19 school board or other sponsor shall report to the Department
 20 of Education the name of the applicant entity, the proposed
 21 charter school location, and its projected FTE.

22 2. A district school board shall by a majority vote
 23 approve or deny an application no later than 60 calendar days
 24 after the application is received, unless the district school
 25 board and the applicant mutually agree to temporarily postpone
 26 the vote to a specific date, at which time the district school
 27 board shall by a majority vote approve or deny the
 28 application. If the district school board fails to act on the
 29 application, an applicant may appeal to the State Board of
 30 Education as provided in paragraph (b). If an application is
 31 denied, the district school board shall, within 10 calendar

1 days, articulate in writing the specific reasons based upon
2 good cause supporting its denial of the charter application.

3 3. For budget projection purposes, the district school
4 board or other sponsor shall report to the Department of
5 Education the approval or denial of a charter application
6 within 10 calendar days after such approval or denial. In the
7 event of approval, the report to the Department of Education
8 shall include the final projected FTE for the approved charter
9 school.

10 4. Upon approval of a charter application, the initial
11 startup shall commence with the beginning of the public school
12 calendar for the district in which the charter is granted
13 unless the district school board allows a waiver of this
14 provision for good cause.

15 (b) An applicant may appeal any denial of that
16 applicant's application or failure to act on an application to
17 the State Board of Education no later than 30 calendar days
18 after receipt of the district school board's decision or
19 failure to act and shall notify the district school board of
20 its appeal. Any response of the district school board shall
21 be submitted to the State Board of Education within 30
22 calendar days after notification of the appeal. Upon receipt
23 of notification from the State Board of Education that a
24 charter school applicant is filing an appeal, the Commissioner
25 of Education shall convene a meeting of the Charter School
26 Appeal Commission to study and make recommendations to the
27 State Board of Education regarding its pending decision about
28 the appeal. The commission shall forward its recommendation
29 to the state board no later than 7 calendar days prior to the
30 date on which the appeal is to be heard. The State Board of
31 Education shall by majority vote accept or reject the decision

1 of the district school board no later than 60 calendar days
 2 after an appeal is filed in accordance with State Board of
 3 Education rule. The Charter School Appeal Commission may
 4 reject an appeal submission for failure to comply with
 5 procedural rules governing the appeals process. The rejection
 6 shall describe the submission errors. The appellant may have
 7 up to 15 calendar days from notice of rejection to resubmit an
 8 appeal that meets requirements of State Board of Education
 9 rule. An application for appeal submitted subsequent to such
 10 rejection shall be considered timely if the original appeal
 11 was filed within 30 calendar days after receipt of notice of
 12 the specific reasons for the district school board's denial of
 13 the charter application. The State Board of Education shall
 14 remand the application to the district school board with its
 15 written decision that the district school board approve or
 16 deny the application. The district school board shall
 17 implement the decision of the State Board of Education. The
 18 decision of the State Board of Education is not subject to the
 19 provisions of the Administrative Procedures Act, chapter 120.

20 (c) The district school board shall act upon the
 21 decision of the State Board of Education within 30 calendar
 22 days after it is received. The State Board of Education's
 23 decision is a final action subject to judicial review.

24 (d)1. A Charter School Appeal Commission is
 25 established to assist the commissioner and the State Board of
 26 Education with a fair and impartial review of appeals by
 27 applicants whose charters have been denied or whose charter
 28 contracts have not been renewed by their sponsors.

29 2. The Charter School Appeal Commission may receive
 30 copies of the appeal documents forwarded to the State Board of
 31 Education, review the documents, gather other applicable

1 information regarding the appeal, and make a written
 2 recommendation to the commissioner. The recommendation must
 3 state whether the appeal should be upheld or denied and
 4 include the reasons for the recommendation being offered. The
 5 commissioner shall forward the recommendation to the State
 6 Board of Education no later than 7 calendar days prior to the
 7 date on which the appeal is to be heard. The state board must
 8 consider the commission's recommendation in making its
 9 decision, but is not bound by the recommendation. The
 10 decision of the Charter School Appeal Commission is not
 11 subject to the provisions of the Administrative Procedure Act,
 12 chapter 120.

13 3. The commissioner shall appoint the members of the
 14 Charter School Appeal Commission. Members shall serve without
 15 compensation but may be reimbursed for travel and per diem
 16 expenses in conjunction with their service. One-half of the
 17 members must represent currently operating charter schools and
 18 one-half of the members must represent school districts. The
 19 commissioner or a named designee shall chair the Charter
 20 School Appeal Commission.

21 4. The chair shall convene meetings of the commission
 22 and shall ensure that the written recommendations are
 23 completed and forwarded in a timely manner. In cases where
 24 the commission cannot reach a decision, the chair shall make
 25 the written recommendation with justification, noting that the
 26 decision was rendered by the chair.

27 5. Commission members shall thoroughly review the
 28 materials presented to them from the appellant and the
 29 sponsor. The commission may request information to clarify
 30 the documentation presented to it. In the course of its
 31 review, the commission may facilitate the postponement of an

1 appeal in those cases where additional time and communication
 2 may negate the need for a formal appeal and both parties
 3 agree, in writing, to postpone the appeal to the State Board
 4 of Education. A new date certain for the appeal shall then be
 5 set based upon the rules and procedures of the State Board of
 6 Education. Commission members shall provide a written
 7 recommendation to the state board as to whether the appeal
 8 should be upheld or denied. A fact-based justification for
 9 the recommendation must be included. The chair must ensure
 10 that the written recommendation is submitted to the State
 11 Board of Education members no later than 7 calendar days prior
 12 to the date on which the appeal is to be heard. Both parties
 13 in the case shall also be provided a copy of the
 14 recommendation.

15 (e) The Department of Education may provide technical
 16 assistance to an applicant upon written request.

17 (f) In considering charter applications for a lab
 18 school, a state university shall consult with the district
 19 school board of the county in which the lab school is located.
 20 The decision of a state university may be appealed pursuant to
 21 the procedure established in this subsection.

22 (g) The terms and conditions for the operation of a
 23 charter school shall be set forth by the sponsor and the
 24 applicant in a written contractual agreement, called a
 25 charter. The sponsor shall not impose unreasonable rules or
 26 regulations that violate the intent of giving charter schools
 27 greater flexibility to meet educational goals. The applicant
 28 and sponsor shall have 6 months in which to mutually agree to
 29 the provisions of the charter. The Department of Education
 30 shall provide mediation services for any dispute regarding
 31 this section subsequent to the approval of a charter

1 application and for any dispute relating to the approved
 2 charter, except disputes regarding charter school application
 3 denials. If the Commissioner of Education determines that the
 4 dispute cannot be settled through mediation, the dispute may
 5 be appealed to an administrative law judge appointed by the
 6 Division of Administrative Hearings. The administrative law
 7 judge may rule on issues of equitable treatment of the charter
 8 school as a public school, whether proposed provisions of the
 9 charter violate the intended flexibility granted charter
 10 schools by statute, or on any other matter regarding this
 11 section except a charter school application denial, and shall
 12 award the prevailing party reasonable attorney's fees and
 13 costs incurred to be paid by the losing party. The costs of
 14 the administrative hearing shall be paid by the party whom the
 15 administrative law judge rules against.

16 (7) CHARTER.--The major issues involving the operation
 17 of a charter school shall be considered in advance and written
 18 into the charter. The charter shall be signed by the governing
 19 body of the charter school and the sponsor, following a public
 20 hearing to ensure community input.

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

23 1. The school's mission, the students to be served,
 24 and the ages and grades to be included.

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

1 3. The current incoming baseline standard of student
2 academic achievement, the outcomes to be achieved, and the
3 method of measurement that will be used. The criteria listed
4 in this subparagraph shall include a detailed description for
5 each of the following:

6 a. How the baseline student academic achievement
7 levels and prior rates of academic progress will be
8 established.

9 b. How these baseline rates will be compared to rates
10 of academic progress achieved by these same students while
11 attending the charter school.

12 c. To the extent possible, how these rates of progress
13 will be evaluated and compared with rates of progress of other
14 closely comparable student populations.

15
16 The district school board is required to provide academic
17 student performance data to charter schools for each of their
18 students coming from the district school system, as well as
19 rates of academic progress of comparable student populations
20 in the district school system.

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

31

1 5. In secondary charter schools, a method for
2 determining that a student has satisfied the requirements for
3 graduation in s. 1003.43.

4 6. A method for resolving conflicts between the
5 governing body of the charter school and the sponsor.

6 7. The admissions procedures and dismissal procedures,
7 including the school's code of student conduct.

8 8. The ways by which the school will achieve a
9 racial/ethnic balance reflective of the community it serves or
10 within the racial/ethnic range of other public schools in the
11 same school district.

12 9. The financial and administrative management of the
13 school, including a reasonable demonstration of the
14 professional experience or competence of those individuals or
15 organizations applying to operate the charter school or those
16 hired or retained to perform such professional services and
17 the description of clearly delineated responsibilities and the
18 policies and practices needed to effectively manage the
19 charter school. A description of internal audit procedures and
20 establishment of controls to ensure that financial resources
21 are properly managed must be included. Both public sector and
22 private sector professional experience shall be equally valid
23 in such a consideration.

24 10. A description of procedures that identify various
25 risks and provide for a comprehensive approach to reduce the
26 impact of losses; plans to ensure the safety and security of
27 students and staff; plans to identify, minimize, and protect
28 others from violent or disruptive student behavior; and the
29 manner in which the school will be insured, including whether
30 or not the school will be required to have liability
31

1 insurance, and, if so, the terms and conditions thereof and
2 the amounts of coverage.

3 11. The term of the charter which shall provide for
4 cancellation of the charter if insufficient progress has been
5 made in attaining the student achievement objectives of the
6 charter and if it is not likely that such objectives can be
7 achieved before expiration of the charter. The initial term of
8 a charter shall be for 3, 4, or 5 years. In order to
9 facilitate access to long-term financial resources for charter
10 school construction, charter schools that are operated by a
11 municipality or other public entity as provided by law are
12 eligible for up to a 15-year charter, subject to approval by
13 the district school board. A charter lab school is eligible
14 for a charter for a term of up to 15 years. In addition, to
15 facilitate access to long-term financial resources for charter
16 school construction, charter schools that are operated by a
17 private, not-for-profit, s. 501(c)(3) status corporation are
18 eligible for up to a 10-year charter, subject to approval by
19 the district school board. Such long-term charters remain
20 subject to annual review and may be terminated during the term
21 of the charter, but only for specific good cause according to
22 the provisions set forth in subsection (8).

23 12. The facilities to be used and their location.

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

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

30 15. A timetable for implementing the charter which
31 addresses the implementation of each element thereof and the

1 date by which the charter shall be awarded in order to meet
 2 this timetable.

3 16. In the case of an existing public school being
 4 converted to charter status, alternative arrangements for
 5 current students who choose not to attend the charter school
 6 and for current teachers who choose not to teach in the
 7 charter school after conversion in accordance with the
 8 existing collective bargaining agreement or district school
 9 board rule in the absence of a collective bargaining
 10 agreement. However, alternative arrangements shall not be
 11 required for current teachers who choose not to teach in a
 12 charter lab school, except as authorized by the employment
 13 policies of the state university which grants the charter to
 14 the lab school.

15 (b) A charter may be renewed every 5 school years,
 16 provided that a program review demonstrates that the criteria
 17 in paragraph (a) have been successfully accomplished and that
 18 none of the grounds for nonrenewal established by paragraph
 19 (8)(a) have been documented. In order to facilitate long-term
 20 financing for charter school construction, charter schools
 21 operating for a minimum of 2 years and demonstrating exemplary
 22 academic programming and fiscal management are eligible for a
 23 15-year charter renewal. Such long-term charter is subject to
 24 annual review and may be terminated during the term of the
 25 charter.

26 (c) A charter may be modified during its initial term
 27 or any renewal term upon the recommendation of the sponsor or
 28 the charter school governing board and the approval of both
 29 parties to the agreement.

30 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--
 31

1 (a) At the end of the term of a charter, the sponsor
2 may choose not to renew the charter for any of the following
3 grounds:

4 1. Failure to meet the requirements for student
5 performance stated in the charter.

6 2. Failure to meet generally accepted standards of
7 fiscal management.

8 3. Violation of law.

9 4. Other good cause shown.

10 (b) During the term of a charter, the sponsor may
11 terminate the charter for any of the grounds listed in
12 paragraph (a).

13 (c) At least 90 days prior to renewing or terminating
14 a charter, the sponsor shall notify the governing body of the
15 school of the proposed action in writing. The notice shall
16 state in reasonable detail the grounds for the proposed action
17 and stipulate that the school's governing body may, within 14
18 calendar days after receiving the notice, request an informal
19 hearing before the sponsor. The sponsor shall conduct the
20 informal hearing within 30 calendar days after receiving a
21 written request. The charter school's governing body may,
22 within 14 calendar days after receiving the sponsor's decision
23 to terminate or refuse to renew the charter, appeal the
24 decision pursuant to the procedure established in subsection
25 (6).

26 (d) A charter may be terminated immediately if the
27 sponsor determines that good cause has been shown or if the
28 health, safety, or welfare of the students is threatened. The
29 school district in which the charter school is located shall
30 assume operation of the school under these circumstances. The
31 charter school's governing board may, within 14 days after

1 receiving the sponsor's decision to terminate the charter,
 2 appeal the decision pursuant to the procedure established in
 3 subsection (6).

4 (e) When a charter is not renewed or is terminated,
 5 the school shall be dissolved under the provisions of law
 6 under which the school was organized, and any unencumbered
 7 public funds from the charter school shall revert to the
 8 district school board. In the event a charter school is
 9 dissolved or is otherwise terminated, all district school
 10 board property and improvements, furnishings, and equipment
 11 purchased with public funds shall automatically revert to full
 12 ownership by the district school board, subject to complete
 13 satisfaction of any lawful liens or encumbrances. Any
 14 unencumbered public funds from the charter school, district
 15 school board property and improvements, furnishings, and
 16 equipment purchased with public funds, or financial or other
 17 records pertaining to the charter school, in the possession of
 18 any person, entity, or holding company, other than the charter
 19 school, shall be held in trust upon the district school
 20 board's request, until any appeal status is resolved.

21 (f) If a charter is not renewed or is terminated, the
 22 charter school is responsible for all debts of the charter
 23 school. The district may not assume the debt from any contract
 24 for services made between the governing body of the school and
 25 a third party, except for a debt that is previously detailed
 26 and agreed upon in writing by both the district and the
 27 governing body of the school and that may not reasonably be
 28 assumed to have been satisfied by the district.

29 (g) If a charter is not renewed or is terminated, a
 30 student who attended the school may apply to, and shall be
 31

1 enrolled in, another public school. Normal application
2 deadlines shall be disregarded under such circumstances.

3 (9) CHARTER SCHOOL REQUIREMENTS.--

4 (a) A charter school shall be nonsectarian in its
5 programs, admission policies, employment practices, and
6 operations.

7 (b) A charter school shall admit students as provided
8 in subsection (10).

9 (c) A charter school shall be accountable to its
10 sponsor for performance as provided in subsection (7).

11 (d) A charter school shall not charge tuition or
12 registration fees, except those fees normally charged by other
13 public schools. However, a charter lab school may charge a
14 student activity and service fee as authorized by s.
15 1002.32(5).

16 (e) A charter school shall meet all applicable state
17 and local health, safety, and civil rights requirements.

18 (f) A charter school shall not violate the
19 antidiscrimination provisions of s. 1000.05.

20 (g) A charter school shall provide for an annual
21 financial audit in accordance with s. 218.39.

22 (h) No organization shall hold more than 15 charters
23 statewide.

24 (i) In order to provide financial information that is
25 comparable to that reported for other public schools, charter
26 schools are to maintain all financial records which constitute
27 their accounting system:

28 1. In accordance with the accounts and codes
29 prescribed in the most recent issuance of the publication
30 titled "Financial and Program Cost Accounting and Reporting
31 for Florida Schools"; or

1 2. At the discretion of the charter school governing
2 board, a charter school may elect to follow generally accepted
3 accounting standards for not-for-profit organizations, but
4 must reformat this information for reporting according to this
5 paragraph.

6
7 Charter schools are to provide annual financial report and
8 program cost report information in the state-required formats
9 for inclusion in district reporting in compliance with s.
10 1011.60(1). Charter schools that are operated by a
11 municipality or are a component unit of a parent nonprofit
12 organization may use the accounting system of the municipality
13 or the parent, but must reformat this information for
14 reporting according to this paragraph.

15 (j) The governing board of the charter school shall
16 annually adopt and maintain an operating budget.

17 (k) The governing body of the charter school shall
18 exercise continuing oversight over charter school operations
19 and make annual progress reports to its sponsor, which upon
20 verification shall be forwarded to the Commissioner of
21 Education at the same time as other annual school
22 accountability reports. The report shall contain at least the
23 following information:

24 1. The charter school's progress towards achieving the
25 goals outlined in its charter.

26 2. The information required in the annual school
27 report pursuant to s. 1008.345.

28 3. Financial records of the charter school, including
29 revenues and expenditures.

30 4. Salary and benefit levels of charter school
31 employees.

1 (l) A charter school shall not levy taxes or issue
2 bonds secured by tax revenues.

3 (m) A charter school shall provide instruction for at
4 least the number of days required by law for other public
5 schools, and may provide instruction for additional days.

6 (10) ELIGIBLE STUDENTS.--

7 (a) A charter school shall be open to any student
8 covered in an interdistrict agreement or residing in the
9 school district in which the charter school is located;
10 however, in the case of a charter lab school, the charter lab
11 school shall be open to any student eligible to attend the lab
12 school as provided in s. 1002.32 or who resides in the school
13 district in which the charter lab school is located. Any
14 eligible student shall be allowed interdistrict transfer to
15 attend a charter school when based on good cause.

16 (b) The charter school shall enroll an eligible
17 student who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade
19 level, or building. In such case, all applicants shall have an
20 equal chance of being admitted through a random selection
21 process.

22 (c) When a public school converts to charter status,
23 enrollment preference shall be given to students who would
24 have otherwise attended that public school.

25 (d) A charter school may give enrollment preference to
26 the following student populations:

27 1. Students who are siblings of a student enrolled in
28 the charter school.

29 2. Students who are the children of a member of the
30 governing board of the charter school.

31

1 3. Students who are the children of an employee of the
2 charter school.

3 (e) A charter school may limit the enrollment process
4 only to target the following student populations:

5 1. Students within specific age groups or grade
6 levels.

7 2. Students considered at risk of dropping out of
8 school or academic failure. Such students shall include
9 exceptional education students.

10 3. Students enrolling in a charter
11 school-in-the-workplace or charter school-in-a-municipality
12 established pursuant to subsection (16).

13 4. Students residing within a reasonable distance of
14 the charter school, as described in paragraph (21)(c). Such
15 students shall be subject to a random lottery and to the
16 racial/ethnic balance provisions described in subparagraph
17 (7)(a)8. or any federal provisions that require a school to
18 achieve a racial/ethnic balance reflective of the community it
19 serves or within the racial/ethnic range of other public
20 schools in the same school district.

21 5. Students who meet reasonable academic, artistic, or
22 other eligibility standards established by the charter school
23 and included in the charter school application and charter or,
24 in the case of existing charter schools, standards that are
25 consistent with the school's mission and purpose. Such
26 standards shall be in accordance with current state law and
27 practice in public schools and may not discriminate against
28 otherwise qualified individuals.

29 6. Students articulating from one charter school to
30 another pursuant to an articulation agreement between the
31 charter schools that has been approved by the sponsor.

1 (f) Students with handicapping conditions and students
2 served in English for Speakers of Other Languages programs
3 shall have an equal opportunity of being selected for
4 enrollment in a charter school.

5 (g) A student may withdraw from a charter school at
6 any time and enroll in another public school as determined by
7 district school board rule.

8 (h) The capacity of the charter school shall be
9 determined annually by the governing board, in conjunction
10 with the sponsor, of the charter school in consideration of
11 the factors identified in this subsection.

12 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
13 ACTIVITIES.--A charter school student is eligible to
14 participate in an interscholastic extracurricular activity at
15 the public school to which the student would be otherwise
16 assigned to attend pursuant to s. 1006.15(3)(d).

17 (12) EMPLOYEES OF CHARTER SCHOOLS.--

18 (a) A charter school shall select its own employees. A
19 charter school may contract with its sponsor for the services
20 of personnel employed by the sponsor.

21 (b) Charter school employees shall have the option to
22 bargain collectively. Employees may collectively bargain as a
23 separate unit or as part of the existing district collective
24 bargaining unit as determined by the structure of the charter
25 school.

26 (c) The employees of a conversion charter school shall
27 remain public employees for all purposes, unless such
28 employees choose not to do so.

29 (d) The teachers at a charter school may choose to be
30 part of a professional group that subcontracts with the
31 charter school to operate the instructional program under the

1 auspices of a partnership or cooperative that they
 2 collectively own. Under this arrangement, the teachers would
 3 not be public employees.

4 (e) Employees of a school district may take leave to
 5 accept employment in a charter school upon the approval of the
 6 district school board. While employed by the charter school
 7 and on leave that is approved by the district school board,
 8 the employee may retain seniority accrued in that school
 9 district and may continue to be covered by the benefit
 10 programs of that school district, if the charter school and
 11 the district school board agree to this arrangement and its
 12 financing. School districts shall not require resignations of
 13 teachers desiring to teach in a charter school. This paragraph
 14 shall not prohibit a district school board from approving
 15 alternative leave arrangements consistent with chapter 1012.

16 (f) Teachers employed by or under contract to a
 17 charter school shall be certified as required by chapter 1012.
 18 A charter school governing board may employ or contract with
 19 skilled selected noncertified personnel to provide
 20 instructional services or to assist instructional staff
 21 members as education paraprofessionals in the same manner as
 22 defined in chapter 1012, and as provided by State Board of
 23 Education rule for charter school governing boards. A charter
 24 school may not knowingly employ an individual to provide
 25 instructional services or to serve as an education
 26 paraprofessional if the individual's certification or
 27 licensure as an educator is suspended or revoked by this or
 28 any other state. A charter school may not knowingly employ an
 29 individual who has resigned from a school district in lieu of
 30 disciplinary action with respect to child welfare or safety,
 31 or who has been dismissed for just cause by any school

1 district with respect to child welfare or safety. The
2 qualifications of teachers shall be disclosed to parents.

3 (g) A charter school shall employ or contract with
4 employees who have been fingerprinted as provided in s.
5 1012.32. Members of the governing board of the charter school
6 shall also be fingerprinted in a manner similar to that
7 provided in s. 1012.32.

8 (h) For the purposes of tort liability, the governing
9 body and employees of a charter school shall be governed by s.
10 768.28.

11 (i) A charter school shall organize as, or be operated
12 by, a nonprofit organization. A charter school may be operated
13 by a municipality or other public entity as provided for by
14 law. As such, the charter school may be either a private or a
15 public employer. As a public employer, a charter school may
16 participate in the Florida Retirement System upon application
17 and approval as a "covered group" under s. 121.021(34). If a
18 charter school participates in the Florida Retirement System,
19 the charter school employees shall be compulsory members of
20 the Florida Retirement System. As either a private or a public
21 employer, a charter school may contract for services with an
22 individual or group of individuals who are organized as a
23 partnership or a cooperative. Individuals or groups of
24 individuals who contract their services to the charter school
25 are not public employees.

26 (13) NUMBER OF SCHOOLS.--

27 (a) The number of newly created charter schools is
28 limited to no more than 28 in each school district that has
29 100,000 or more students, no more than 20 in each school
30 district that has 50,000 to 99,999 students, and no more than
31 12 in each school district with fewer than 50,000 students.

1 (b) An existing public school which converts to a
2 charter school shall not be counted towards the limit
3 established by paragraph (a).

4 (c) Notwithstanding any limit established by this
5 subsection, a district school board or a charter school
6 applicant shall have the right to request an increase of the
7 limit on the number of charter schools authorized to be
8 established within the district from the State Board of
9 Education.

10 (d) Whenever a municipality has submitted charter
11 applications for the establishment of a charter school feeder
12 pattern (elementary, middle, and senior high schools), and
13 upon approval of each individual charter application by the
14 district school board, such applications shall then be
15 designated as one charter school for all purposes listed
16 pursuant to this section.

17 (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may
18 enter into cooperative agreements to form charter school
19 cooperative organizations that may provide the following
20 services: charter school planning and development, direct
21 instructional services, and contracts with charter school
22 governing boards to provide personnel administrative services,
23 payroll services, human resource management, evaluation and
24 assessment services, teacher preparation, and professional
25 development.

26 (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
27 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
28 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
29 to borrow or otherwise secure funds for a charter school
30 authorized in this section from a source other than the state
31 or a school district shall indemnify the state and the school

1 district from any and all liability, including, but not
 2 limited to, financial responsibility for the payment of the
 3 principal or interest. Any loans, bonds, or other financial
 4 agreements are not obligations of the state or the school
 5 district but are obligations of the charter school authority
 6 and are payable solely from the sources of funds pledged by
 7 such agreement. The credit or taxing power of the state or the
 8 school district shall not be pledged and no debts shall be
 9 payable out of any moneys except those of the legal entity in
 10 possession of a valid charter approved by a district school
 11 board pursuant to this section.

12 (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
 13 SCHOOLS-IN-A-MUNICIPALITY.--

14 (a) In order to increase business partnerships in
 15 education, to reduce school and classroom overcrowding
 16 throughout the state, and to offset the high costs for
 17 educational facilities construction, the Legislature intends
 18 to encourage the formation of business partnership schools or
 19 satellite learning centers and municipal-operated schools
 20 through charter school status.

21 (b) A charter school-in-the-workplace may be
 22 established when a business partner provides the school
 23 facility to be used; enrolls students based upon a random
 24 lottery that involves all of the children of employees of that
 25 business or corporation who are seeking enrollment, as
 26 provided for in subsection (10); and enrolls students
 27 according to the racial/ethnic balance provisions described in
 28 subparagraph (7)(a)8. Any portion of a facility used for a
 29 public charter school shall be exempt from ad valorem taxes,
 30 as provided for in s. 1013.54, for the duration of its use as
 31 a public school.

1 (c) A charter school-in-a-municipality designation may
2 be granted to a municipality that possesses a charter; enrolls
3 students based upon a random lottery that involves all of the
4 children of the residents of that municipality who are seeking
5 enrollment, as provided for in subsection (10); and enrolls
6 students according to the racial/ethnic balance provisions
7 described in subparagraph (7)(a)8. Any portion of the land and
8 facility used for a public charter school shall be exempt from
9 ad valorem taxes, as provided for in s. 1013.54, for the
10 duration of its use as a public school.

11 (d) As used in this subsection, the terms "business
12 partner" or "municipality" may include more than one business
13 or municipality to form a charter school-in-the-workplace or
14 charter school-in-a-municipality.

15 (17) EXEMPTION FROM STATUTES.--

16 (a) A charter school shall operate in accordance with
17 its charter and shall be exempt from all statutes in chapters
18 1000-1013. However, a charter school shall be in compliance
19 with the following statutes in chapters 1000-1013:

20 1. Those statutes specifically applying to charter
21 schools, including this section.

22 2. Those statutes pertaining to the student assessment
23 program and school grading system.

24 3. Those statutes pertaining to the provision of
25 services to students with disabilities.

26 4. Those statutes pertaining to civil rights,
27 including s. 1000.05, relating to discrimination.

28 5. Those statutes pertaining to student health,
29 safety, and welfare.

30 (b) Additionally, a charter school shall be in
31 compliance with the following statutes:

1 1. Section 286.011, relating to public meetings and
2 records, public inspection, and criminal and civil penalties.

3 2. Chapter 119, relating to public records.

4 (18) FUNDING.--Students enrolled in a charter school,
5 regardless of the sponsorship, shall be funded as if they are
6 in a basic program or a special program, the same as students
7 enrolled in other public schools in the school district.
8 Funding for a charter lab school shall be as provided in s.
9 1002.32.

10 (a) Each charter school shall report its student
11 enrollment to the district school board as required in s.
12 1011.62, and in accordance with the definitions in s. 1011.61.
13 The district school board shall include each charter school's
14 enrollment in the district's report of student enrollment. All
15 charter schools submitting student record information required
16 by the Department of Education shall comply with the
17 Department of Education's guidelines for electronic data
18 formats for such data, and all districts shall accept
19 electronic data that complies with the Department of
20 Education's electronic format.

21 (b) The basis for the agreement for funding students
22 enrolled in a charter school shall be the sum of the school
23 district's operating funds from the Florida Education Finance
24 Program as provided in s. 1011.62 and the General
25 Appropriations Act, including gross state and local funds,
26 discretionary lottery funds, and funds from the school
27 district's current operating discretionary millage levy;
28 divided by total funded weighted full-time equivalent students
29 in the school district; multiplied by the weighted full-time
30 equivalent students for the charter school. Charter schools
31 whose students or programs meet the eligibility criteria in

1 law shall be entitled to their proportionate share of
 2 categorical program funds included in the total funds
 3 available in the Florida Education Finance Program by the
 4 Legislature, including transportation. Total funding for each
 5 charter school shall be recalculated during the year to
 6 reflect the revised calculations under the Florida Education
 7 Finance Program by the state and the actual weighted full-time
 8 equivalent students reported by the charter school during the
 9 full-time equivalent student survey periods designated by the
 10 Commissioner of Education.

11 (c) If the district school board is providing programs
 12 or services to students funded by federal funds, any eligible
 13 students enrolled in charter schools in the school district
 14 shall be provided federal funds for the same level of service
 15 provided students in the schools operated by the district
 16 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
 17 10306, all charter schools shall receive all federal funding
 18 for which the school is otherwise eligible, including Title I
 19 funding, not later than 5 months after the charter school
 20 first opens and within 5 months after any subsequent expansion
 21 of enrollment.

22 (d) District school boards shall make every effort to
 23 ensure that charter schools receive timely and efficient
 24 reimbursement, including processing paperwork required to
 25 access special state and federal funding for which they may be
 26 eligible. The district school board may distribute funds to a
 27 charter school for up to 3 months based on the projected
 28 full-time equivalent student membership of the charter school.
 29 Thereafter, the results of full-time equivalent student
 30 membership surveys shall be used in adjusting the amount of
 31 funds distributed monthly to the charter school for the

1 remainder of the fiscal year. The payment shall be issued no
2 later than 10 working days after the district school board
3 receives a distribution of state or federal funds. If a
4 warrant for payment is not issued within 30 working days after
5 receipt of funding by the district school board, the school
6 district shall pay to the charter school, in addition to the
7 amount of the scheduled disbursement, interest at a rate of 1
8 percent per month calculated on a daily basis on the unpaid
9 balance from the expiration of the 30-day period until such
10 time as the warrant is issued.

11 (19) FACILITIES.--

12 (a) A charter school shall utilize facilities which
13 comply with the State Uniform Building Code for Public
14 Educational Facilities Construction adopted pursuant to s.
15 1013.37 or with applicable state minimum building codes
16 pursuant to chapter 553 and state minimum fire protection
17 codes pursuant to s. 633.025, as adopted by the authority in
18 whose jurisdiction the facility is located.

19 (b) Any facility, or portion thereof, used to house a
20 charter school whose charter has been approved by the sponsor
21 and the governing board, pursuant to subsection (7), shall be
22 exempt from ad valorem taxes pursuant to s. 196.1983.

23 (c) Charter school facilities shall utilize facilities
24 which comply with the Florida Building Code, pursuant to
25 chapter 553, and the Florida Fire Prevention Code, pursuant to
26 chapter 633.

27 (d) If a district school board facility or property is
28 available because it is surplus, marked for disposal, or
29 otherwise unused, it shall be provided for a charter school's
30 use on the same basis as it is made available to other public
31 schools in the district. A charter school receiving property

1 from the school district may not sell or dispose of such
2 property without written permission of the school district.
3 Similarly, for an existing public school converting to charter
4 status, no rental or leasing fee for the existing facility or
5 for the property normally inventoried to the conversion school
6 may be charged by the district school board to the parents and
7 teachers organizing the charter school. The charter organizers
8 shall agree to reasonable maintenance provisions in order to
9 maintain the facility in a manner similar to district school
10 board standards. The Public Education Capital Outlay
11 maintenance funds or any other maintenance funds generated by
12 the facility operated as a conversion school shall remain with
13 the conversion school.

14 (20) CAPITAL OUTLAY FUNDING.--Charter schools are
15 eligible for capital outlay funds pursuant to s. 1013.62.

16 (21) SERVICES.--

17 (a) A sponsor shall provide certain administrative and
18 educational services to charter schools. These services shall
19 include contract management services, full-time equivalent and
20 data reporting services, exceptional student education
21 administration services, test administration services,
22 processing of teacher certificate data services, and
23 information services. Any administrative fee charged by the
24 sponsor for the provision of services shall be limited to 5
25 percent of the available funds defined in paragraph (18)(b).

26 (b) If goods and services are made available to the
27 charter school through the contract with the school district,
28 they shall be provided to the charter school at a rate no
29 greater than the district's actual cost. To maximize the use
30 of state funds, school districts shall allow charter schools

31

1 to participate in the sponsor's bulk purchasing program if
2 applicable.

3 (c) Transportation of charter school students shall be
4 provided by the charter school consistent with the
5 requirements of part I.e. of chapter 1006. The governing body
6 of the charter school may provide transportation through an
7 agreement or contract with the district school board, a
8 private provider, or parents. The charter school and the
9 sponsor shall cooperate in making arrangements that ensure
10 that transportation is not a barrier to equal access for all
11 students residing within a reasonable distance of the charter
12 school as determined in its charter.

13 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
14 Department of Education shall provide information to the
15 public, directly and through sponsors, both on how to form and
16 operate a charter school and on how to enroll in charter
17 schools once they are created. This information shall include
18 a standard application format which shall include the
19 information specified in subsection (7). This application
20 format may be used by chartering entities.

21 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
22 REVIEW.--

23 (a) The Department of Education shall regularly
24 convene a Charter School Review Panel in order to review
25 issues, practices, and policies regarding charter schools. The
26 composition of the review panel shall include individuals with
27 experience in finance, administration, law, education, and
28 school governance, and individuals familiar with charter
29 school construction and operation. The panel shall include two
30 appointees each from the Commissioner of Education, the
31 President of the Senate, and the Speaker of the House of

1 Representatives. The Governor shall appoint three members of
2 the panel and shall designate the chair. Each member of the
3 panel shall serve a 1-year term, unless renewed by the office
4 making the appointment. The panel shall make recommendations
5 to the Legislature, to the Department of Education, to charter
6 schools, and to school districts for improving charter school
7 operations and oversight and for ensuring best business
8 practices at and fair business relationships with charter
9 schools.

10 (b) The Legislature shall review the operation of
11 charter schools during the 2005 Regular Session of the
12 Legislature.

13 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
14 receipt of the annual report required by paragraph (9)(k), the
15 Department of Education shall provide to the State Board of
16 Education, the Commissioner of Education, the President of the
17 Senate, and the Speaker of the House of Representatives an
18 analysis and comparison of the overall performance of charter
19 school students, to include all students whose scores are
20 counted as part of the statewide assessment program, versus
21 comparable public school students in the district as
22 determined by the statewide assessment program currently
23 administered in the school district, and other assessments
24 administered pursuant to s. 1008.22(3).

25 (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

26 (a) The conversion charter school pilot program is
27 hereby established with the intent to provide incentives for
28 local school districts to approve conversion charter schools.

29 (b) The conversion charter school pilot program shall
30 be a statewide pilot program in which 10 schools shall be
31

1 selected based on a competitive application process in
 2 accordance with this section.

3 (c) The purpose of the pilot program is to produce
 4 significant improvements in student achievement and school
 5 management, to encourage and measure the use of innovative
 6 learning methods, and to make the school the unit for
 7 improvement.

8 (d) Each school principal or a majority of the parents
 9 of students attending the school, a majority of the school's
 10 teachers, or a majority of the members of the school advisory
 11 council may apply to the school district to participate in
 12 this pilot program on forms which shall be provided by the
 13 Department of Education. The forms shall include
 14 acknowledgment by the school principal of applicable
 15 provisions of this section and s. 1013.62. For purposes of
 16 this paragraph, "a majority of the parents of students
 17 attending the school" means more than 50 percent of the
 18 parents voting whose children are enrolled at the school,
 19 provided that a majority of the parents eligible to vote
 20 participate in the ballot process; and "a majority of the
 21 school's teachers" means more than 50 percent of the teachers
 22 employed at the school, according to procedures established by
 23 rule of the State Board of Education pursuant to subsections
 24 (3) and (4).

25 (e) A person or group who has applied to participate
 26 in the pilot program created by this section, pursuant to
 27 paragraph (d), shall not be subject to an unlawful reprisal,
 28 as defined by paragraph (4)(a), as a consequence of such
 29 application. The procedures established by subsections (3) and
 30 (4) shall apply to any alleged unlawful reprisal which occurs
 31 as a consequence of such application.

1 (f) A district school board shall receive and review
2 all applications by school principals, parents, teachers, or
3 school advisory council members to participate in the pilot
4 project; shall select the best applications; and shall submit
5 these applications, together with the district school board's
6 letter of endorsement and commitment of support and
7 cooperation toward the success of program implementation, for
8 review by the statewide selection panel established pursuant
9 to paragraph (g).

10 (g) A conversion charter school pilot program
11 statewide selection panel is established. The panel shall be
12 comprised of the following nine members who are not elected
13 public officials:

14 1. Three members shall be appointed by the Governor.

15 2. Two members shall be appointed by the Commissioner
16 of Education.

17 3. Two members shall be appointed by the President of
18 the Senate.

19 4. Two members shall be appointed by the Speaker of
20 the House of Representatives.

21
22 The panel shall review the conversion charter school pilot
23 program applications submitted by the district school boards
24 and shall select the 10 applications which the panel deems
25 best comply with the purpose of the program pursuant to
26 paragraph (c).

27 (h) Each district school board in which there is a
28 school selected by the statewide panel for participation in
29 the pilot program shall receive a grant as provided in the
30 General Appropriations Act:

31

1 1. One hundred thousand dollars for planning and
2 development for each conversion charter school selected; and

3 2.a. Eighty thousand dollars for each conversion
4 charter school selected with 500 or fewer students;

5 b. One hundred thousand dollars for each conversion
6 charter school selected with more than 500 but fewer than
7 1,001 students; or

8 c. One hundred twenty thousand dollars for each
9 conversion charter school selected with more than 1,000
10 students.

11
12 The Commissioner of Education may reduce the district's FEFP
13 funding entitlement by the amount of the grant awarded under
14 this subsection if he or she determines that the district has
15 failed to comply with its letter of endorsement and commitment
16 of support and cooperation submitted under paragraph (f).

17 (i) Each conversion charter school selected for
18 participation in the pilot program shall make annual progress
19 reports to the district school board and the Commissioner of
20 Education detailing the school's progress in achieving the
21 purpose of the program as described in paragraph (c).

22 (26) RULEMAKING.--The Department of Education, after
23 consultation with school districts and charter school
24 directors, shall recommend that the State Board of Education
25 adopt rules to implement specific subsections of this section.
26 Such rules shall require minimum paperwork and shall not limit
27 charter school flexibility authorized by statute.

28 Section 98. Section 1002.34, Florida Statutes, is
29 created to read:

30 1002.34 Charter technical career centers.--
31

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

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

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) The New World School of the Arts is created as a
7 center of excellence for the performing and visual arts, to
8 serve all of the State of Florida. The school shall offer a
9 program of academic and artistic studies in the visual and
10 performing arts which shall be available to talented high
11 school and college students.

12 (2)(a) For purposes of governance, the New World
13 School of the Arts is assigned to Miami-Dade Community
14 College, the Dade County School District, and one or more
15 universities designated by the State Board of Education. The
16 State Board of Education shall assign to the New World School
17 of the Arts a university partner or partners. In this
18 selection, the State Board of Education shall consider the
19 accreditation status of the core programs. Florida
20 International University, in its capacity as the provider of
21 university services to Dade County, shall be a partner to
22 serve the New World School of the Arts, upon meeting the
23 accreditation criteria. The respective boards shall appoint
24 members to an executive board for administration of the
25 school. The executive board may include community members and
26 shall reflect proportionately the participating institutions.
27 Miami-Dade Community College shall serve as fiscal agent for
28 the school.

29 (b) The New World School of the Arts Foundation is
30 created for the purpose of providing auxiliary financial
31 support for the school's programs, including, but not limited

1 to, the promotion and sponsorship of special events and
2 scholarships. Foundation membership shall be determined by the
3 executive board.

4 (c) The school may affiliate with other public or
5 private educational or arts institutions. The school shall
6 serve as a professional school for all qualified students
7 within appropriations and limitations established by the
8 Legislature and the respective educational institutions.

9 (3) The school shall submit annually a formula-driven
10 budget request to the commissioner and the Legislature. This
11 formula shall be developed in consultation with the Department
12 of Education and staff of the Legislature. However, the actual
13 funding for the school shall be determined by the Legislature
14 in the General Appropriations Act.

15 (4) The State Board of Education shall utilize
16 resources, programs, and faculty from the various state
17 universities in planning and providing the curriculum and
18 courses at the New World School of the Arts, drawing on
19 program strengths at each state university.

20 Section 100. Section 1002.36, Florida Statutes, is
21 created to read:

22 1002.36 Florida School for the Deaf and the Blind.--

23 (1) RESPONSIBILITIES.--The Florida School for the Deaf
24 and the Blind is a state-supported residential school for
25 hearing-impaired and visually impaired students in preschool
26 through 12th grade. The school is a part of the state system
27 of public education and shall be funded through the Department
28 of Education. The school shall provide educational programs
29 and support services appropriate to meet the education and
30 related evaluation and counseling needs of hearing-impaired
31 and visually impaired students in the state who meet

1 enrollment criteria. Education services may be provided on an
2 outreach basis for sensory-impaired children ages 0 through 5
3 years and their parents. Graduates of the Florida School for
4 the Deaf and the Blind shall be eligible for the William L.
5 Boyd, IV, Florida Resident Access Grant Program as provided in
6 s. 1009.89.

7 (2) MISSION.--The mission of the Florida School for
8 the Deaf and the Blind is to utilize all available talent,
9 energy, and resources to provide free appropriate public
10 education for eligible sensory-impaired students of Florida.
11 As a school of academic excellence, the school shall strive to
12 provide students an opportunity to maximize their individual
13 potential in a caring, safe, unique learning environment to
14 prepare them to be literate, employable, and independent
15 lifelong learners. The school shall encourage input from
16 students, staff, parents, and the community. As a diverse
17 organization, the school shall foster respect and
18 understanding for each individual.

19 (3) AUDITS.--The Auditor General shall audit the
20 Florida School for the Deaf and the Blind as provided in
21 chapter 11.

22 (4) BOARD OF TRUSTEES.--

23 (a) There is hereby created a Board of Trustees for
24 the Florida School for the Deaf and the Blind which shall
25 consist of seven members. Of these seven members, one
26 appointee shall be a blind person and one appointee shall be a
27 deaf person. Each member shall have been a resident of the
28 state for a period of at least 10 years. Their terms of office
29 shall be 4 years. The appointment of the trustees shall be by
30 the Governor with the confirmation of the Senate. The Governor
31

1 may remove any member for cause and shall fill all vacancies
2 that occur.

3 (b) The board of trustees shall elect a chair
4 annually. The trustees shall be reimbursed for travel expenses
5 as provided in s. 112.061, the accounts of which shall be paid
6 by the Treasurer upon itemized vouchers duly approved by the
7 chair.

8 (c) The board of trustees has authority to adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to implement provisions
10 of law relating to operation of the Florida School for the
11 Deaf and the Blind. Such rules shall be submitted to the State
12 Board of Education for approval or disapproval. If any rule is
13 not disapproved by the State Board of Education within 60 days
14 of its receipt by the State Board of Education, the rule shall
15 be filed immediately with the Department of State. The board
16 of trustees shall act at all times in conjunction with the
17 rules of the State Board of Education.

18 (d) The board of trustees is a body corporate and
19 shall have a corporate seal. Title to any gift, donation, or
20 bequest received by the board of trustees pursuant to
21 subsection (5) shall vest in the board of trustees. Title to
22 all other property and other assets of the Florida School for
23 the Deaf and the Blind shall vest in the State Board of
24 Education, but the board of trustees shall have complete
25 jurisdiction over the management of the school and is invested
26 with full power and authority to appoint a president, faculty,
27 teachers, and other employees and remove the same as in its
28 judgment may be best and fix their compensation; to procure
29 professional services, such as medical, mental health,
30 architectural, engineering, and legal services; to determine
31 eligibility of students and procedure for admission; to

1 provide for the students of the school necessary bedding,
 2 clothing, food, and medical attendance and such other things
 3 as may be proper for the health and comfort of the students
 4 without cost to their parents, except that the board of
 5 trustees may set tuition and other fees for nonresidents; to
 6 provide for the proper keeping of accounts and records and for
 7 budgeting of funds; to enter into contracts; to sue and be
 8 sued; to secure public liability insurance; and to do and
 9 perform every other matter or thing requisite to the proper
 10 management, maintenance, support, and control of the school at
 11 the highest efficiency economically possible, the board of
 12 trustees taking into consideration the purposes of the
 13 establishment.

14 (e)1. The board of trustees is authorized to receive
 15 gifts, donations, and bequests of money or property, real or
 16 personal, tangible or intangible, from any person, firm,
 17 corporation, or other legal entity. However, the board of
 18 trustees may not obligate the state to any expenditure or
 19 policy that is not specifically authorized by law.

20 2. If the bill of sale, will, trust indenture, deed,
 21 or other legal conveyance specifies terms and conditions
 22 concerning the use of such money or property, the board of
 23 trustees shall observe such terms and conditions.

24 3. The board of trustees may deposit outside the State
 25 Treasury such moneys as are received as gifts, donations, or
 26 bequests and may disburse and expend such moneys, upon its own
 27 warrant, for the use and benefit of the Florida School for the
 28 Deaf and the Blind and its students, as the board of trustees
 29 deems to be in the best interest of the school and its
 30 students. Such money or property shall not constitute or be
 31 considered a part of any legislative appropriation, and such

1 money shall not be used to compensate any person for engaging
2 in lobbying activities before the House of Representatives or
3 Senate or any committee thereof.

4 4. The board of trustees may sell or convey by bill of
5 sale, deed, or other legal instrument any property, real or
6 personal, received as a gift, donation, or bequest, upon such
7 terms and conditions as the board of trustees deems to be in
8 the best interest of the school and its students.

9 5. The board of trustees may invest such moneys in
10 securities enumerated under s. 215.47, and in The Common Fund,
11 an Investment Management Fund exclusively for nonprofit
12 educational institutions.

13 (f) The board of trustees shall:

14 1. Prepare and submit legislative budget requests,
15 including fixed capital outlay requests, in accordance with
16 chapter 216 and s. 1013.60.

17 2. Administer and maintain personnel programs for all
18 employees of the board of trustees and the Florida School for
19 the Deaf and the Blind who shall be state employees, including
20 the personnel classification and pay plan established in
21 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
22 academic and academic administrative personnel, the provisions
23 of chapter 110, and the provisions of law that grant authority
24 to the Department of Management Services over such programs
25 for state employees.

26 3. Adopt a master plan which specifies the mission and
27 objectives of the Florida School for the Deaf and the Blind.
28 The plan shall include, but not be limited to, procedures for
29 systematically measuring the school's progress toward meeting
30 its objectives, analyzing changes in the student population,
31 and modifying school programs and services to respond to such

1 changes. The plan shall be for a period of 5 years and shall
2 be reviewed for needed modifications every 2 years. The board
3 of trustees shall submit the initial plan and subsequent
4 modifications to the Speaker of the House of Representatives
5 and the President of the Senate.

6 4. Seek the advice of the Division of Public Schools
7 within the Department of Education.

8 (g) The Board of Trustees for the Florida School for
9 the Deaf and the Blind, located in St. Johns County, shall
10 designate a portion of the school as "The Verle Allyn Pope
11 Complex for the Deaf," in tribute to the late Senator Verle
12 Allyn Pope.

13 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board
14 of Trustees for the Florida School for the Deaf and the Blind
15 shall provide for the content and custody of student and
16 employee personnel records. Student records shall be subject
17 to the provisions of s. 1002.22. Employee personnel records
18 shall be subject to the provisions of s. 1012.31.

19 (6) USE OF OUT-OF-STATE EDUCATIONAL FACILITIES,
20 FINANCING.--

21 (a) The Board of Trustees for the Florida School for
22 the Deaf and the Blind may expend funds for the purpose of
23 sending children under the age of 20 years, who are deaf as
24 well as blind, and for whom there are no facilities for
25 education in this state, to any school, institution, or other
26 place outside the state that provides a qualified program of
27 education for such children. Such funds may be spent for room,
28 board, tuition, transportation, and other items that are
29 necessarily relevant to the education of such children.

30 (b) In interpreting and carrying out the provisions of
31 this act, the words "deaf-blind children," wherever used, will

1 be construed to include any child whose combination of
2 disabilities of deafness and blindness would prevent him or
3 her from profiting satisfactorily from educational programs
4 provided for the blind child or the deaf child.

5 (c) The Florida School for the Deaf and the Blind may
6 determine if such children should be sent to such out-of-state
7 places, and the board of trustees may adopt rules necessary to
8 carry out the purposes and intents of this section.

9 (7) LEGAL SERVICES.--The Board of Trustees for the
10 Florida School for the Deaf and the Blind may provide legal
11 services for officers and employees of the board of trustees
12 who are charged with civil or criminal actions arising out of
13 and in the course of the performance of assigned duties and
14 responsibilities. The board of trustees may provide for
15 reimbursement of reasonable expenses for legal services for
16 officers and employees of said board of trustees who are
17 charged with civil or criminal actions arising out of and in
18 the course of the performance of assigned duties and
19 responsibilities upon successful defense by the officer or
20 employee. However, in any case in which the officer or
21 employee pleads guilty or nolo contendere or is found guilty
22 of any such action, the officer or employee shall reimburse
23 the board of trustees for any legal services that the board of
24 trustees may have supplied pursuant to this section. The
25 board of trustees may also reimburse an officer or employee
26 thereof for any judgment that may be entered against him or
27 her in a civil action arising out of and in the course of the
28 performance of his or her assigned duties and
29 responsibilities. Each expenditure by the board of trustees
30 for legal defense of an officer or employee, or for
31 reimbursement pursuant to this section, shall be made at a

1 public meeting with notice pursuant to s. 120.525(1). The
2 providing of such legal services or reimbursement under the
3 conditions described in this subsection is declared to be a
4 school purpose for which school funds may be expended.

5 (8) PERSONNEL SCREENING.--

6 (a) The Board of Trustees of the Florida School for
7 the Deaf and the Blind shall, because of the special trust or
8 responsibility of employees of the school, require all
9 employees and applicants for employment to undergo personnel
10 screening and security background investigations as provided
11 in chapter 435, using the level 2 standards for screening set
12 forth in that chapter, as a condition of employment and
13 continued employment. The cost of a personnel screening and
14 security background investigation for an employee of the
15 school shall be paid by the school. The cost of such a
16 screening and investigation for an applicant for employment
17 may be paid by the school.

18 (b) As a prerequisite for initial and continuing
19 employment at the Florida School for the Deaf and the Blind:

20 1. The applicant or employee shall submit to the
21 Florida School for the Deaf and the Blind a complete set of
22 fingerprints taken by an authorized law enforcement agency or
23 an employee of the Florida School for the Deaf and the Blind
24 who is trained to take fingerprints. The Florida School for
25 the Deaf and the Blind shall submit the fingerprints to the
26 Department of Law Enforcement for state processing and the
27 Federal Bureau of Investigation for federal processing.

28 2.a. The applicant or employee shall attest to the
29 minimum standards for good moral character as contained in
30 chapter 435, using the level 2 standards set forth in that
31 chapter under penalty of perjury.

1 b. New personnel shall be on a probationary status
2 pending a determination of compliance with such minimum
3 standards for good moral character. This paragraph is in
4 addition to any probationary status provided for by Florida
5 law or Florida School for the Deaf and the Blind rules or
6 collective bargaining contracts.

7 3. The Florida School for the Deaf and the Blind shall
8 review the record of the applicant or employee with respect to
9 the crimes contained in s. 435.04 and shall notify the
10 applicant or employee of its findings. When disposition
11 information is missing on a criminal record, it shall be the
12 responsibility of the applicant or employee, upon request of
13 the Florida School for the Deaf and the Blind, to obtain and
14 supply within 30 days the missing disposition information to
15 the Florida School for the Deaf and the Blind. Failure to
16 supply missing information within 30 days or to show
17 reasonable efforts to obtain such information shall result in
18 automatic disqualification of an applicant and automatic
19 termination of an employee.

20 4. After an initial personnel screening and security
21 background investigation, written notification shall be given
22 to the affected employee within a reasonable time prior to any
23 subsequent screening and investigation.

24 (c) The Florida School for the Deaf and the Blind may
25 grant exemptions from disqualification as provided in s.
26 435.07.

27 (d) The Florida School for the Deaf and the Blind may
28 not use the criminal records, private investigator findings,
29 or information reference checks obtained by the school
30 pursuant to this section for any purpose other than
31 determining if a person meets the minimum standards for good

1 moral character for personnel employed by the school. The
2 criminal records, private investigator findings, and
3 information from reference checks obtained by the Florida
4 School for the Deaf and the Blind for determining the moral
5 character of employees of the school 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 (e) It is a misdemeanor of the first degree,
9 punishable as provided in s. 775.082 or s. 775.083, for any
10 person willfully, knowingly, or intentionally to:

11 1. Fail, by false statement, misrepresentation,
12 impersonation, or other fraudulent means, to disclose in any
13 application for voluntary or paid employment a material fact
14 used in making a determination as to such person's
15 qualifications for a position of special trust.

16 2. Use the criminal records, private investigator
17 findings, or information from reference checks obtained under
18 this section or information obtained from such records or
19 findings for purposes other than screening for employment or
20 release such information or records to persons for purposes
21 other than screening for employment.

22 (9) CAMPUS POLICE.--

23 (a) The Board of Trustees for the Florida School for
24 the Deaf and the Blind is permitted and empowered to employ
25 police officers for the school, who must be designated Florida
26 School for the Deaf and the Blind campus police.

27 (b) Each Florida School for the Deaf and the Blind
28 campus police officer is a law enforcement officer of the
29 state and a conservator of the peace who has the authority to
30 arrest, in accordance with the laws of this state, any person
31 for a violation of state law or applicable county or municipal

1 ordinance if that violation occurs on or in any property or
 2 facilities of the school. A campus police officer may also
 3 arrest a person off campus for a violation committed on campus
 4 after a hot pursuit of that person which began on campus. A
 5 campus police officer shall have full authority to bear arms
 6 in the performance of the officer's duties and carry out a
 7 search pursuant to a search warrant on the campus. Florida
 8 School for the Deaf and the Blind campus police, upon request
 9 of the sheriff or local police authority, may serve subpoenas
 10 or other legal process and may make arrests of persons against
 11 whom arrest warrants have been issued or against whom charges
 12 have been made for violations of federal or state laws or
 13 county or municipal ordinances.

14 (c) The campus police shall promptly deliver all
 15 persons arrested and charged with felonies to the sheriff of
 16 the county within which the school is located and all persons
 17 arrested and charged with misdemeanors to the applicable
 18 authority as provided by law, but otherwise to the sheriff of
 19 the county in which the school is located.

20 (d) The campus police must meet the minimum standards
 21 established by the Criminal Justice Standards and Training
 22 Commission of the Department of Law Enforcement and chapter
 23 943 for law enforcement officers. Each campus police officer
 24 must, before entering into the performance of the officer's
 25 duties, take the oath of office established by the board of
 26 trustees. The board of trustees may obtain and approve a bond
 27 on each campus police officer, conditioned upon the officer's
 28 faithful performance of the officer's duties, which bond must
 29 be payable to the Governor. The board of trustees may
 30 determine the amount of the bond. In determining the amount of
 31 the bond, the board may consider the amount of money or

1 property likely to be in the custody of the officer at any one
2 time. The board of trustees must provide a uniform set of
3 identifying credentials to each campus police officer it
4 employs.

5 (e) In performance of any of the powers, duties, and
6 functions authorized by law, campus police have the same
7 rights, protections, and immunities afforded other law
8 enforcement officers.

9 (f) The board of trustees shall adopt rules,
10 including, without limitation, rules for the appointment,
11 employment, and removal of campus police in accordance with
12 the State Career Service System and shall establish in writing
13 a policy manual, that includes, without limitation, procedures
14 for managing routine law enforcement situations and emergency
15 law enforcement situations. The board of trustees shall
16 furnish a copy of the policy manual to each of the campus
17 police officers it employs. A campus police officer appointed
18 by the board of trustees must have completed the training
19 required by the school in the special needs and proper
20 procedures for dealing with students served by the school.

21 (10) REPORT OF CAMPUS CRIME STATISTICS.--

22 (a) The school shall prepare an annual report of
23 statistics of crimes committed on its campus and shall submit
24 the report to the board of trustees and the Commissioner of
25 Education. The data for these reports may be taken from the
26 annual report of the Department of Law Enforcement. The board
27 of trustees shall prescribe the form for submission of these
28 reports.

29 (b) The school shall prepare annually a report of
30 statistics of crimes committed on its campus for the preceding
31

1 3 years. The school shall give students and prospective
2 students notice that this report is available upon request.

3 Section 101. Section 1002.37, Florida Statutes, is
4 created to read:

5 1002.37 The Florida Virtual School.--

6 (1)(a) The Florida Virtual School is established for
7 the development and delivery of on-line and distance learning
8 education and shall be administratively housed within the
9 Commissioner of Education's Office of Technology and
10 Information Services. The Commissioner of Education shall
11 monitor the school's performance and report its performance to
12 the State Board of Education and the Legislature.

13 (b) The mission of the Florida Virtual School is to
14 provide students with technology-based educational
15 opportunities to gain the knowledge and skills necessary to
16 succeed. The school shall serve any student in the state who
17 meets the profile for success in this educational delivery
18 context and shall give priority to:

19 1. Students who need expanded access to courses in
20 order to meet their educational goals, such as home education
21 students and students in inner-city and rural high schools who
22 do not have access to higher-level courses.

23 2. Students seeking accelerated access in order to
24 obtain a high school diploma at least one semester early.

25 (c) To ensure students are informed of the
26 opportunities offered by the Florida Virtual School, the
27 commissioner shall provide the board of trustees of the
28 Florida Virtual School access to the records of public school
29 students in a format prescribed by the board of trustees.

30
31

1 The board of trustees of the Florida Virtual School shall
2 identify appropriate performance measures and standards based
3 on student achievement that reflect the school's statutory
4 mission and priorities, and shall implement an accountability
5 system for the school that includes assessment of its
6 effectiveness and efficiency in providing quality services
7 that encourage high student achievement, seamless
8 articulation, and maximum access.

9 (2) The Florida Virtual School shall be governed by a
10 board of trustees comprised of seven members appointed by the
11 Governor to 4-year staggered terms. The board of trustees
12 shall be a public agency entitled to sovereign immunity
13 pursuant to s. 768.28, and board members shall be public
14 officers who shall bear fiduciary responsibility for the
15 Florida Virtual School. The board of trustees shall have the
16 following powers and duties:

17 (a)1. The board of trustees shall meet at least 4
18 times each year, upon the call of the chair, or at the request
19 of a majority of the membership.

20 2. The fiscal year for the Florida Virtual School
21 shall be the state fiscal year as provided in s.
22 216.011(1)(o).

23 (b) The board of trustees shall be responsible for the
24 Florida Virtual School's development of a state-of-the-art
25 technology-based education delivery system that is
26 cost-effective, educationally sound, marketable, and capable
27 of sustaining a self-sufficient delivery system through the
28 Florida Education Finance Program, by fiscal year 2003-2004.
29 The school shall collect and report data for all students
30 served and credit awarded. This data shall be segregated by
31 private, public, and home education students by program.

1 Information shall also be collected that reflects any other
2 school in which a virtual school student is enrolled.

3 (c) The board of trustees shall aggressively seek
4 avenues to generate revenue to support its future endeavors,
5 and shall enter into agreements with distance learning
6 providers. The board of trustees may acquire, enjoy, use, and
7 dispose of patents, copyrights, and trademarks and any
8 licenses and other rights or interests thereunder or therein.
9 Ownership of all such patents, copyrights, trademarks,
10 licenses, and rights or interests thereunder or therein shall
11 vest in the state, with the board of trustees having full
12 right of use and full right to retain the revenues derived
13 therefrom. Any funds realized from patents, copyrights,
14 trademarks, or licenses shall be used to support the school's
15 marketing and research and development activities in order to
16 improve courseware and services to its students.

17 (d) The board of trustees shall annually prepare and
18 submit to the State Board of Education a legislative budget
19 request, including funding requests for computers for public
20 school students who do not have access to public school
21 computers, in accordance with chapter 216 and s. 1013.60. The
22 legislative budget request of the Florida Virtual School shall
23 be prepared using the same format, procedures, and timelines
24 required for the submission of the legislative budget of the
25 Department of Education. Nothing in this section shall be
26 construed to guarantee a computer to any individual student.

27 (e) In accordance with law and rules of the State
28 Board of Education, the board of trustees shall administer and
29 maintain personnel programs for all employees of the board of
30 trustees and the Florida Virtual School. The board of trustees
31

1 may adopt rules, policies, and procedures related to the
2 appointment, employment, and removal of personnel.

3 1. The board of trustees shall determine the
4 compensation, including salaries and fringe benefits, and
5 other conditions of employment for such personnel.

6 2. The board of trustees may establish and maintain a
7 personnel loan or exchange program by which persons employed
8 by the board of trustees for the Florida Virtual School as
9 academic administrative and instructional staff may be loaned
10 to, or exchanged with persons employed in like capacities by,
11 public agencies either within or without this state, or by
12 private industry. With respect to public agency employees, the
13 program authorized by this subparagraph shall be consistent
14 with the requirements of part II of chapter 112. The salary
15 and benefits of board of trustees personnel participating in
16 the loan or exchange program shall be continued during the
17 period of time they participate in a loan or exchange program,
18 and such personnel shall be deemed to have no break in
19 creditable or continuous service or employment during such
20 time. The salary and benefits of persons participating in the
21 personnel loan or exchange program who are employed by public
22 agencies or private industry shall be paid by the originating
23 employers of those participants, and such personnel shall be
24 deemed to have no break in creditable or continuous service or
25 employment during such time.

26 3. The employment of all Florida Virtual School
27 academic administrative and instructional personnel shall be
28 subject to rejection for cause by the board of trustees, and
29 shall be subject to policies of the board of trustees relative
30 to certification, tenure, leaves of absence, sabbaticals,
31 remuneration, and such other conditions of employment as the

1 board of trustees deems necessary and proper, not inconsistent
2 with law.

3 4. Each person employed by the board of trustees in an
4 academic administrative or instructional capacity with the
5 Florida Virtual School shall be entitled to a contract as
6 provided by rules of the board of trustees.

7 5. All employees except temporary, seasonal, and
8 student employees may be state employees for the purpose of
9 being eligible to participate in the Florida Retirement System
10 and receive benefits. The classification and pay plan,
11 including terminal leave and other benefits, and any
12 amendments thereto, shall be subject to review and approval by
13 the Department of Management Services and the Executive Office
14 of the Governor prior to adoption. In the event that the board
15 of trustees assumes responsibility for governance pursuant to
16 this section before approval is obtained, employees shall be
17 compensated pursuant to the system in effect for the employees
18 of the fiscal agent.

19 (f) The board of trustees shall establish priorities
20 for admission of students in accordance with paragraph (1)(b).

21 (g) The board of trustees shall establish and
22 distribute to all school districts and high schools in the
23 state procedures for enrollment of students in courses offered
24 by the Florida Virtual School. Such procedures shall be
25 designed to minimize paperwork and fairly resolve the issue of
26 double funding students taking courses online.

27 (h) The board of trustees shall annually submit to the
28 State Board of Education both forecasted and actual
29 enrollments for the Florida Virtual School, according to
30 procedures established by the State Board of Education. At a
31

1 minimum, such procedures must include the number of public,
2 private, and home education students served by district.

3 (i) The board of trustees shall provide for the
4 content and custody of student and employee personnel records.
5 Student records shall be subject to the provisions of s.
6 1002.22. Employee records shall be subject to the provisions
7 of s. 1012.31.

8 (j) The financial records and accounts of the Florida
9 Virtual School shall be maintained under the direction of the
10 board of trustees and under rules adopted by the State Board
11 of Education for the uniform system of financial records and
12 accounts for the schools of the state.

13
14 The Governor shall designate the initial chair of the board of
15 trustees to serve a term of 4 years. Members of the board of
16 trustees shall serve without compensation, but may be
17 reimbursed for per diem and travel expenses pursuant to s.
18 112.061. The board of trustees shall be a body corporate with
19 all the powers of a body corporate and such authority as is
20 needed for the proper operation and improvement of the Florida
21 Virtual School. The board of trustees is specifically
22 authorized to adopt rules, policies, and procedures,
23 consistent with law and rules of the State Board of Education
24 related to governance, personnel, budget and finance,
25 administration, programs, curriculum and instruction, travel
26 and purchasing, technology, students, contracts and grants,
27 and property as necessary for optimal, efficient operation of
28 the Florida Virtual School. Tangible personal property owned
29 by the board of trustees shall be subject to the provisions of
30 chapter 273.

31

1 (3)(a) Until fiscal year 2003-2004, the Commissioner
2 of Education shall include the Florida Virtual School as a
3 grant-in-aid appropriation in the department's legislative
4 budget request to the State Board of Education, the Governor,
5 and the Legislature, subject to any guidelines imposed in the
6 General Appropriations Act.

7 (b) The Orange County District School Board shall be
8 the temporary fiscal agent of the Florida Virtual School.

9 (4) Under no circumstance may the credit of the state
10 be pledged on behalf of the Florida Virtual School.

11 (5) The board of trustees shall annually submit to the
12 Governor, the Legislature, the Commissioner of Education, and
13 the State Board of Education a complete and detailed report
14 setting forth:

15 (a) The operations and accomplishments of the Florida
16 Virtual School.

17 (b) The marketing and operational plan for the Florida
18 Virtual School, including recommendations regarding methods
19 for improving the delivery of education through the Internet
20 and other distance learning technology.

21 (c) The assets and liabilities of the Florida Virtual
22 School at the end of the fiscal year.

23 (d) A copy of an annual financial and compliance audit
24 of the accounts and records of the Florida Virtual School,
25 conducted by an independent certified public accountant and
26 performed in accordance with rules adopted by the Auditor
27 General.

28 (e) Recommendations regarding the unit cost of
29 providing services to students. In order to most effectively
30 develop public policy regarding any future funding of the
31 Florida Virtual School, it is imperative that the cost of the

1 program is accurately identified. The identified cost of the
2 program must be based on reliable data.

3 (f) Recommendations regarding an accountability
4 mechanism to assess the effectiveness of the services provided
5 by the Florida Virtual School.

6 (6) The State Board of Education may adopt rules it
7 deems necessary to implement reporting requirements for the
8 Florida Virtual School.

9 Section 102. Section 1002.38, Florida Statutes, is
10 created to read:

11 1002.38 Opportunity Scholarship Program.--

12 (1) FINDINGS AND INTENT.--The purpose of this section
13 is to provide enhanced opportunity for students in this state
14 to gain the knowledge and skills necessary for postsecondary
15 education, a technical education, or the world of work. The
16 Legislature recognizes that the voters of the State of
17 Florida, in the November 1998 general election, amended s. 1,
18 Art. IX of the Florida Constitution so as to make education a
19 paramount duty of the state. The Legislature finds that the
20 State Constitution requires the state to provide a uniform,
21 safe, secure, efficient, and high-quality system which allows
22 the opportunity to obtain a high-quality education. The
23 Legislature further finds that a student should not be
24 compelled, against the wishes of the student's parent, to
25 remain in a school found by the state to be failing for 2
26 years in a 4-year period. The Legislature shall make available
27 opportunity scholarships in order to give parents the
28 opportunity for their children to attend a public school that
29 is performing satisfactorily or to attend an eligible private
30 school when the parent chooses to apply the equivalent of the
31 public education funds generated by his or her child to the

1 cost of tuition in the eligible private school as provided in
2 paragraph (6)(a). Eligibility of a private school shall
3 include the control and accountability requirements that,
4 coupled with the exercise of parental choice, are reasonably
5 necessary to secure the educational public purpose, as
6 delineated in subsection (4).

7 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public
8 school student's parent may request and receive from the state
9 an opportunity scholarship for the student to enroll in and
10 attend a private school in accordance with the provisions of
11 this section if:

12 (a)1. By assigned school attendance area or by special
13 assignment, the student has spent the prior school year in
14 attendance at a public school that has been designated
15 pursuant to s. 1008.34 as performance grade category "F,"
16 failing to make adequate progress, and that has had two school
17 years in a 4-year period of such low performance, and the
18 student's attendance occurred during a school year in which
19 such designation was in effect;

20 2. The student has been in attendance elsewhere in the
21 public school system and has been assigned to such school for
22 the next school year; or

23 3. The student is entering kindergarten or first grade
24 and has been notified that the student has been assigned to
25 such school for the next school year.

26 (b) The parent has obtained acceptance for admission
27 of the student to a private school eligible for the program
28 pursuant to subsection (4), and has notified the Department of
29 Education and the school district of the request for an
30 opportunity scholarship no later than July 1 of the first year
31 in which the student intends to use the scholarship.

1
2 The provisions of this section shall not apply to a student
3 who is enrolled in a school operating for the purpose of
4 providing educational services to youth in Department of
5 Juvenile Justice commitment programs. For purposes of
6 continuity of educational choice, the opportunity scholarship
7 shall remain in force until the student returns to a public
8 school or, if the student chooses to attend a private school
9 the highest grade of which is grade 8, until the student
10 matriculates to high school and the public high school to
11 which the student is assigned is an accredited school with a
12 performance grade category designation of "C" or better.
13 However, at any time upon reasonable notice to the Department
14 of Education and the school district, the student's parent may
15 remove the student from the private school and place the
16 student in a public school, as provided in subparagraph
17 (3)(a)2.

18 (3) SCHOOL DISTRICT OBLIGATIONS.--

19 (a) A school district shall, for each student enrolled
20 in or assigned to a school that has been designated as
21 performance grade category "F" for 2 school years in a 4-year
22 period:

23 1. Timely notify the parent of the student as soon as
24 such designation is made of all options available pursuant to
25 this section.

26 2. Offer that student's parent an opportunity to
27 enroll the student in the public school within the district
28 that has been designated by the state pursuant to s. 1008.34
29 as a school performing higher than that in which the student
30 is currently enrolled or to which the student has been
31 assigned, but not less than performance grade category "C."

1 The parent is not required to accept this offer in lieu of
 2 requesting a state opportunity scholarship to a private
 3 school. The opportunity to continue attending the higher
 4 performing public school shall remain in force until the
 5 student graduates from high school.

6 (b) The parent of a student enrolled in or assigned to
 7 a school that has been designated performance grade category
 8 "F" for 2 school years in a 4-year period may choose as an
 9 alternative to enroll the student in and transport the student
 10 to a higher-performing public school that has available space
 11 in an adjacent school district, and that school district shall
 12 accept the student and report the student for purposes of the
 13 district's funding pursuant to the Florida Education Finance
 14 Program.

15 (c) For students in the school district who are
 16 participating in the state Opportunity Scholarship Program,
 17 the school district shall provide locations and times to take
 18 all statewide assessments required pursuant to s. 1008.22.

19 (d) Students with disabilities who are eligible to
 20 receive services from the school district under federal or
 21 state law, and who participate in this program, remain
 22 eligible to receive services from the school district as
 23 provided by federal or state law.

24 (e) If for any reason a qualified private school is
 25 not available for the student or if the parent chooses to
 26 request that the student be enrolled in the higher performing
 27 public school, rather than choosing to request the state
 28 opportunity scholarship, transportation costs to the higher
 29 performing public school shall be the responsibility of the
 30 school district. The district may utilize state categorical
 31

1 transportation funds or state-appropriated public school
2 choice incentive funds for this purpose.

3 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
4 participate in the Opportunity Scholarship Program, a private
5 school must be a Florida private school, may be sectarian or
6 nonsectarian, and must:

7 (a) Demonstrate fiscal soundness by being in operation
8 for 1 school year or provide the Department of Education with
9 a statement by a certified public accountant confirming that
10 the private school desiring to participate is insured and the
11 owner or owners have sufficient capital or credit to operate
12 the school for the upcoming year serving the number of
13 students anticipated with expected revenues from tuition and
14 other sources that may be reasonably expected. In lieu of such
15 a statement, a surety bond or letter of credit for the amount
16 equal to the opportunity scholarship funds for any quarter may
17 be filed with the department.

18 (b) Notify the Department of Education and the school
19 district in whose service area the school is located of its
20 intent to participate in the program under this section by May
21 1 of the school year preceding the school year in which it
22 intends to participate. The notice shall specify the grade
23 levels and services that the private school has available for
24 the Opportunity Scholarship Program.

25 (c) Comply with the antidiscrimination provisions of
26 42 U.S.C. s. 2000d.

27 (d) Meet state and local health and safety laws and
28 codes.

29 (e) Accept scholarship students on an entirely random
30 and religious-neutral basis without regard to the student's
31 past academic history; however, the private school may give

1 preference in accepting applications to siblings of students
2 who have already been accepted on a random and
3 religious-neutral basis.

4 (f) Be subject to the instruction, curriculum, and
5 attendance criteria adopted by an appropriate nonpublic school
6 accrediting body and be academically accountable to the parent
7 for meeting the educational needs of the student. The private
8 school must furnish a school profile which includes student
9 performance.

10 (g) Employ or contract with teachers who hold a
11 baccalaureate or higher degree, or have at least 3 years of
12 teaching experience in public or private schools, or have
13 special skills, knowledge, or expertise that qualifies them to
14 provide instruction in subjects taught.

15 (h) Comply with all state statutes relating to private
16 schools.

17 (i) Accept as full tuition and fees the amount
18 provided by the state for each student.

19 (j) Agree not to compel any student attending the
20 private school on an opportunity scholarship to profess a
21 specific ideological belief, to pray, or to worship.

22 (k) Adhere to the tenets of its published disciplinary
23 procedures prior to the expulsion of any opportunity
24 scholarship student.

25 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

26 (a) Any student participating in the Opportunity
27 Scholarship Program must remain in attendance throughout the
28 school year, unless excused by the school for illness or other
29 good cause, and must comply fully with the school's code of
30 conduct.

31

1 (b) The parent of each student participating in the
2 Opportunity Scholarship Program must comply fully with the
3 private school's parental involvement requirements, unless
4 excused by the school for illness or other good cause.

5 (c) The parent shall ensure that the student
6 participating in the Opportunity Scholarship Program takes all
7 statewide assessments required pursuant to s. 1008.22.

8 (d) A participant who fails to comply with this
9 subsection shall forfeit the opportunity scholarship.

10 (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

11 (a) The maximum opportunity scholarship granted for an
12 eligible student shall be a calculated amount equivalent to
13 the base student allocation in the Florida Education Finance
14 Program multiplied by the appropriate cost factor for the
15 educational program that would have been provided for the
16 student in the district school to which he or she was
17 assigned, multiplied by the district cost differential. In
18 addition, the calculated amount shall include the per-student
19 share of instructional materials funds, technology funds, and
20 other categorical funds as provided for this purpose in the
21 General Appropriations Act.

22 (b) The amount of the opportunity scholarship shall be
23 the calculated amount or the amount of the private school's
24 tuition and fees, whichever is less. Fees eligible shall
25 include textbook fees, lab fees, and other fees related to
26 instruction, including transportation.

27 (c) The school district shall report all students who
28 are attending a private school under this program. The
29 students attending private schools on opportunity scholarships
30 shall be reported separately from those students reported for
31 purposes of the Florida Education Finance Program.

1 (d) The public or private school that provides
2 services to students with disabilities shall receive the
3 weighted funding for such services at the appropriate funding
4 level consistent with the provisions of s. 1011.62(1)(e).

5 (e) For purposes of calculating the opportunity
6 scholarship, a student will be eligible for the amount of the
7 appropriate basic cost factor if:

8 1. The student currently participates in a Group I
9 program funded at the basic cost factor and is not
10 subsequently identified as having a disability; or

11 2. The student currently participates in a Group II
12 program and the parent has chosen a private school that does
13 not provide the additional services funded by the Group II
14 program.

15 (f) Following annual notification on July 1 of the
16 number of participants, the Department of Education shall
17 transfer from each school district's appropriated funds the
18 calculated amount from the Florida Education Finance Program
19 and authorized categorical accounts to a separate account for
20 the Opportunity Scholarship Program for quarterly disbursement
21 to the parents of participating students.

22 (g) Upon proper documentation reviewed and approved by
23 the Department of Education, the Comptroller shall make
24 opportunity scholarship payments in four equal amounts no
25 later than September 1, November 1, February 1, and April 1 of
26 each academic year in which the opportunity scholarship is in
27 force. The initial payment shall be made after Department of
28 Education verification of admission acceptance, and subsequent
29 payments shall be made upon verification of continued
30 enrollment and attendance at the private school. Payment must
31 be by individual warrant made payable to the student's parent

1 and mailed by the Department of Education to the private
2 school of the parent's choice, and the parent shall
3 restrictively endorse the warrant to the private school.

4 (7) LIABILITY.--No liability shall arise on the part
5 of the state based on any grant or use of an opportunity
6 scholarship.

7 (8) RULES.--The State Board of Education may adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this section. Rules shall include penalties for
10 noncompliance with subsections (3) and (5). However, the
11 inclusion of eligible private schools within options available
12 to Florida public school students does not expand the
13 regulatory authority of the state, its officers, or any school
14 district to impose any additional regulation of private
15 schools beyond those reasonably necessary to enforce
16 requirements expressly set forth in this section.

17 Section 103. Section 1002.39, Florida Statutes, is
18 created to read:

19 1002.39 The John M. McKay Scholarships for Students
20 with Disabilities Program.--There is established a program
21 that is separate and distinct from the Opportunity Scholarship
22 Program and is named the John M. McKay Scholarships for
23 Students with Disabilities Program, pursuant to this section.

24 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
25 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
26 Students with Disabilities Program is established to provide
27 the option to attend a public school other than the one to
28 which assigned, or to provide a scholarship to a private
29 school of choice, for students with disabilities for whom an
30 individual education plan has been written in accordance with
31 rules of the State Board of Education. Students with

1 disabilities include K-12 students who are mentally
2 handicapped, speech and language impaired, deaf or hard of
3 hearing, visually impaired, dual sensory impaired, physically
4 impaired, emotionally handicapped, specific learning disabled,
5 hospitalized or homebound, or autistic.

6 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
7 school student with a disability who is dissatisfied with the
8 student's progress may request and receive from the state a
9 John M. McKay Scholarship for the child to enroll in and
10 attend a private school in accordance with this section if:

11 (a) By assigned school attendance area or by special
12 assignment, the student has spent the prior school year in
13 attendance at a Florida public school. Prior school year in
14 attendance means that the student was enrolled and reported by
15 a school district for funding during the preceding October and
16 February Florida Education Finance Program surveys in
17 kindergarten through grade 12.

18 (b) The parent has obtained acceptance for admission
19 of the student to a private school that is eligible for the
20 program under subsection (4) and has notified, in writing, the
21 school district of the request for a scholarship at least 60
22 days prior to the date of the first scholarship payment.

23
24 This section does not apply to a student who is enrolled in a
25 school operating for the purpose of providing educational
26 services to youth in Department of Juvenile Justice commitment
27 programs. For purposes of continuity of educational choice,
28 the scholarship shall remain in force until the student
29 returns to a public school or graduates from high school.
30 However, at any time, the student's parent may remove the
31 student from the private school and place the student in

1 another private school that is eligible for the program under
2 subsection (4) or in a public school as provided in subsection
3 (3).

4 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
5 OBLIGATIONS.--

6 (a) A school district shall timely notify the parent
7 of the student of all options available pursuant to this
8 section and offer that student's parent an opportunity to
9 enroll the student in another public school within the
10 district. The parent is not required to accept this offer in
11 lieu of requesting a John M. McKay Scholarship to a private
12 school. However, if the parent chooses the public school
13 option, the student may continue attending a public school
14 chosen by the parent until the student graduates from high
15 school. If the parent chooses a public school consistent with
16 the district school board's choice plan under s. 1002.31, the
17 school district shall provide transportation to the public
18 school selected by the parent. The parent is responsible to
19 provide transportation to a public school chosen that is not
20 consistent with the district school board's choice plan under
21 s. 1002.31.

22 (b) For a student with disabilities who does not have
23 a matrix of services under s. 1011.62(1)(e), the school
24 district must complete a matrix that assigns the student to
25 one of the levels of service as they existed prior to the
26 2000-2001 school year. The school district must complete the
27 matrix of services for any student who is participating in the
28 John M. McKay Scholarships for Students with Disabilities
29 Program and must notify the Department of Education of the
30 student's matrix level within 30 days after receiving
31 notification by the student's parent of intent to participate

1 in the scholarship program. The Department of Education shall
 2 notify the private school of the amount of the scholarship
 3 within 10 days after receiving the school district's
 4 notification of the student's matrix level. Within 10 school
 5 days after it receives notification of a parent's intent to
 6 apply for a McKay Scholarship, a district school board must
 7 notify the student's parent if the matrix has not been
 8 completed and provide the parent with the date for completion
 9 of the matrix required in this paragraph.

10 (c) If the parent chooses the private school option
 11 and the student is accepted by the private school pending the
 12 availability of a space for the student, the parent of the
 13 student must notify the school district 60 days prior to the
 14 first scholarship payment and before entering the private
 15 school in order to be eligible for the scholarship when a
 16 space becomes available for the student in the private school.

17 (d) The parent of a student may choose, as an
 18 alternative, to enroll the student in and transport the
 19 student to a public school in an adjacent school district
 20 which has available space and has a program with the services
 21 agreed to in the student's individual education plan already
 22 in place, and that school district shall accept the student
 23 and report the student for purposes of the district's funding
 24 pursuant to the Florida Education Finance Program.

25 (e) For a student in the district who participates in
 26 the John M. McKay Scholarships for Students with Disabilities
 27 Program whose parent requests that the student take the
 28 statewide assessments under s. 1008.22, the district shall
 29 provide locations and times to take all statewide assessments.

30 (f) A school district must notify the Department of
 31 Education within 10 days after it receives notification of a

1 parent's intent to apply for a scholarship for a student with
2 a disability. A school district must provide the student's
3 parent with the student's matrix level within 10 school days
4 after its completion.

5 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
6 participate in the John M. McKay Scholarships for Students
7 with Disabilities Program, a private school must be a Florida
8 private school, may be sectarian or nonsectarian, and must:

9 (a) Demonstrate fiscal soundness by being in operation
10 for 1 school year or provide the Department of Education with
11 a statement by a certified public accountant confirming that
12 the private school desiring to participate is insured and the
13 owner or owners have sufficient capital or credit to operate
14 the school for the upcoming year serving the number of
15 students anticipated with expected revenues from tuition and
16 other sources that may be reasonably expected. In lieu of such
17 a statement, a surety bond or letter of credit for the amount
18 equal to the scholarship funds for any quarter may be filed
19 with the department.

20 (b) Notify the Department of Education of its intent
21 to participate in the program under this section by May 1 of
22 the school year preceding the school year in which it intends
23 to participate. The notice must specify the grade levels and
24 services that the private school has available for students
25 with disabilities who are participating in the scholarship
26 program.

27 (c) Comply with the antidiscrimination provisions of
28 42 U.S.C. s. 2000d.

29 (d) Meet state and local health and safety laws and
30 codes.

31

1 (e) Be academically accountable to the parent for
2 meeting the educational needs of the student.

3 (f) Employ or contract with teachers who hold
4 baccalaureate or higher degrees, or have at least 3 years of
5 teaching experience in public or private schools, or have
6 special skills, knowledge, or expertise that qualifies them to
7 provide instruction in subjects taught.

8 (g) Comply with all state laws relating to general
9 regulation of private schools.

10 (h) Adhere to the tenets of its published disciplinary
11 procedures prior to the expulsion of a scholarship student.

12 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

13 (a) A parent who applies for a John M. McKay
14 Scholarship is exercising his or her parental option to place
15 his or her child in a private school. The parent must select
16 the private school and apply for the admission of his or her
17 child.

18 (b) The parent must have requested the scholarship at
19 least 60 days prior to the date of the first scholarship
20 payment.

21 (c) Any student participating in the scholarship
22 program must remain in attendance throughout the school year,
23 unless excused by the school for illness or other good cause,
24 and must comply fully with the school's code of conduct.

25 (d) The parent of each student participating in the
26 scholarship program must comply fully with the private
27 school's parental involvement requirements, unless excused by
28 the school for illness or other good cause.

29 (e) If the parent requests that the student
30 participating in the scholarship program take all statewide
31 assessments required pursuant to s. 1008.22, the parent is

1 responsible for transporting the student to the assessment
2 site designated by the school district.

3 (f) Upon receipt of a scholarship warrant, the parent
4 to whom the warrant is made must restrictively endorse the
5 warrant to the private school for deposit into the account of
6 the private school.

7 (g) A participant who fails to comply with this
8 subsection forfeits the scholarship.

9 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

10 (a)1. The maximum scholarship granted for an eligible
11 student with disabilities shall be a calculated amount
12 equivalent to the base student allocation in the Florida
13 Education Finance Program multiplied by the appropriate cost
14 factor for the educational program that would have been
15 provided for the student in the district school to which he or
16 she was assigned, multiplied by the district cost
17 differential.

18 2. In addition, a share of the guaranteed allocation
19 for exceptional students shall be determined and added to the
20 calculated amount. The calculation shall be based on the
21 methodology and the data used to calculate the guaranteed
22 allocation for exceptional students for each district in
23 chapter 2000-166, Laws of Florida. Except as provided in
24 subparagraph 3., the calculation shall be based on the
25 student's grade, matrix level of services, and the difference
26 between the 2000-2001 basic program and the appropriate level
27 of services cost factor, multiplied by the 2000-2001 base
28 student allocation and the 2000-2001 district cost
29 differential for the sending district. Also, the calculated
30 amount shall include the per-student share of supplemental
31 academic instruction funds, instructional materials funds,

1 technology funds, and other categorical funds as provided for
2 such purposes in the General Appropriations Act.

3 3. Until the school district completes the matrix
4 required by paragraph (3)(b), the calculation shall be based
5 on the matrix that assigns the student to support level I of
6 service as it existed prior to the 2000-2001 school year.
7 When the school district completes the matrix, the amount of
8 the payment shall be adjusted as needed.

9 (b) The amount of the John M. McKay Scholarship shall
10 be the calculated amount or the amount of the private school's
11 tuition and fees, whichever is less. The amount of any
12 assessment fee required by the participating private school
13 may be paid from the total amount of the scholarship.

14 (c) If the participating private school requires
15 partial payment of tuition prior to the start of the academic
16 year to reserve space for students admitted to the school,
17 that partial payment may be paid by the Department of
18 Education prior to the first quarterly payment of the year in
19 which the John M. McKay Scholarship is awarded, up to a
20 maximum of \$1,000, and deducted from subsequent scholarship
21 payments. If a student decides not to attend the participating
22 private school, the partial reservation payment must be
23 returned to the Department of Education by the participating
24 private school. There is a limit of one reservation payment
25 per student per year.

26 (d) The school district shall report all students who
27 are attending a private school under this program. The
28 students with disabilities attending private schools on John
29 M. McKay Scholarships shall be reported separately from other
30 students reported for purposes of the Florida Education
31 Finance Program.

1 (e) Following notification on July 1, September 1,
 2 December 1, or February 1 of the number of program
 3 participants, the Department of Education shall transfer, from
 4 General Revenue funds only, the amount calculated under
 5 paragraph (b) from the school district's total funding
 6 entitlement under the Florida Education Finance Program and
 7 from authorized categorical accounts to a separate account for
 8 the scholarship program for quarterly disbursement to the
 9 parents of participating students. When a student enters the
 10 scholarship program, the Department of Education must receive
 11 all documentation required for the student's participation,
 12 including the private school's and student's fee schedules, at
 13 least 30 days before the first quarterly scholarship payment
 14 is made for the student. The Department of Education may not
 15 make any retroactive payments.

16 (f) Upon proper documentation reviewed and approved by
 17 the Department of Education, the Comptroller shall make
 18 scholarship payments in four equal amounts no later than
 19 September 1, November 1, February 1, and April 15 of each
 20 academic year in which the scholarship is in force. The
 21 initial payment shall be made after Department of Education
 22 verification of admission acceptance, and subsequent payments
 23 shall be made upon verification of continued enrollment and
 24 attendance at the private school. Payment must be by
 25 individual warrant made payable to the student's parent and
 26 mailed by the Department of Education to the private school of
 27 the parent's choice, and the parent shall restrictively
 28 endorse the warrant to the private school for deposit into the
 29 account of the private school.

30
 31

1 (7) LIABILITY.--No liability shall arise on the part
2 of the state based on the award or use of a John M. McKay
3 Scholarship.

4 (8) RULES.--The State Board of Education may adopt
5 rules pursuant to ss. 120.536(1) and 120.54 to administer this
6 section. However, the inclusion of eligible private schools
7 within options available to Florida public school students
8 does not expand the regulatory authority of the state, its
9 officers, or any school district to impose any additional
10 regulation of private schools beyond those reasonably
11 necessary to enforce requirements expressly set forth in this
12 section.

13 Section 104. Part IV of chapter 1002, Florida
14 Statutes, shall be entitled "Home Education, Private Schools,
15 Other Education Options" and shall consist of ss.
16 1002.41-1002.43.

17 Section 105. Section 1002.41, Florida Statutes, is
18 created to read:

19 1002.41 Home education programs.--

20 (1) A "home education program" is defined in s.
21 1002.01. The parent is not required to hold a valid regular
22 Florida teaching certificate.

23 (a) The parent shall notify the district school
24 superintendent of the county in which the parent resides of
25 her or his intent to establish and maintain a home education
26 program. The notice shall be in writing, signed by the parent,
27 and shall include the names, addresses, and birthdates of all
28 children who shall be enrolled as students in the home
29 education program. The notice shall be filed in the district
30 school superintendent's office within 30 days of the
31 establishment of the home education program. A written notice

1 of termination of the home education program shall be filed in
2 the district school superintendent's office within 30 days
3 after said termination.

4 (b) The parent shall maintain a portfolio of records
5 and materials. The portfolio shall consist of the following:

6 1. A log of educational activities that is made
7 contemporaneously with the instruction and that designates by
8 title any reading materials used.

9 2. Samples of any writings, worksheets, workbooks, or
10 creative materials used or developed by the student.

11
12 The portfolio shall be preserved by the parent for 2 years and
13 shall be made available for inspection by the district school
14 superintendent, or the district school superintendent's agent,
15 upon 15 days' written notice. Nothing in this section shall
16 require the district school superintendent to inspect the
17 portfolio.

18 (c) The parent shall provide for an annual educational
19 evaluation in which is documented the student's demonstration
20 of educational progress at a level commensurate with her or
21 his ability. The parent shall select the method of evaluation
22 and shall file a copy of the evaluation annually with the
23 district school superintendent's office in the county in which
24 the student resides. The annual educational evaluation shall
25 consist of one of the following:

26 1. A teacher selected by the parent shall evaluate the
27 student's educational progress upon review of the portfolio
28 and discussion with the student. Such teacher shall hold a
29 valid regular Florida certificate to teach academic subjects
30 at the elementary or secondary level;

31

1 2. The student shall take any nationally normed
2 student achievement test administered by a certified teacher;

3 3. The student shall take a state student assessment
4 test used by the school district and administered by a
5 certified teacher, at a location and under testing conditions
6 approved by the school district;

7 4. The student shall be evaluated by an individual
8 holding a valid, active license pursuant to the provisions of
9 s. 490.003(7) or (8); or

10 5. The student shall be evaluated with any other valid
11 measurement tool as mutually agreed upon by the district
12 school superintendent of the district in which the student
13 resides and the student's parent.

14 (2) The district school superintendent shall review
15 and accept the results of the annual educational evaluation of
16 the student in a home education program. If the student does
17 not demonstrate educational progress at a level commensurate
18 with her or his ability, the district school superintendent
19 shall notify the parent, in writing, that such progress has
20 not been achieved. The parent shall have 1 year from the date
21 of receipt of the written notification to provide remedial
22 instruction to the student. At the end of the 1-year
23 probationary period, the student shall be reevaluated as
24 specified in paragraph (1)(c). Continuation in a home
25 education program shall be contingent upon the student
26 demonstrating educational progress commensurate with her or
27 his ability at the end of the probationary period.

28 (3) A home education program shall be excluded from
29 meeting the requirements of a school day.

30
31

1 (4) Home education students may participate in
2 interscholastic extracurricular student activities in
3 accordance with the provisions of s. 1006.15.

4 (5) Home education students may participate in the
5 Bright Futures Scholarship Program in accordance with the
6 provisions of ss. 1009.53-1009.539.

7 (6) Home education students may participate in dual
8 enrollment programs in accordance with the provisions of s.
9 1007.27(4) and 1007.271(10).

10 (7) Home education students are eligible for admission
11 to community colleges in accordance with the provisions of s.
12 1007.263.

13 (8) Home education students are eligible for admission
14 to state universities in accordance with the provisions of s.
15 1007.261.

16 (9) Home education program students may receive
17 testing and evaluation services at diagnostic and resource
18 centers, in accordance with the provisions of s. 1006.03.

19 Section 106. Section 1002.42, Florida Statutes, is
20 created to read:

21 1002.42 Private schools.--

22 (1) DEFINITION.--A "private school" is defined in s.
23 1002.01.

24 (2) ANNUAL PRIVATE SCHOOL SURVEY.--

25 (a) The Department of Education shall organize,
26 maintain, and annually update a database of educational
27 institutions within the state coming within the provisions of
28 this section. There shall be included in the database of each
29 institution the name, address, and telephone number of the
30 institution; the type of institution; the names of
31 administrative officers; the enrollment by grade or special

1 group (e.g., career and technical education and exceptional
 2 child education); the number of graduates; the number of
 3 instructional and administrative personnel; the number of days
 4 the school is in session; and such data as may be needed to
 5 meet the provisions of this section and s. 1003.23(2).

6 (b) For the purpose of organizing, maintaining, and
 7 updating this database, each private school shall annually
 8 execute and file a database survey form on a date designated
 9 by the Department of Education which shall include a notarized
 10 statement ascertaining that the owner of the private school
 11 has complied with the provisions of paragraph (c). For the
 12 purpose of this section, "owner" means any individual who is
 13 the chief administrative officer of a private school.

14 (c)1. Notwithstanding the provisions of paragraph (h),
 15 each person who is an owner or who establishes, purchases, or
 16 otherwise becomes an owner of a private school shall, within 5
 17 days of assuming ownership of a school, file with the
 18 Department of Law Enforcement a complete set of fingerprints
 19 for state processing and checking for criminal background. The
 20 fingerprints shall be taken by an authorized law enforcement
 21 officer or an employee of the school who is trained to take
 22 fingerprints. The costs of fingerprinting, criminal records
 23 checking, and processing shall be borne by the applicant or
 24 private school. The result of the criminal records checking
 25 by the Department of Law Enforcement shall be forwarded to the
 26 owner of the private school and shall be made available for
 27 public inspection in the private school office as soon as it
 28 is received.

29 2. It shall be unlawful for a person who has been
 30 convicted of a crime involving moral turpitude to own or
 31 operate a private school.

1 3. An owner of a private school may require school
2 employees to file a complete set of fingerprints with the
3 Department of Law Enforcement for processing and criminal
4 records checking. Findings from such processing and checking
5 shall be reported to the owner for use in employment
6 decisions.

7 4. Owners or employees of private schools who have
8 been fingerprinted pursuant to this paragraph, s. 1012.32, or
9 s. 402.3055 shall not be required to be refingerprinted if
10 they have not been unemployed or unassociated with a private
11 school or child care facility for more than 90 days.

12 5. Persons holding a valid Florida teaching
13 certificate who have been fingerprinted pursuant to s. 1012.35
14 shall not be required to comply with the provisions of this
15 paragraph.

16 (d) The data inquiries to be included and answered in
17 the survey required in paragraph (b) shall be limited to
18 matters set forth in paragraph (a). The department shall
19 furnish annually to each school sufficient copies of this
20 form.

21 (e) To ensure completeness and accuracy of the
22 database, each existing private educational institution
23 falling within the provisions of this section shall notify the
24 Department of Education of any change in the name of the
25 institution, the address, or the chief administrative officer.
26 Each new institution shall notify the department of its
27 establishment.

28 (f) Annually, the department shall make accessible to
29 the public data on private education in this state. Such data
30 shall include that collected pursuant to paragraph (a) and
31 from other sources.

1 (g) The failure of any institution to submit the
 2 annual database survey form and notarized statement of
 3 compliance with the provisions of paragraph (c), as required
 4 by this section, shall be judged a misdemeanor and, upon
 5 conviction, proper authorities of such institution shall be
 6 subject to a fine not exceeding \$500. Submission of data for
 7 a nonexistent school or an institution providing no
 8 instruction or training, the purpose of which is to defraud
 9 the public, is unlawful and the person or persons responsible
 10 commit a misdemeanor of the second degree, punishable as
 11 provided in s. 775.082 or s. 775.083. Persons found to be in
 12 violation of subparagraph (c)2. commit a misdemeanor of the
 13 first degree, punishable as provided in s. 775.082 or s.
 14 775.083.

15 (h) It is the intent of the Legislature not to
 16 regulate, control, approve, or accredit private educational
 17 institutions, but to create a database where current
 18 information may be obtained relative to the educational
 19 institutions in this state coming within the provisions of
 20 this section as a service to the public, to governmental
 21 agencies, and to other interested parties. It is not the
 22 intent of the Legislature to regulate, control, or monitor,
 23 expressly or implicitly, churches, their ministries, or
 24 religious instruction, freedoms, or rites. It is the intent
 25 of the Legislature that the annual submission of the database
 26 survey by a school shall not be used by that school to imply
 27 approval or accreditation by the Department of Education.

28 (3) RETENTION OF RECORDS.--

29 (a) As used in this subsection:

30 1. "Defunct private school" means any private school
 31 that has terminated the operation of an education or training

1 program, or that has no students in attendance, or that has
2 dissolved as a business entity.

3 2. "Student records" means those records, files,
4 documents, and other materials that contain information
5 directly related to students that are maintained by a private
6 school or by a person acting for such institution and that are
7 accessible to other professional personnel to facilitate the
8 instruction, guidance, and educational progress of students.
9 Information contained in student records shall be classified
10 as follows:

11 a. Permanent information, which includes verified
12 information of clear educational importance, containing the
13 following: student's full name and any known changes thereto
14 due to marriage or adoption; authenticated birthdate, place of
15 birth, race, and sex; last known address of student; names of
16 student's parents; name and location of last school attended;
17 number of days present and absent; date enrolled; date
18 withdrawn; courses taken and record of achievement; and date
19 of graduation or program achievement.

20 b. Temporary information, which includes verified
21 information subject to change, containing, but not limited to,
22 the following: health information, standardized test scores,
23 honors and activities, personal attributes, work experience,
24 teacher and counselor comments, and special reports.

25 (b) All private schools that become defunct shall
26 transfer all permanent information contained in student
27 records to the district school superintendent of the public
28 school district in which the private school was located; or,
29 if the private school is a member of a private school system
30 or association, such school may transfer such records to the
31 principal office of such system or association, which shall

1 constitute full compliance with this subsection. In the event
2 that such private school system or association becomes
3 defunct, it shall transfer all the permanent information
4 contained in its files to the district school superintendent
5 of the public school district in which the private school was
6 located.

7 (c) All private schools that become defunct shall
8 notify the Department of Education Office of Private Schools
9 and Home Education Programs of the date of transfer of student
10 records, the location of storage, the custodian of such
11 records, and the number of records to be stored. The
12 department shall act as a clearinghouse and maintain a
13 registry of such transfers of student records.

14 (d) It is not the intent of the Legislature to limit
15 or restrict the use or possession of any student records while
16 a school is operational, but to facilitate access to academic
17 records by former students seeking to continue their education
18 or training after a private school has become defunct.

19 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,
20 teachers, and other employees in parochial, religious,
21 denominational, and private schools shall keep and prepare
22 records in accordance with the provisions of s. 1003.23(2).

23 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing
24 authority of each private school shall require students to
25 present a certification of a school-entry health examination
26 in accordance with the provisions of s. 1003.22(1) and (2).

27 (6) IMMUNIZATIONS.--The governing authority of each
28 private school shall require students to present a
29 certification of immunization in accordance with the
30 provisions of s. 1003.22(3)-(11).

31

1 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student
2 at a private, parochial, religious, or denominational school
3 satisfies the attendance requirements of ss. 1003.01(14) and
4 1003.21(1).

5 (8) ATHLETIC COMPETITION.--A private school may
6 participate in athletic competition with a public high school
7 in accordance with the provisions of s. 1006.20(1).

8 (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department
9 of Education may disseminate educational materials and sell
10 copies for educational use to private schools pursuant to s.
11 1006.39.

12 (10) INSTRUCTIONAL MATERIALS.--District school boards
13 may dispose of instructional materials when they become
14 unserviceable or surplus or are no longer on state contract by
15 giving them to a private school in accordance with the
16 provisions of s. 1006.41.

17 (11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and
18 resource centers may provide testing and evaluation services
19 to private school students in accordance with the provisions
20 of s. 1006.03(3).

21 (12) EXCEPTIONAL EDUCATION SERVICES.--District school
22 boards may provide instruction for an appropriate program of
23 special instruction, facilities, and services for exceptional
24 students through contractual arrangements with approved
25 private schools in accordance with the provisions of s.
26 1003.57.

27 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
28 of private schools that has no fewer than 10 member schools in
29 this state may develop a professional development system to be
30 filed with the Department of Education in accordance with the
31 provisions of s. 1012.98(7).

1 (14) BUS DRIVER TRAINING.--Private school bus drivers
2 may participate in a district school board's bus driver
3 training program, if the district school board makes the
4 program available pursuant to s. 1006.26.

5 (15) POOL PURCHASE OF SCHOOL BUSES.--

6 (a) Florida private schools that demonstrate a
7 racially nondiscriminatory student admission policy may
8 purchase school buses from the state pool purchase program as
9 authorized in s. 1006.27(1), if the private school meets the
10 following conditions:

11 1. Students in one or more grades, kindergarten
12 through grade 12, are provided an education program by the
13 school and the school has submitted the information required
14 pursuant to this section and the most recent school survey
15 required in subsection (2).

16 2. All conditions of the contracts for purchasing
17 school buses between the Department of Education and the
18 companies involved, including bus specifications, ordering
19 deadlines, delivery period and procedures, and payment
20 requirements, shall be met.

21 3. Purchase orders shall be made out to the
22 appropriate company or companies involved and shall be
23 accompanied by a certified check in the amount of 25 percent
24 of the total cost of the bus or buses as a good faith deposit
25 that the bus or buses will be purchased.

26 4. The remainder of the total cost shall be paid upon
27 delivery of the bus or buses to the representative of the
28 private school receiving the bus or buses, or shall be paid
29 when the company informs the purchaser that the buses are
30 ready for delivery if the purchaser has specified that buses
31 are to be picked up at the company's location. If the chassis

1 and the body are purchased from different companies, the
2 remainder of the chassis' total cost shall be payable upon
3 delivery of the chassis to the body manufacturer.

4 5. If the private school does not meet the obligation
5 stated in subparagraph 4. within 30 calendar days after notice
6 that the bus is ready for delivery or that the chassis has
7 been delivered to the body manufacturer, the selling company
8 may retain 15 percent of the amount being held by the company
9 as a good faith deposit, and all obligations to the private
10 school may be canceled. When the 15 percent is retained, the
11 company shall return 10 percent of the good faith deposit to
12 the nonpublic school within 15 days of cancellation of the
13 companies' objection.

14 (b) Any bus purchased under this section may not be
15 sold, if still titled as a motor vehicle, within 5 calendar
16 years of the date of the initial Florida title being issued,
17 unless the following conditions are met:

18 1. The bus or buses may be sold only to a Florida
19 public school district or Florida private school. Any such
20 sale during the first 5 years shall be documented to the
21 Department of Education within 15 days after the sale.

22 2. The bus or buses shall be advertised by the private
23 school in one major newspaper located in each of the five
24 regions of the state for 3 consecutive days and a copy of the
25 advertisement and the name of each newspaper shall be sent to
26 the Department of Education before the first day of
27 advertising the bus or buses for sale.

28 3. The bus may not be sold at a profit. The bus shall
29 be depreciated at a rate of 10 percent per calendar year, with
30 the first year starting on the date of issue of the initial
31 title in this state.

1 4. Notwithstanding any other provisions of law and
2 rule regarding purchase of used school buses, the bus may be
3 sold to a public school district if the conditions of
4 subparagraph 3. are met.

5 5. Any public school district or private school
6 purchasing a bus under the conditions of this subsection must
7 accept the obligations of this subsection, and such shall be
8 entered in the sales contract.

9 (c) Any private school, including the owner or
10 corporation purchasing a bus or buses under the conditions of
11 this section, that does not comply with all the conditions of
12 this section shall not be eligible for future purchases of a
13 school bus under this section.

14 (d) Any private school interested in purchasing a bus
15 under this section shall notify, in writing, the Department of
16 Education. The Department of Education shall send the school
17 the appropriate forms, instructions, and price quotations.

18 (e) Notwithstanding any other provisions of this
19 section, no school bus manufacturer, distributor, or dealer
20 shall be required to violate any dealer contract or franchise
21 agreement entered into before the effective date of this
22 section regarding the sale of its buses.

23 (f) The State Board of Education may adopt rules
24 pursuant to ss. 120.536 and 120.54 necessary to implement this
25 section, maintain the integrity of the school bus pool
26 purchase program, and ensure the best and lowest price for
27 purchasing school buses by the public school districts.

28 Section 107. Section 1002.43, Florida Statutes, is
29 created to read:

30 1002.43 Private tutoring programs.--
31

1 (1) Regular attendance as defined in s. 1003.01(14)
2 may be achieved by attendance in a private tutoring program if
3 the person tutoring the student meets the following
4 requirements:

5 (a) Holds a valid Florida certificate to teach the
6 subjects or grades in which instruction is given.

7 (b) Keeps all records and makes all reports required
8 by the state and district school board and makes regular
9 reports on the attendance of students in accordance with the
10 provisions of s. 1003.23(2).

11 (c) Requires students to be in actual attendance for
12 the minimum length of time prescribed by s. 1011.60(2).

13 (2) Private tutors shall keep and prepare records in
14 accordance with the provisions of s. 1003.23(2).

15 Section 108. Chapter 1003, Florida Statutes, shall be
16 entitled "Public K-12 Education" and shall consist of ss.
17 1003.01-1003.63.

18 Section 109. Part I of chapter 1003, Florida Statutes,
19 shall be entitled "General Provisions" and shall consist of
20 ss. 1003.01-1003.04.

21 Section 110. Section 1003.01, Florida Statutes, is
22 created to read:

23 1003.01 Definitions.--As used in this chapter, the
24 term:

25 (1) "District school board" means the members who are
26 elected by the voters of a school district created and
27 existing pursuant to s. 4, Art. IX of the State Constitution
28 to operate and control public K-12 education within the school
29 district.

30 (2) "School" means an organization of students for
31 instructional purposes on an elementary, middle or junior high

1 school, secondary or high school, or other public school level
2 authorized under rules of the State Board of Education.

3 (3)(a) "Exceptional student" means any student who has
4 been determined eligible for a special program in accordance
5 with rules of the State Board of Education. The term includes
6 students who are gifted and students with disabilities who are
7 mentally handicapped, speech and language impaired, deaf or
8 hard of hearing, visually impaired, dual sensory impaired,
9 physically impaired, emotionally handicapped, specific
10 learning disabled, hospital and homebound, autistic,
11 developmentally delayed children, ages birth through 5 years,
12 or children, ages birth through 2 years, with established
13 conditions that are identified in State Board of Education
14 rules pursuant to s. 1003.21(1)(e).

15 (b) "Special education services" means specially
16 designed instruction and such related services as are
17 necessary for an exceptional student to benefit from
18 education. Such services may include: transportation;
19 diagnostic and evaluation services; social services; physical
20 and occupational therapy; job placement; orientation and
21 mobility training; braillists, typists, and readers for the
22 blind; interpreters and auditory amplification; rehabilitation
23 counseling; transition services; mental health services;
24 guidance and career counseling; specified materials, assistive
25 technology devices, and other specialized equipment; and other
26 such services as approved by rules of the state board.

27 (4) "Career and technical education" means education
28 that provides instruction for the following purposes:

29 (a) At the elementary, middle, and secondary school
30 levels, exploratory courses designed to give students initial
31 exposure to a broad range of occupations to assist them in

1 preparing their academic and occupational plans, and practical
2 arts courses that provide generic skills that may apply to
3 many occupations but are not designed to prepare students for
4 entry into a specific occupation. Career and technical
5 education provided before high school completion must be
6 designed to enhance both occupational and academic skills
7 through integration with academic instruction.

8 (b) At the secondary school level, job-preparatory
9 instruction in the competencies that prepare students for
10 effective entry into an occupation, including diversified
11 cooperative education, work experience, and job-entry programs
12 that coordinate directed study and on-the-job training.

13 (c) At the postsecondary education level, courses of
14 study that provide competencies needed for entry into specific
15 occupations or for advancement within an occupation.

16 (5)(a) "Suspension," also referred to as out-of-school
17 suspension, means the temporary removal of a student from all
18 classes of instruction on public school grounds and all other
19 school-sponsored activities, except as authorized by the
20 principal or the principal's designee, for a period not to
21 exceed 10 school days and remanding of the student to the
22 custody of the student's parent with specific homework
23 assignments for the student to complete.

24 (b) "In-school suspension" means the temporary removal
25 of a student from the student's regular school program and
26 placement in an alternative program, such as that provided in
27 s. 1003.53, under the supervision of district school board
28 personnel, for a period not to exceed 10 school days.

29 (6) "Expulsion" means the removal of the right and
30 obligation of a student to attend a public school under
31 conditions set by the district school board, and for a period

1 of time not to exceed the remainder of the term or school year
2 and 1 additional year of attendance. Expulsions may be imposed
3 with or without continuing educational services and shall be
4 reported accordingly.

5 (7) "Corporal punishment" means the moderate use of
6 physical force or physical contact by a teacher or principal
7 as may be necessary to maintain discipline or to enforce
8 school rule. However, the term "corporal punishment" does not
9 include the use of such reasonable force by a teacher or
10 principal as may be necessary for self-protection or to
11 protect other students from disruptive students.

12 (8) "Habitual truant" means a student who has 15
13 unexcused absences within 90 calendar days with or without the
14 knowledge or consent of the student's parent, is subject to
15 compulsory school attendance under s. 1003.21(1) and (2)(a),
16 and is not exempt under s. 1003.21(3) or s. 1003.24, or by
17 meeting the criteria for any other exemption specified by law
18 or rules of the State Board of Education. Such a student must
19 have been the subject of the activities specified in ss.
20 1003.26 and 1003.27(3), without resultant successful
21 remediation of the truancy problem before being dealt with as
22 a child in need of services according to the provisions of
23 chapter 984.

24 (9) "Dropout" means a student who meets any one or
25 more of the following criteria:

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

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

6 (c) The student has withdrawn from school, but has not
7 transferred to another public or private school or enrolled in
8 any career and technical, adult, home education, or
9 alternative educational program;

10 (d) The student has withdrawn from school due to
11 hardship, unless such withdrawal has been granted under the
12 provisions of s. 322.091, court action, expulsion, medical
13 reasons, or pregnancy; or

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

17
18 The State Board of Education may adopt rules to implement the
19 provisions of this subsection.

20 (10) "Alternative measures for students with special
21 needs" or "special programs" means measures designed to meet
22 the special needs of a student that cannot be met by regular
23 school curricula.

24 (11)(a) "Juvenile justice education programs or
25 schools" means programs or schools operating for the purpose
26 of providing educational services to youth in Department of
27 Juvenile Justice programs, for a school year comprised of 250
28 days of instruction distributed over 12 months. At the request
29 of the provider, a district school board may decrease the
30 minimum number of days of instruction by up to 10 days for
31 teacher planning for residential programs and up to 20 days

1 for teacher planning for nonresidential programs, subject to
2 the approval of the Department of Juvenile Justice and the
3 Department of Education.

4 (b) "Juvenile justice provider" means the Department
5 of Juvenile Justice or a private, public, or other
6 governmental organization under contract with the Department
7 of Juvenile Justice that provides treatment, care and custody,
8 or educational programs for youth in juvenile justice
9 intervention, detention, or commitment programs.

10 (12) "Homeless child" means:

11 (a) One who lacks a fixed, regular nighttime
12 residence;

13 (b) One who has a primary nighttime residence that is:

14 1. A supervised publicly or privately operated shelter
15 designed to provide temporary living accommodations, including
16 welfare hotels, congregate shelters, and transitional housing
17 for the mentally ill;

18 2. An institution that provides a temporary residence
19 for individuals intended to be institutionalized; or

20 3. A public or private place not designed for, or
21 ordinarily used as, a regular sleeping accommodation for human
22 beings; or

23 (c) One who temporarily resides with an adult other
24 than his or her parent because the parent is suffering
25 financial hardship.

26
27 A child who is imprisoned, detained, or in the custody of the
28 state pursuant to a state or federal law is not a homeless
29 child.

30 (13) "Regular school attendance" means the actual
31 attendance of a student during the school day as defined by

1 law and rules of the State Board of Education. Regular
2 attendance within the intent of s. 1003.21 may be achieved by
3 attendance in:

4 (a) A public school supported by public funds;

5 (b) A parochial, religious, or denominational school;

6 (c) A private school supported in whole or in part by
7 tuition charges or by endowments or gifts;

8 (d) A home education program that meets the
9 requirements of chapter 1002; or

10 (e) A private tutoring program that meets the
11 requirements of chapter 1002.

12 Section 111. Section 1003.02, Florida Statutes, is
13 created to read:

14 1003.02 District school board operation and control of
15 public K-12 education within the school district.--As provided
16 in part II of chapter 1001, district school boards are
17 constitutionally and statutorily charged with the operation
18 and control of public K-12 education within their school
19 district. The district school boards must establish, organize,
20 and operate their public K-12 schools and educational
21 programs, employees, and facilities. Their responsibilities
22 include staff development, public K-12 school student
23 education including education for exceptional students and
24 students in juvenile justice programs, special programs, adult
25 education programs, and career and technical education
26 programs. Additionally, district school boards must:

27 (1) Provide for the proper accounting for all students
28 of school age, for the attendance and control of students at
29 school, and for proper attention to health, safety, and other
30 matters relating to the welfare of students in the following
31 fields:

1 (a) Admission, classification, promotion, and
2 graduation of students.--Adopt rules for admitting,
3 classifying, promoting, and graduating students to or from the
4 various schools of the district.

5 (b) Enforcement of attendance laws.--Provide for the
6 enforcement of all laws and rules relating to the attendance
7 of students at school.

8 (c) Control of students.--

9 1. Adopt rules for the control, attendance,
10 discipline, in-school suspension, suspension, and expulsion of
11 students and decide all cases recommended for expulsion.

12 2. Maintain a code of student conduct as provided in
13 chapter 1006.

14 (d) Courses of study and instructional materials.--

15 1. Provide adequate instructional materials for all
16 students as follows and in accordance with the requirements of
17 chapter 1006, in the core courses of mathematics, language
18 arts, social studies, science, reading, and literature, except
19 for instruction for which the school advisory council approves
20 the use of a program that does not include a textbook as a
21 major tool of instruction.

22 2. Adopt courses of study for use in the schools of
23 the district.

24 3. Provide for proper requisitioning, distribution,
25 accounting, storage, care, and use of all instructional
26 materials as may be needed, and ensure that instructional
27 materials used in the district are consistent with the
28 district goals and objectives and the curriculum frameworks
29 approved by the State Board of Education, as well as with the
30 state and school district performance standards required by
31 law and state board rule.

1 (e) Transportation.--Make provision for the
2 transportation of students to the public schools or school
3 activities they are required or expected to attend,
4 efficiently and economically, in accordance with the
5 requirements of chapter 1006.

6 (f) Facilities and school plant.--

7 1. Approve and adopt a districtwide school facilities
8 program, in accordance with the requirements of chapter 1013.

9 2. Approve plans for locating, planning, constructing,
10 sanitating, insuring, maintaining, protecting, and condemning
11 school property as prescribed in chapter 1013.

12 3. Approve and adopt a districtwide school building
13 program.

14 4. Select and purchase school sites, playgrounds, and
15 recreational areas located at centers at which schools are to
16 be constructed, of adequate size to meet the needs of
17 projected students to be accommodated.

18 5. Approve the proposed purchase of any site,
19 playground, or recreational area for which school district
20 funds are to be used.

21 6. Expand existing sites.

22 7. Rent buildings when necessary.

23 8. Enter into leases or lease-purchase arrangements,
24 in accordance with the requirements and conditions provided in
25 s. 1013.15(2).

26 9. Provide for the proper supervision of construction.

27 10. Make or contract for additions, alterations, and
28 repairs on buildings and other school properties.

29 11. Ensure that all plans and specifications for
30 buildings provide adequately for the safety and well-being of
31 students, as well as for economy of construction.

1 12. Provide adequately for the proper maintenance and
2 upkeep of school plants.

3 13. Carry insurance on every school building in all
4 school plants including contents, boilers, and machinery,
5 except buildings of three classrooms or less which are of
6 frame construction and located in a tenth class public
7 protection zone as defined by the Florida Inspection and
8 Rating Bureau, and on all school buses and other property
9 under the control of the district school board or title to
10 which is vested in the district school board, except as
11 exceptions may be authorized under rules of the State Board of
12 Education.

13 14. Condemn and prohibit the use for public school
14 purposes of any building under the control of the district
15 school board.

16 (g) School operation.--

17 1. Provide for the operation of all public schools as
18 free schools for a term of at least 180 days or the equivalent
19 on an hourly basis as specified by rules of the State Board of
20 Education; determine district school funds necessary in
21 addition to state funds to operate all schools for the minimum
22 term; and arrange for the levying of district school taxes
23 necessary to provide the amount needed from district sources.

24 2. Prepare, adopt, and timely submit to the Department
25 of Education, as required by law and by rules of the State
26 Board of Education, the annual school budget, so as to promote
27 the improvement of the district school system.

28 (h) Records and reports.--

29 1. Keep all necessary records and make all needed and
30 required reports, as required by law or by rules of the State
31 Board of Education.

1 2. At regular intervals require reports to be made by
2 principals or teachers in all public schools to the parents of
3 the students enrolled and in attendance at their schools,
4 apprising them of the academic and other progress being made
5 by the student and giving other useful information.

6 (2) Require that all laws, all rules of the State
7 Board of Education, and all rules of the district school board
8 are properly enforced.

9 (3) Maintain a system of school improvement and
10 education accountability as required by law and State Board of
11 Education rule, including but not limited to the requirements
12 of chapter 1008.

13 (4) For any school within the district that is not in
14 compliance with the small school size requirements of chapter
15 1013, in order to reduce the anonymity of students in large
16 schools, adopt policies that encourage subdivision of the
17 school into schools-within-a-school, which shall operate
18 within existing resources. A "school-within-a-school" means an
19 operational program that uses flexible scheduling, team
20 planning, and curricular and instructional innovation to
21 organize groups of students with groups of teachers as smaller
22 units, so as to functionally operate as a smaller school.
23 Examples of this include, but are not limited to:

24 (a) An organizational arrangement assigning both
25 students and teachers to smaller units in which the students
26 take some or all of their coursework with their fellow grouped
27 students and from the teachers assigned to the smaller unit. A
28 unit may be grouped together for 1 year or on a vertical,
29 multiyear basis.

30 (b) An organizational arrangement similar to that
31 described in paragraph (a) with additional variations in

1 instruction and curriculum. The smaller unit usually seeks to
2 maintain a program different from that of the larger school,
3 or of other smaller units. It may be vertically organized, but
4 is dependent upon the school principal for its existence,
5 budget, and staff.

6 (c) A separate and autonomous smaller unit formally
7 authorized by the district school board or district school
8 superintendent. The smaller unit plans and runs its own
9 program, has its own staff and students, and receives its own
10 separate budget. The smaller unit must negotiate the use of
11 common space with the larger school and defer to the building
12 principal on matters of safety and building operation.

13 Section 112. Section 1003.03, Florida Statutes, is
14 created to read:

15 1003.03 Maximum class size goals.--It is the goal of
16 the Legislature and each district school board that each
17 elementary school in the school district beginning with
18 kindergarten through grade three class sizes not exceed 20
19 students, with a ratio of one full-time equivalent teacher per
20 20 students; except that only in the case of "D" and "F"
21 schools as identified by the commissioner, the goal in
22 kindergarten through grade three shall be a ratio of one
23 full-time equivalent teacher per 15 students. For purposes of
24 any funding in the General Appropriations Act to meet these
25 goals, the district school board shall give priority to
26 identified "D" and "F" schools in the school district. Second
27 priority for the use of any funds designated for meeting these
28 goals shall be for kindergarten through grade one. Third
29 priority for the use of any funds designated for meeting these
30 goals shall be for grades two and three.

31

1 Section 113. Section 1003.04, Florida Statutes, is
2 created to read:

3 1003.04 Student conduct and parental involvement
4 goals.--

5 (1) It is the goal of the Legislature and each
6 district school board that each public K-12 student remain in
7 attendance throughout the school year, unless excused by the
8 school for illness or other good cause, and comply fully with
9 the school's code of conduct.

10 (2) It is the goal of the Legislature and each
11 district school board that the parent of each public K-12
12 student comply with the school's reasonable and
13 time-acceptable parental involvement requests.

14 Section 114. Part II of chapter 1003, Florida
15 Statutes, shall be entitled "School Attendance" and shall
16 consist of ss. 1003.21-1003.29.

17 Section 115. Section 1003.21, Florida Statutes, is
18 created to read:

19 1003.21 School attendance.--

20 (1)(a)1. All children who have attained the age of 6
21 years or who will have attained the age of 6 years by February
22 1 of any school year or who are older than 6 years of age but
23 who have not attained the age of 16 years, except as otherwise
24 provided, are required to attend school regularly during the
25 entire school term.

26 2. Children who will have attained the age of 5 years
27 on or before September 1 of the school year are eligible for
28 admission to public kindergartens during that school year
29 under rules adopted by the district school board.

30 (b) Any child who has attained the age of 6 years on
31 or before September 1 of the school year and who has been

1 enrolled in a public school or who has attained the age of 6
2 years on or before September 1 and has satisfactorily
3 completed the requirements for kindergarten in a private
4 school from which the district school board accepts transfer
5 of academic credit, or who otherwise meets the criteria for
6 admission or transfer in a manner similar to that applicable
7 to other grades, shall progress according to the district's
8 student progression plan. However, nothing in this section
9 shall authorize the state or any school district to oversee or
10 exercise control over the curricula or academic programs of
11 private schools or home education programs.

12 (c) A student who attains the age of 16 years during
13 the school year is not subject to compulsory school attendance
14 beyond the date upon which he or she attains that age if the
15 student files a formal declaration of intent to terminate
16 school enrollment with the district school board. The
17 declaration must acknowledge that terminating school
18 enrollment is likely to reduce the student's earning potential
19 and must be signed by the student and the student's parent.
20 The school district must notify the student's parent of
21 receipt of the student's declaration of intent to terminate
22 school enrollment.

23 (d) Students who become or have become married and
24 students who are pregnant shall not be prohibited from
25 attending school. These students and students who are parents
26 shall receive the same educational instruction or its
27 equivalent as other students, but may voluntarily be assigned
28 to a class or program suited to their special needs.
29 Consistent with s. 1003.54, pregnant or parenting teens may
30 participate in a teenage parent program. Pregnant students may
31 attend alternative education programs or adult education

1 programs, provided that the curriculum allows the student to
2 continue to work toward a high school diploma.

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

19 (f) Homeless children, as defined in s. 1003.01, must
20 have access to a free public education and must be admitted to
21 school in the school district in which they or their families
22 live. School districts shall assist homeless children to meet
23 the requirements of subsection (4) and s. 1003.22, as well as
24 local requirements for documentation.

25 (2)(a) The State Board of Education may adopt rules
26 under which students not meeting the entrance age may be
27 transferred from another state if their parents have been
28 legal residents of that state.

29 (b) Each district school board, in accordance with
30 rules of the State Board of Education, shall adopt a policy
31 that authorizes a parent to request and be granted permission

1 for absence of a student from school for religious instruction
2 or religious holidays.

3 (3) The district school superintendent may authorize
4 certificates of exemptions from school attendance requirements
5 in certain situations. Students within the compulsory
6 attendance age limits who hold valid certificates of exemption
7 that have been issued by the superintendent shall be exempt
8 from attending school. A certificate of exemption shall cease
9 to be valid at the end of the school year in which it is
10 issued.

11 (4) Before admitting a child to kindergarten, the
12 principal shall require evidence that the child has attained
13 the age at which he or she should be admitted in accordance
14 with the provisions of subparagraph (1)(a)2. The district
15 school superintendent may require evidence of the age of any
16 child whom he or she believes to be within the limits of
17 compulsory attendance as provided for by law. If the first
18 prescribed evidence is not available, the next evidence
19 obtainable in the order set forth below shall be accepted:

20 (a) A duly attested transcript of the child's birth
21 record filed according to law with a public officer charged
22 with the duty of recording births;

23 (b) A duly attested transcript of a certificate of
24 baptism showing the date of birth and place of baptism of the
25 child, accompanied by an affidavit sworn to by the parent;

26 (c) An insurance policy on the child's life that has
27 been in force for at least 2 years;

28 (d) A bona fide contemporary religious record of the
29 child's birth accompanied by an affidavit sworn to by the
30 parent;

31

1 (e) A passport or certificate of arrival in the United
2 States showing the age of the child;

3 (f) A transcript of record of age shown in the child's
4 school record of at least 4 years prior to application,
5 stating date of birth; or

6 (g) If none of these evidences can be produced, an
7 affidavit of age sworn to by the parent, accompanied by a
8 certificate of age signed by a public health officer or by a
9 public school physician, or, if neither of these is available
10 in the county, by a licensed practicing physician licensed
11 under chapter 458, chapter 459, or chapter 460 designated by
12 the district school board, which certificate states that the
13 health officer or physician has examined the child and
14 believes that the age as stated in the affidavit is
15 substantially correct. A homeless child, as defined in s.
16 1003.01, shall be given temporary exemption from this section
17 for 30 school days.

18 Section 116. Section 1003.22, Florida Statutes, is
19 created to read:

20 1003.22 School-entry health examinations; immunization
21 against communicable diseases; exemptions; duties of
22 Department of Health.--

23 (1) Each district school board and the governing
24 authority of each private school shall require that each child
25 who is entitled to admittance to kindergarten, or is entitled
26 to any other initial entrance into a public or private school
27 in this state, present a certification of a school-entry
28 health examination performed by a physician licensed under
29 chapter 458, chapter 459, or chapter 460 within 1 year prior
30 to enrollment in school. Each district school board, and the
31 governing authority of each private school, may establish a

1 policy that permits a student up to 30 school days to present
 2 a certification of a school-entry health examination performed
 3 by a physician licensed under chapter 458, chapter 459, or
 4 chapter 460. A homeless child, as defined in s. 1003.01,
 5 shall be given a temporary exemption for 30 school days. Any
 6 district school board that establishes such a policy shall
 7 include provisions in its local school health services plan to
 8 assist students in obtaining the health examinations. However,
 9 any child shall be exempt from the requirement of a health
 10 examination upon written request of the parent of the child
 11 stating objections to the examination on religious grounds.

12 (2) The State Board of Education, subject to the
 13 concurrence of the Department of Health, shall adopt rules to
 14 govern medical examinations and immunizations performed under
 15 this section.

16 (3) The Department of Health may adopt rules necessary
 17 to administer and enforce this section. The Department of
 18 Health, after consultation with the Department of Education,
 19 shall adopt rules governing the immunization of children
 20 against, the testing for, and the control of preventable
 21 communicable diseases. The rules must include procedures for
 22 exempting a child from immunization requirements.
 23 Immunizations shall be required for poliomyelitis, diphtheria,
 24 rubeola, rubella, pertussis, mumps, tetanus, and other
 25 communicable diseases as determined by rules of the Department
 26 of Health. The manner and frequency of administration of the
 27 immunization or testing shall conform to recognized standards
 28 of medical practice. The Department of Health shall supervise
 29 and secure the enforcement of the required immunization.
 30 Immunizations required by this section shall be available at
 31 no cost from the county health departments.

1 (4) Each district school board and the governing
2 authority of each private school shall establish and enforce
3 as policy that, prior to admittance to or attendance in a
4 public or private school, grades kindergarten through 12, each
5 child present or have on file with the school a certification
6 of immunization for the prevention of those communicable
7 diseases for which immunization is required by the Department
8 of Health and further shall provide for appropriate screening
9 of its students for scoliosis at the proper age. Such
10 certification shall be made on forms approved and provided by
11 the Department of Health and shall become a part of each
12 student's permanent record, to be transferred when the student
13 transfers, is promoted, or changes schools. The transfer of
14 such immunization certification by Florida public schools
15 shall be accomplished using the Florida Automated System for
16 Transferring Education Records and shall be deemed to meet the
17 requirements of this section.

18 (5) The provisions of this section shall not apply if:

19 (a) The parent of the child objects in writing that
20 the administration of immunizing agents conflicts with his or
21 her religious tenets or practices;

22 (b) A physician licensed under the provisions of
23 chapter 458 or chapter 459 certifies in writing, on a form
24 approved and provided by the Department of Health, that the
25 child should be permanently exempt from the required
26 immunization for medical reasons stated in writing, based upon
27 valid clinical reasoning or evidence, demonstrating the need
28 for the permanent exemption;

29 (c) A physician licensed under the provisions of
30 chapter 458, chapter 459, or chapter 460 certifies in writing,
31 on a form approved and provided by the Department of Health,

1 that the child has received as many immunizations as are
2 medically indicated at the time and is in the process of
3 completing necessary immunizations;

4 (d) The Department of Health determines that,
5 according to recognized standards of medical practice, any
6 required immunization is unnecessary or hazardous; or

7 (e) An authorized school official issues a temporary
8 exemption, for a period not to exceed 30 school days, to
9 permit a student who transfers into a new county to attend
10 class until his or her records can be obtained. A homeless
11 child, as defined in s. 1003.01, shall be given a temporary
12 exemption for 30 school days. The public school health nurse
13 or authorized private school official is responsible for
14 followup of each such student until proper documentation or
15 immunizations are obtained. An exemption for 30 days may be
16 issued for a student who enters a juvenile justice program to
17 permit the student to attend class until his or her records
18 can be obtained or until the immunizations can be obtained. An
19 authorized juvenile justice official is responsible for
20 followup of each student who enters a juvenile justice program
21 until proper documentation or immunizations are obtained.

22 (6)(a) No person licensed by this state as a physician
23 or nurse shall be liable for any injury caused by his or her
24 action or failure to act in the administration of a vaccine or
25 other immunizing agent pursuant to the provisions of this
26 section if the person acts as a reasonably prudent person with
27 similar professional training would have acted under the same
28 or similar circumstances.

29 (b) No member of a district school board, or any of
30 its employees, or member of a governing board of a private
31 school, or any of its employees, shall be liable for any

1 injury caused by the administration of a vaccine to any
2 student who is required to be so immunized or for a failure to
3 diagnose scoliosis pursuant to the provisions of this section.

4 (7) The parents of any child admitted to or in
5 attendance at a Florida public or private school, grades
6 kindergarten through 12, are responsible for assuring that the
7 child is in compliance with the provisions of this section.

8 (8) Each public school, including public kindergarten,
9 and each private school, including private kindergarten, shall
10 be required to provide to the county health department
11 director or administrator annual reports of compliance with
12 the provisions of this section. Reports shall be completed on
13 forms provided by the Department of Health for each
14 kindergarten, and other grade as specified; and the reports
15 shall include the status of children who were admitted at the
16 beginning of the school year. After consultation with the
17 Department of Education, the Department of Health shall
18 establish by administrative rule the dates for submission of
19 these reports, the grades for which the reports shall be
20 required, and the forms to be used.

21 (9) The presence of any of the communicable diseases
22 for which immunization is required by the Department of Health
23 in a Florida public or private school shall permit the county
24 health department director or administrator or the State
25 Health Officer to declare a communicable disease emergency.
26 The declaration of such emergency shall mandate that all
27 students in attendance in the school who are not in compliance
28 with the provisions of this section be identified by the
29 district school board or by the governing authority of the
30 private school; and the school health and immunization records
31 of such children shall be made available to the county health

1 department director or administrator. Those children
2 identified as not being immunized against the disease for
3 which the emergency has been declared shall be temporarily
4 excluded from school by the district school board, or the
5 governing authority of the private school, until such time as
6 is specified by the county health department director or
7 administrator.

8 (10) Each district school board and the governing
9 authority of each private school shall:

10 (a) Refuse admittance to any child otherwise entitled
11 to admittance to kindergarten, or any other initial entrance
12 into a Florida public or private school, who is not in
13 compliance with the provisions of subsection (4).

14 (b) Temporarily exclude from attendance any student
15 who is not in compliance with the provisions of subsection
16 (4).

17 (11) The provisions of this section do not apply to
18 those persons admitted to or attending adult education classes
19 unless the adult students are under 21 years of age.

20 Section 117. Section 1003.23, Florida Statutes, is
21 created to read:

22 1003.23 Attendance records and reports.--

23 (1) The attendance of all public K-12 school students
24 shall be checked each school day in the manner prescribed by
25 rules of the State Board of Education and recorded in the
26 teacher's register or by some approved system of recording
27 attendance. Students may be counted in attendance only if
28 they are actually present at school or are away from school on
29 a school day and are engaged in an educational activity which
30 constitutes a part of the school-approved instructional
31 program for the student.

1 (2) All officials, teachers, and other employees in
 2 public, parochial, religious, denominational, and private K-12
 3 schools, including private tutors, shall keep all records and
 4 shall prepare and submit promptly all reports that may be
 5 required by law and by rules of the State Board of Education
 6 and district school boards. Such records shall include a
 7 register of enrollment and attendance and all persons
 8 described above shall make these reports therefrom as may be
 9 required by the State Board of Education. The enrollment
 10 register shall show the absence or attendance of each student
 11 enrolled for each school day of the year in a manner
 12 prescribed by the State Board of Education. The register shall
 13 be open for the inspection by the designated school
 14 representative or the district school superintendent of the
 15 district in which the school is located. Violation of the
 16 provisions of this section shall be a misdemeanor of the
 17 second degree, punishable as provided by law. This section
 18 shall not apply to home education programs provided in s.
 19 1002.41.

20 Section 118. Section 1003.24, Florida Statutes, is
 21 created to read:

22 1003.24 Parents responsible for attendance of
 23 children; attendance policy.--Each parent of a child within
 24 the compulsory attendance age is responsible for the child's
 25 school attendance as required by law. The absence of a
 26 student from school is prima facie evidence of a violation of
 27 this section; however, criminal prosecution under this chapter
 28 may not be brought against a parent until the provisions of s.
 29 1003.26 have been complied with. A parent of a student is not
 30 responsible for the student's nonattendance at school under
 31 any of the following conditions:

1 (1) WITH PERMISSION.--The absence was with permission
2 of the head of the school;

3 (2) WITHOUT KNOWLEDGE.--The absence was without the
4 parent's knowledge, consent, or connivance, in which case the
5 student shall be dealt with as a dependent child;

6 (3) FINANCIAL INABILITY.--The parent was unable
7 financially to provide necessary clothes for the student,
8 which inability was reported in writing to the superintendent
9 prior to the opening of school or immediately after the
10 beginning of such inability, provided that the validity of any
11 claim for exemption under this paragraph shall be determined
12 by the district school superintendent subject to appeal to the
13 district school board; or

14 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
15 CONDITION.--Attendance was impracticable or inadvisable on
16 account of sickness or injury, attested to by a written
17 statement of a licensed practicing physician licensed under
18 chapter 458, chapter 459, or chapter 460, or was impracticable
19 because of some other stated insurmountable condition as
20 defined by rules of the State Board of Education. If a student
21 is continually sick and repeatedly absent from school, he or
22 she must be under the supervision of a physician licensed
23 under chapter 458, chapter 459, or chapter 460 in order to
24 receive an excuse from attendance. Such excuse provides that a
25 student's condition justifies absence for more than the number
26 of days permitted by the district school board.

27
28 Each district school board shall establish an attendance
29 policy that includes, but is not limited to, the required
30 number of days each school year that a student must be in
31 attendance and the number of absences and tardinesses after

1 which a statement explaining such absences and tardinesses
2 must be on file at the school. Each school in the district
3 must determine if an absence or tardiness is excused or
4 unexcused according to criteria established by the district
5 school board.

6 Section 119. Section 1003.25, Florida Statutes, is
7 created to read:

8 1003.25 Procedures for maintenance and transfer of
9 student records.--

10 (1) Each principal shall maintain a permanent
11 cumulative record for each student enrolled in a public K-12
12 school. Such record shall be maintained in the form, and
13 contain all data, prescribed by rule by the State Board of
14 Education. The cumulative record is confidential and exempt
15 from the provisions of s. 119.07(1) and is open to inspection
16 only as provided in chapter 1002.

17 (2) The procedure for transferring and maintaining
18 records of students who transfer from school to school shall
19 be prescribed by rules of the State Board of Education.

20 (3) Procedures relating to the acceptance of transfer
21 work and credit for students shall be prescribed by rule by
22 the State Board of Education.

23 Section 120. Section 1003.26, Florida Statutes, is
24 created to read:

25 1003.26 Enforcement of school attendance.--The
26 Legislature finds that poor academic performance is associated
27 with nonattendance and that schools must take an active role
28 in enforcing attendance as a means of improving the
29 performance of many students. It is the policy of the state
30 that each district school superintendent be responsible for
31 enforcing school attendance of all students subject to the

1 compulsory school age in the school district. The
 2 responsibility includes recommending to the district school
 3 board policies and procedures to ensure that schools respond
 4 in a timely manner to every unexcused absence, or absence for
 5 which the reason is unknown, of students enrolled in the
 6 schools. District school board policies must require each
 7 parent of a student to justify each absence of the student,
 8 and that justification will be evaluated based on adopted
 9 district school board policies that define excused and
 10 unexcused absences. The policies must provide that schools
 11 track excused and unexcused absences and contact the home in
 12 the case of an unexcused absence from school, or an absence
 13 from school for which the reason is unknown, to prevent the
 14 development of patterns of nonattendance. The Legislature
 15 finds that early intervention in school attendance matters is
 16 the most effective way of producing good attendance habits
 17 that will lead to improved student learning and achievement.
 18 Each public school shall implement the following steps to
 19 enforce regular school attendance:

20 (1) CONTACT, REFER, AND ENFORCE.--

21 (a) Upon each unexcused absence, or absence for which
 22 the reason is unknown, the school principal or his or her
 23 designee shall contact the student's parent to determine the
 24 reason for the absence. If the absence is an excused absence,
 25 as defined by district school board policy, the school shall
 26 provide opportunities for the student to make up assigned work
 27 and not receive an academic penalty unless the work is not
 28 made up within a reasonable time.

29 (b) If a student has had at least five unexcused
 30 absences, or absences for which the reasons are unknown,
 31 within a calendar month or 10 unexcused absences, or absences

1 for which the reasons are unknown, within a 90-calendar-day
2 period, the student's primary teacher shall report to the
3 school principal or his or her designee that the student may
4 be exhibiting a pattern of nonattendance. The principal shall,
5 unless there is clear evidence that the absences are not a
6 pattern of nonattendance, refer the case to the school's child
7 study team to determine if early patterns of truancy are
8 developing. If the child study team finds that a pattern of
9 nonattendance is developing, whether the absences are excused
10 or not, a meeting with the parent must be scheduled to
11 identify potential remedies, and the principal shall notify
12 the district school superintendent and the school district
13 contact for home education programs that the referred student
14 is exhibiting a pattern of nonattendance.

15 (c) If an initial meeting does not resolve the
16 problem, the child study team shall implement interventions
17 that best address the problem. The interventions may include,
18 but need not be limited to:

- 19 1. Frequent communication between the teacher and the
20 family;
- 21 2. Changes in the learning environment;
- 22 3. Mentoring;
- 23 4. Student counseling;
- 24 5. Tutoring, including peer tutoring;
- 25 6. Placement into different classes;
- 26 7. Evaluation for alternative education programs;
- 27 8. Attendance contracts;
- 28 9. Referral to other agencies for family services; or
- 29 10. Other interventions, including, but not limited
30 to, a truancy petition pursuant to s. 984.151.

31

1 (d) The child study team shall be diligent in
2 facilitating intervention services and shall report the case
3 to the district school superintendent only when all reasonable
4 efforts to resolve the nonattendance behavior are exhausted.

5 (e) If the parent refuses to participate in the
6 remedial strategies because he or she believes that those
7 strategies are unnecessary or inappropriate, the parent may
8 appeal to the district school board. The district school board
9 may provide a hearing officer, and the hearing officer shall
10 make a recommendation for final action to the district school
11 board. If the district school board's final determination is
12 that the strategies of the child study team are appropriate,
13 and the parent still refuses to participate or cooperate, the
14 district school superintendent may seek criminal prosecution
15 for noncompliance with compulsory school attendance.

16 (f)1. If the parent of a child who has been identified
17 as exhibiting a pattern of nonattendance enrolls the child in
18 a home education program pursuant to chapter 1002, the
19 district school superintendent shall provide the parent a copy
20 of s. 1002.41 and the accountability requirements of this
21 paragraph. The district school superintendent shall also
22 refer the parent to a home education review committee composed
23 of the district contact for home education programs and at
24 least two home educators selected by the parent from a
25 district list of all home educators who have conducted a home
26 education program for at least 3 years and who have indicated
27 a willingness to serve on the committee. The home education
28 review committee shall review the portfolio of the student, as
29 defined by s. 1002.41, every 30 days during the district's
30 regular school terms until the committee is satisfied that the
31 home education program is in compliance with s. 1002.41(1)(b).

1 The first portfolio review must occur within the first 30
 2 calendar days of the establishment of the program. The
 3 provisions of subparagraph 2. do not apply once the committee
 4 determines the home education program is in compliance with s.
 5 1002.41(1)(b).

6 2. If the parent fails to provide a portfolio to the
 7 committee, the committee shall notify the district school
 8 superintendent. The district school superintendent shall then
 9 terminate the home education program and require the parent to
 10 enroll the child in an attendance option that meets the
 11 definition of "regular school attendance" under s.
 12 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
 13 termination of a home education program pursuant to this
 14 subparagraph, the parent shall not be eligible to reenroll the
 15 child in a home education program for 180 calendar days.
 16 Failure of a parent to enroll the child in an attendance
 17 option as required by this subparagraph after termination of
 18 the home education program pursuant to this subparagraph shall
 19 constitute noncompliance with the compulsory attendance
 20 requirements of s. 1003.21 and may result in criminal
 21 prosecution under s. 1003.27(2). Nothing contained herein
 22 shall restrict the ability of the district school
 23 superintendent, or the ability of his or her designee, to
 24 review the portfolio pursuant to s. 1002.41(1)(b).

25 (g) If a student subject to compulsory school
 26 attendance will not comply with attempts to enforce school
 27 attendance, the parent or the district school superintendent
 28 or his or her designee shall refer the case to the case
 29 staffing committee pursuant to s. 984.12, and the district
 30 school superintendent or his or her designee may file a
 31 truancy petition pursuant to the procedures in s. 984.151.

1 (2) GIVE WRITTEN NOTICE.--
2 (a) Under the direction of the district school
3 superintendent, a designated school representative shall give
4 written notice that requires enrollment or attendance within 3
5 days after the date of notice, in person or by return-receipt
6 mail, to the parent when no valid reason is found for a
7 student's nonenrollment in school. If the notice and
8 requirement are ignored, the designated school representative
9 shall report the case to the district school superintendent,
10 and may refer the case to the case staffing committee,
11 established pursuant to s. 984.12. The district school
12 superintendent shall take such steps as are necessary to bring
13 criminal prosecution against the parent.
14 (b) Subsequent to the activities required under
15 subsection (1), the district school superintendent or his or
16 her designee shall give written notice in person or by
17 return-receipt mail to the parent that criminal prosecution is
18 being sought for nonattendance. The district school
19 superintendent may file a truancy petition, as defined in s.
20 984.03, following the procedures outlined in s. 984.151.
21 (3) RETURN STUDENT TO PARENT.--A designated school
22 representative shall visit the home or place of residence of a
23 student and any other place in which he or she is likely to
24 find any student who is required to attend school when the
25 student is not enrolled or is absent from school during school
26 hours without an excuse, and, when the student is found, shall
27 return the student to his or her parent or to the principal or
28 teacher in charge of the school, or to the private tutor from
29 whom absent, or to the juvenile assessment center or other
30 location established by the district school board to receive
31

1 students who are absent from school. Upon receipt of the
2 student, the parent shall be immediately notified.

3 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
4 school representative shall report to the appropriate
5 authority designated by law to receive such notices, all
6 violations of the Child Labor Law that may come to his or her
7 knowledge.

8 (5) RIGHT TO INSPECT.--A designated school
9 representative shall have the right of access to, and
10 inspection of, establishments where minors may be employed or
11 detained only for the purpose of ascertaining whether students
12 of compulsory school age are actually employed there and are
13 actually working there regularly. The designated school
14 representative shall, if he or she finds unsatisfactory
15 working conditions or violations of the Child Labor Law,
16 report his or her findings to the appropriate authority.

17 Section 121. Section 1003.27, Florida Statutes, is
18 created to read:

19 1003.27 Court procedure and penalties.--The court
20 procedure and penalties for the enforcement of the provisions
21 of this part, relating to compulsory school attendance, shall
22 be as follows:

23 (1) COURT JURISDICTION.--The circuit court has
24 original and exclusive jurisdiction of all proceedings
25 against, or prosecutions of, students under the provisions of
26 this part. Proceedings against, or prosecutions of, parents or
27 employers as provided by this section shall be in the court of
28 each county having jurisdiction of misdemeanors wherein trial
29 by jury is afforded the defendant.

30 (2) NONENROLLMENT AND NONATTENDANCE CASES.--
31

1 (a) In each case of nonenrollment or of nonattendance
 2 upon the part of a student who is required to attend some
 3 school, when no valid reason for such nonenrollment or
 4 nonattendance is found, the district school superintendent
 5 shall institute a criminal prosecution against the student's
 6 parent.

7 (b) Each public school principal or the principal's
 8 designee shall notify the district school board of each minor
 9 student under its jurisdiction who accumulates 15 unexcused
 10 absences in a period of 90 calendar days. Each designee of the
 11 governing body of each private school, and each parent whose
 12 child is enrolled in a home education program, may provide the
 13 Department of Highway Safety and Motor Vehicles with the legal
 14 name, sex, date of birth, and social security number of each
 15 minor student under his or her jurisdiction who fails to
 16 satisfy relevant attendance requirements and who fails to
 17 otherwise satisfy the requirements of s. 322.091. The district
 18 school superintendent must provide the Department of Highway
 19 Safety and Motor Vehicles the legal name, sex, date of birth,
 20 and social security number of each minor student who has been
 21 reported under this paragraph and who fails to otherwise
 22 satisfy the requirements of s. 322.091. The Department of
 23 Highway Safety and Motor Vehicles may not issue a driver's
 24 license or learner's driver's license to, and shall suspend
 25 any previously issued driver's license or learner's driver's
 26 license of, any such minor student, pursuant to the provisions
 27 of s. 322.091.

28 (3) HABITUAL TRUANCY CASES.--The district school
 29 superintendent is authorized to file a truancy petition, as
 30 defined in s. 984.03, following the procedures outlined in s.
 31 984.151. If the district school superintendent chooses not to

1 file a truancy petition, procedures for filing a
 2 child-in-need-of-services petition shall be commenced pursuant
 3 to this subsection and chapter 984. In accordance with
 4 procedures established by the district school board, the
 5 designated school representative shall refer a student who is
 6 habitually truant and the student's family to the
 7 children-in-need-of-services and families-in-need-of-services
 8 provider or the case staffing committee, established pursuant
 9 to s. 984.12, as determined by the cooperative agreement
 10 required in this section. The case staffing committee may
 11 request the Department of Juvenile Justice or its designee to
 12 file a child-in-need-of-services petition based upon the
 13 report and efforts of the district school board or other
 14 community agency or may seek to resolve the truant behavior
 15 through the school or community-based organizations or
 16 agencies. Prior to and subsequent to the filing of a
 17 child-in-need-of-services petition due to habitual truancy,
 18 the appropriate governmental agencies must allow a reasonable
 19 time to complete actions required by this section and s.
 20 1003.26 to remedy the conditions leading to the truant
 21 behavior. Prior to the filing of a petition, the district
 22 school board must have complied with the requirements of s.
 23 1003.26, and those efforts must have been unsuccessful.

24 (4) COOPERATIVE AGREEMENTS.--The circuit manager of
 25 the Department of Juvenile Justice or the circuit manager's
 26 designee, the district administrator of the Department of
 27 Children and Family Services or the district administrator's
 28 designee, and the district school superintendent or the
 29 superintendent's designee must develop a cooperative
 30 interagency agreement that:

31

1 (a) Clearly defines each department's role,
2 responsibility, and function in working with habitual truants
3 and their families.

4 (b) Identifies and implements measures to resolve and
5 reduce truant behavior.

6 (c) Addresses issues of streamlining service delivery,
7 the appropriateness of legal intervention, case management,
8 the role and responsibility of the case staffing committee,
9 student and parental intervention and involvement, and
10 community action plans.

11 (d) Delineates timeframes for implementation and
12 identifies a mechanism for reporting results by the circuit
13 juvenile justice manager or the circuit manager's designee and
14 the district school superintendent or the superintendent's
15 designee to the Department of Juvenile Justice and the
16 Department of Education and other governmental entities as
17 needed.

18 (e) Designates which agency is responsible for each of
19 the intervention steps in this section, to yield more
20 effective and efficient intervention services.

21 (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of
22 attendance of students at a public, parochial, religious,
23 denominational, or private school, or of students taught by a
24 private tutor, kept in compliance with rules of the State
25 Board of Education is prima facie evidence of the facts which
26 it is required to show. A certified copy of any rule and a
27 statement of the date of its adoption by the State Board of
28 Education is admissible as prima facie evidence of the
29 provisions of the rule and of the date of its adoption.

30 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY
31 BEGIN.--Proceedings or prosecutions under this chapter may be

1 commenced by the district school superintendent, by a
2 designated school representative, by the probation officer of
3 the county, by the executive officer of any court of competent
4 jurisdiction, by an officer of any court of competent
5 jurisdiction, or by a duly authorized agent of the Department
6 of Education or the Department of Juvenile Justice. If a
7 proceeding has been commenced against both a parent and a
8 child pursuant to this chapter, the presiding courts shall
9 make every effort to coordinate sanctions against the child
10 and parent, including ordering the child and parent to perform
11 community service hours or attend counseling together.

12 (7) PENALTIES.--The penalties for refusing or failing
13 to comply with this chapter shall be as follows:

14 (a) The parent.--

15 1. A parent who refuses or fails to have a minor
16 student who is under his or her control attend school
17 regularly, or who refuses or fails to comply with the
18 requirements in subsection (3), commits a misdemeanor of the
19 second degree, punishable as provided in s. 775.082 or s.
20 775.083.

21 2. The continued or habitual absence of a minor
22 student without the consent of the principal or teacher in
23 charge of the school he or she attends or should attend, or of
24 the tutor who instructs or should instruct him or her, is
25 prima facie evidence of a violation of this chapter; however,
26 a showing that the parent has made a bona fide and diligent
27 effort to control and keep the student in school shall be an
28 affirmative defense to any criminal or other liability under
29 this subsection and the court shall refer the parent and child
30 for counseling, guidance, or other needed services.

31

1 3. In addition to any other punishment, the court
2 shall order a parent who has violated this section to send the
3 minor student to school, and may also order the parent to
4 participate in an approved parent training class, attend
5 school with the student unless this would cause undue
6 hardship, perform community service hours at the school, or
7 participate in counseling or other services, as appropriate.
8 If a parent is ordered to attend school with a student, the
9 school shall provide for programming to educate the parent and
10 student on the importance of school attendance. It shall be
11 unlawful to terminate any employee solely because he or she is
12 attending school with his or her child pursuant to a court
13 order.

14 (b) The principal or teacher.--A principal or teacher
15 in any public, parochial, religious, denominational, or
16 private school, or a private tutor who willfully violates any
17 provision of this chapter may, upon satisfactory proof of such
18 violation, have his or her certificate revoked by the
19 Department of Education.

20 (c) The employer.--

21 1. An employer who fails to notify the district school
22 superintendent when he or she ceases to employ a student
23 commits a misdemeanor of the second degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 2. An employer who terminates any employee solely
26 because he or she is attending school with a student pursuant
27 to court order commits a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 (d) The student.--

30 1. In addition to any other authorized sanctions, the
31 court shall order a student found to be a habitual truant to

1 make up all school work missed and may order the student to
2 pay a civil penalty of up to \$2, based on the student's
3 ability to pay, for each day of school missed, perform up to
4 25 community service hours at the school, or participate in
5 counseling or other services, as appropriate.

6 2. Upon a second or subsequent finding that a student
7 is a habitual truant, the court, in addition to any other
8 authorized sanctions, shall order the student to make up all
9 school work missed and may order the student to pay a civil
10 penalty of up to \$5, based on the student's ability to pay,
11 for each day of school missed, perform up to 50 community
12 service hours at the school, or participate in counseling or
13 other services, as appropriate.

14 Section 122. Section 1003.28, Florida Statutes, is
15 created to read:

16 1003.28 Continuation of truancy remedial activities
17 upon transfer of student; retention of legal jurisdiction.--

18 (1) If, during the activities designed to remedy
19 truant behavior as described in s. 1003.27, the parent of the
20 student who is the subject of such activities transfers the
21 student to another school district in this state in an attempt
22 to circumvent the remedial procedures which have already
23 begun, the administration of the school from which the student
24 transferred shall provide to the administration of the new
25 school, at no charge, copies of all available records and
26 documents relevant to such remedial activities, and the
27 administration of the new school shall begin remedial
28 activities in the program that most closely meets the transfer
29 student's needs.

30 (2) In the event that a legal proceeding has
31 commenced, as provided in s. 1003.27, against a student who

1 has been determined to be a habitual truant, the movement of
2 the student who is the subject of such proceeding to another
3 circuit court district in this state will not affect the
4 jurisdiction of the court to proceed with the case under the
5 law.

6 Section 123. Section 1003.29, Florida Statutes, is
7 created to read:

8 1003.29 Notice to schools of court action.--If a court
9 takes action that directly involves a student's school,
10 including, but not limited to, an order that a student attend
11 school, attend school with his or her parent, perform at grade
12 level, or perform community service hours at the school, the
13 office of the clerk of the court shall provide notice to the
14 school of the court's action.

15 Section 124. Part III of chapter 1003, Florida
16 Statutes, shall be entitled "Control of Students" and shall
17 consist of ss. 1003.31-1003.33.

18 Section 125. Section 1003.31, Florida Statutes, is
19 created to read:

20 1003.31 Students subject to control of school.--

21 (1) Subject to law and rules of the State Board of
22 Education and of the district school board, each student
23 enrolled in a school shall:

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

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

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

30 (d) During a reasonable time before and after the
31 student is on the premises for attendance at school or for

1 authorized participation in a school-sponsored activity, and
 2 only when on the premises,
 3
 4 be under the control and direction of the principal or teacher
 5 in charge of the school, and under the immediate control and
 6 direction of the teacher or other member of the instructional
 7 staff or of the bus driver to whom such responsibility may be
 8 assigned by the principal. However, the State Board of
 9 Education or the district school board may, by rules, subject
 10 each student to the control and direction of the principal or
 11 teacher in charge of the school during the time she or he is
 12 otherwise en route to or from school or is presumed by law to
 13 be attending school.

14 (2) There is a rebuttable presumption that the term
 15 "reasonable time" means 30 minutes before or after the
 16 activity is scheduled or actually begins or ends, whichever
 17 period is longer. A school or district school board may, by
 18 policy or other formal action, assume a longer period of
 19 supervision. Casual or incidental contact between school
 20 district personnel and students on school property shall not
 21 result in a legal duty to supervise outside of the reasonable
 22 times set forth in this section, provided that parents shall
 23 be advised in writing twice per year or by posted signs of the
 24 school's formal supervisory responsibility and that parents
 25 should not rely on additional supervision. The duty of
 26 supervision shall not extend to anyone other than students
 27 attending school and students authorized to participate in
 28 school-sponsored activities.

29 (3) Nothing shall prohibit a district school board
 30 from having the right to expel, or to take disciplinary action
 31

1 against, a student who is found to have committed an offense
2 on school property at any time if:

3 (a) The student is found to have committed a
4 delinquent act which would be a felony if committed by an
5 adult;

6 (b) The student has had adjudication withheld for a
7 delinquent act which, if committed by an adult, would be a
8 felony; or

9 (c) The student has been found guilty of a felony.

10
11 However, if the student is a student with a disability, the
12 disciplinary action must comply with the procedures set forth
13 in State Board of Education rule.

14 (4) Each student enrolled in a school may be required
15 to take the following school child's daily conduct pledge:

16 (a) I will be respectful at all times and obedient
17 unless asked to do wrong.

18 (b) I will not hurt another person with my words or my
19 acts, because it is wrong to hurt others.

20 (c) I will tell the truth, because it is wrong to tell
21 a lie.

22 (d) I will not steal, because it is wrong to take
23 someone else's property.

24 (e) I will respect my body, and not take drugs.

25 (f) I will show strength and courage, and not do
26 something wrong, just because others are doing it.

27 (g) I pledge to be nonviolent and to respect my
28 teachers and fellow classmates.

29 Section 126. Section 1003.32, Florida Statutes, is
30 created to read:

31

1 1003.32 Authority of teacher; responsibility for
2 control of students; district school board and principal
3 duties.--Subject to law and to the rules of the district
4 school board, each teacher or other member of the staff of any
5 school shall have such authority for the control and
6 discipline of students as may be assigned to him or her by the
7 principal or the principal's designated representative and
8 shall keep good order in the classroom and in other places in
9 which he or she is assigned to be in charge of students.

10 (1) Within the framework of the district school
11 board's code of student conduct, teachers and other
12 instructional personnel shall have the authority to undertake
13 any of the following actions in managing student behavior and
14 ensuring the safety of all students in their classes and
15 school:

16 (a) Establish classroom rules of conduct.

17 (b) Establish and implement consequences, designed to
18 change behavior, for infractions of classroom rules.

19 (c) Have disobedient, disrespectful, violent, abusive,
20 uncontrollable, or disruptive students temporarily removed
21 from the classroom for behavior management intervention.

22 (d) Have violent, abusive, uncontrollable, or
23 disruptive students directed for information or assistance
24 from appropriate school or district school board personnel.

25 (e) Assist in enforcing school rules on school
26 property, during school-sponsored transportation, and during
27 school-sponsored activities.

28 (f) Request and receive information as to the
29 disposition of any referrals to the administration for
30 violation of classroom or school rules.

31

1 (g) Request and receive immediate assistance in
2 classroom management if a student becomes uncontrollable or in
3 case of emergency.

4 (h) Request and receive training and other assistance
5 to improve skills in classroom management, violence
6 prevention, conflict resolution, and related areas.

7 (i) Press charges if a crime has been committed
8 against the teacher or other instructional personnel on school
9 property, during school-sponsored transportation, or during
10 school-sponsored activities.

11 (j) Use reasonable force, according to standards
12 adopted by the State Board of Education, to protect himself or
13 herself or others from injury.

14 (k) Use corporal punishment according to school board
15 policy and at least the following procedures, if a teacher
16 feels that corporal punishment is necessary:

17 1. The use of corporal punishment shall be approved in
18 principle by the principal before it is used, but approval is
19 not necessary for each specific instance in which it is used.
20 The principal shall prepare guidelines for administering such
21 punishment which identify the types of punishable offenses,
22 the conditions under which the punishment shall be
23 administered, and the specific personnel on the school staff
24 authorized to administer the punishment.

25 2. A teacher or principal may administer corporal
26 punishment only in the presence of another adult who is
27 informed beforehand, and in the student's presence, of the
28 reason for the punishment.

29 3. A teacher or principal who has administered
30 punishment shall, upon request, provide the student's parent
31

1 with a written explanation of the reason for the punishment
2 and the name of the other adult who was present.

3 (2) Teachers and other instructional personnel shall:

4 (a) Set and enforce reasonable classroom rules that
5 treat all students equitably.

6 (b) Seek professional development to improve classroom
7 management skills when data show that they are not effective
8 in handling minor classroom disruptions.

9 (c) Maintain a positive and effective learning
10 environment that maximizes learning and minimizes disruption.

11 (d) Work with parents and other school personnel to
12 solve discipline problems in their classrooms.

13 (3) A teacher may send a student to the principal's
14 office to maintain effective discipline in the classroom. The
15 principal shall respond by employing appropriate
16 discipline-management techniques consistent with the student
17 code of conduct under s. 1006.07.

18 (4) A teacher may remove from class a student whose
19 behavior the teacher determines interferes with the teacher's
20 ability to communicate effectively with the students in the
21 class or with the ability of the student's classmates to
22 learn.

23 (5) If a teacher removes a student from class under
24 subsection (4), the principal may place the student in another
25 appropriate classroom, in in-school suspension, or in a
26 dropout prevention and academic intervention program as
27 provided by s. 1003.53; or the principal may recommend the
28 student for out-of-school suspension or expulsion, as
29 appropriate. The student may be prohibited from attending or
30 participating in school-sponsored or school-related
31 activities. The principal may not return the student to that

1 teacher's class without the teacher's consent unless the
2 committee established under subsection (6) determines that
3 such placement is the best or only available alternative. The
4 teacher and the placement review committee must render
5 decisions within 5 days of the removal of the student from the
6 classroom.

7 (6) Each school shall establish a committee to
8 determine placement of a student when a teacher withholds
9 consent to the return of a student to the teacher's class.

10 Committee membership must include at least the following:

11 (a) Two teachers selected by the school's faculty.

12 (b) One member from the school's staff who is selected
13 by the principal.

14
15 The teacher who withheld consent to readmitting the student
16 may not serve on the committee. The teacher and the placement
17 review committee must render decisions within 5 days after the
18 removal of the student from the classroom.

19 (7) Any teacher who removes 25 percent of his or her
20 total class enrollment shall be required to complete
21 professional development to improve classroom management
22 skills.

23 (8) When knowledgeable of the likely risk of physical
24 violence in the schools, the district school board shall take
25 reasonable steps to ensure that teachers, other school staff,
26 and students are not at undue risk of violence or harm.

27 Section 127. Section 1003.33, Florida Statutes, is
28 created to read:

29 1003.33 Report cards; end-of-the-year status.--

30 (1) Each district school board shall establish and
31 publish policies requiring the content and regular issuance of

1 student report cards for all elementary school, middle school,
2 and high school students. These report cards must clearly
3 depict and grade:

4 (a) The student's academic performance in each class
5 or course, which in grades 1 through 12 must be based upon
6 examinations as well as written papers, class participation,
7 and other academic performance criteria.

8 (b) The student's conduct and behavior.

9 (c) The student's attendance, including absences and
10 tardiness.

11 (2) A student's final report card for a school year
12 shall contain a statement indicating end-of-the-year status
13 regarding performance or nonperformance at grade level,
14 acceptable or unacceptable behavior and attendance, and
15 promotion or nonpromotion.

16
17 District school boards shall not allow schools to exempt
18 students from academic performance requirements based on
19 practices or policies designed to encourage student
20 attendance. A student's attendance record may not be used in
21 whole or in part to provide an exemption from any academic
22 performance requirement.

23 Section 128. Part IV of chapter 1003, Florida
24 Statutes, shall be entitled "Public K-12 Educational
25 Instruction" and shall consist of ss. 1003.41-1003.491.

26 Section 129. Section 1003.41, Florida Statutes, is
27 created to read:

28 1003.41 Sunshine State Standards.--Public K-12
29 educational instruction in Florida is based on the "Sunshine
30 State Standards." These standards have been adopted by the
31 State Board of Education and delineate the academic

1 achievement of students, for which the state will hold schools
2 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects
3 of language arts, mathematics, science, social studies, the
4 arts, health and physical education, and foreign languages.
5 They include standards in reading, writing, history,
6 government, geography, economics, and computer literacy.

7 Section 130. Section 1003.42, Florida Statutes, is
8 created to read:

9 1003.42 Required instruction.--

10 (1) Each district school board shall provide all
11 courses required for high school graduation and appropriate
12 instruction designed to ensure that students meet State Board
13 of Education adopted standards in the following subject areas:
14 reading and other language arts, mathematics, science, social
15 studies, foreign languages, health and physical education, and
16 the arts.

17 (2) Members of the instructional staff of the public
18 schools, subject to the rules of the State Board of Education
19 and the district school board, shall teach efficiently and
20 faithfully, using the books and materials required, following
21 the prescribed courses of study, and employing approved
22 methods of instruction, the following:

23 (a) The content of the Declaration of Independence and
24 how it forms the philosophical foundation of our government.

25 (b) The arguments in support of adopting our
26 republican form of government, as they are embodied in the
27 most important of the Federalist Papers.

28 (c) The essentials of the United States Constitution
29 and how it provides the structure of our government.

30 (d) Flag education, including proper flag display and
31 flag salute.

1 (e) The elements of civil government, including the
2 primary functions of and interrelationships between the
3 Federal Government, the state, and its counties,
4 municipalities, school districts, and special districts.

5 (f) The history of the Holocaust (1933-1945), the
6 systematic, planned annihilation of European Jews and other
7 groups by Nazi Germany, a watershed event in the history of
8 humanity, to be taught in a manner that leads to an
9 investigation of human behavior, an understanding of the
10 ramifications of prejudice, racism, and stereotyping, and an
11 examination of what it means to be a responsible and
12 respectful person, for the purposes of encouraging tolerance
13 of diversity in a pluralistic society and for nurturing and
14 protecting democratic values and institutions.

15 (g) The history of African Americans, including the
16 history of African peoples before the political conflicts that
17 led to the development of slavery, the passage to America, the
18 enslavement experience, abolition, and the contributions of
19 African Americans to society.

20 (h) The elementary principles of agriculture.

21 (i) The true effects of all alcoholic and intoxicating
22 liquors and beverages and narcotics upon the human body and
23 mind.

24 (j) Kindness to animals.

25 (k) The history of the state.

26 (l) The conservation of natural resources.

27 (m) Comprehensive health education that addresses
28 concepts of community health; consumer health; environmental
29 health; family life, including an awareness of the benefits of
30 sexual abstinence as the expected standard and the
31 consequences of teenage pregnancy; mental and emotional

1 health; injury prevention and safety; nutrition; personal
2 health; prevention and control of disease; and substance use
3 and abuse.

4 (n) Such additional materials, subjects, courses, or
5 fields in such grades as are prescribed by law or by rules of
6 the State Board of Education and the district school board in
7 fulfilling the requirements of law.

8 (o) The study of Hispanic contributions to the United
9 States.

10 (p) The study of women's contributions to the United
11 States.

12 (q) A character-development program in the elementary
13 schools, similar to Character First or Character Counts, which
14 is secular in nature and stresses such character qualities as
15 attentiveness, patience, and initiative. Beginning in school
16 year 2004-2005, the character-development program shall be
17 required in kindergarten through grade 12. Each district
18 school board shall develop or adopt a curriculum for the
19 character-development program that shall be submitted to the
20 department for approval. The character-development curriculum
21 shall stress the qualities of patriotism, responsibility,
22 citizenship, kindness, respect, honesty, self-control,
23 tolerance, and cooperation.

24 (r) In order to encourage patriotism, the sacrifices
25 that veterans have made in serving our country and protecting
26 democratic values worldwide. Such instruction must occur on or
27 before Veterans' Day and Memorial Day. Members of the
28 instructional staff are encouraged to use the assistance of
29 local veterans when practicable.

30 (3) Any student whose parent makes written request to
31 the school principal shall be exempted from the teaching of

1 reproductive health or any disease, including HIV/AIDS, its
2 symptoms, development, and treatment. A student so exempted
3 may not be penalized by reason of that exemption. Course
4 descriptions for comprehensive health education shall not
5 interfere with the local determination of appropriate
6 curriculum which reflects local values and concerns.

7 Section 131. Section 1003.43, Florida Statutes, is
8 created to read:

9 1003.43 General requirements for high school
10 graduation.--

11 (1) Graduation requires successful completion of
12 either a minimum of 24 academic credits in grades 9 through 12
13 or an International Baccalaureate curriculum. The 24 credits
14 shall be distributed as follows:

15 (a) Four credits in English, with major concentration
16 in composition and literature.

17 (b) Three credits in mathematics. Effective for
18 students entering the 9th grade in the 1997-1998 school year
19 and thereafter, one of these credits must be Algebra I, a
20 series of courses equivalent to Algebra I, or a higher-level
21 mathematics course.

22 (c) Three credits in science, two of which must have a
23 laboratory component. The State Board of Education may grant
24 an annual waiver of the laboratory requirement to a district
25 school board that certifies that its laboratory facilities are
26 inadequate, provided the district school board submits a
27 capital outlay plan to provide adequate facilities and makes
28 the funding of this plan a priority of the district school
29 board. Agriscience Foundations I, the core course in secondary
30 Agriscience and Natural Resources programs, counts as one of
31 the science credits.

1 (d) One credit in American history.

2 (e) One credit in world history, including a
3 comparative study of the history, doctrines, and objectives of
4 all major political systems.

5 (f) One-half credit in economics, including a
6 comparative study of the history, doctrines, and objectives of
7 all major economic systems. The Florida Council on Economic
8 Education shall provide technical assistance to the department
9 and district school boards in developing curriculum materials
10 for the study of economics.

11 (g) One-half credit in American government, including
12 study of the Constitution of the United States. For students
13 entering the 9th grade in the 1997-1998 school year and
14 thereafter, the study of Florida government, including study
15 of the State Constitution, the three branches of state
16 government, and municipal and county government, shall be
17 included as part of the required study of American government.

18 (h)1. One credit in practical arts career and
19 technical education or exploratory career and technical
20 education. Any career and technical education course as
21 defined in s. 1003.01 may be taken to satisfy the high school
22 graduation requirement for one credit in practical arts or
23 exploratory career and technical education provided in this
24 subparagraph;

25 2. One credit in performing fine arts to be selected
26 from music, dance, drama, painting, or sculpture. A course in
27 any art form, in addition to painting or sculpture, that
28 requires manual dexterity, or a course in speech and debate,
29 may be taken to satisfy the high school graduation requirement
30 for one credit in performing arts pursuant to this
31 subparagraph; or

1 3. One-half credit each in practical arts career and
2 technical education or exploratory career and technical
3 education and performing fine arts, as defined in this
4 paragraph.

5
6 Such credit for practical arts career and technical education
7 or exploratory career and technical education or for
8 performing fine arts shall be made available in the 9th grade,
9 and students shall be scheduled into a 9th grade course as a
10 priority.

11 (i) One-half credit in life management skills to
12 include consumer education, positive emotional development,
13 marriage and relationship skill-based education, nutrition,
14 prevention of human immunodeficiency virus infection and
15 acquired immune deficiency syndrome and other sexually
16 transmissible diseases, benefits of sexual abstinence and
17 consequences of teenage pregnancy, information and instruction
18 on breast cancer detection and breast self-examination,
19 cardiopulmonary resuscitation, drug education, and the hazards
20 of smoking. Such credit shall be given for a course to be
21 taken by all students in either the 9th or 10th grade.

22 (j) One credit in physical education to include
23 assessment, improvement, and maintenance of personal fitness.
24 Participation in an interscholastic sport at the junior
25 varsity or varsity level, for two full seasons, shall satisfy
26 the one-credit requirement in physical education if the
27 student passes a competency test on personal fitness with a
28 score of "C" or better. The competency test on personal
29 fitness must be developed by the Department of Education. A
30 district school board may not require that the one credit in
31 physical education be taken during the 9th grade year.

1 Completion of one semester with a grade of "C" or better in a
2 marching band class or in a physical activity class that
3 requires participation in marching band activities as an
4 extracurricular activity shall satisfy a one-half credit
5 requirement in physical education. This one-half credit may
6 not be used to satisfy the personal fitness requirement or the
7 requirement for adaptive physical education under an
8 individual educational plan (IEP) or 504 plan.

9 (k) Eight and one-half elective credits.

10
11 District school boards may award a maximum of one-half credit
12 in social studies and one-half elective credit for student
13 completion of nonpaid voluntary community or school service
14 work. Students choosing this option must complete a minimum
15 of 75 hours of service in order to earn the one-half credit in
16 either category of instruction. Credit may not be earned for
17 service provided as a result of court action. District school
18 boards that approve the award of credit for student volunteer
19 service shall develop guidelines regarding the award of the
20 credit, and school principals are responsible for approving
21 specific volunteer activities. A course designated in the
22 Course Code Directory as grade 9 through grade 12 that is
23 taken below the 9th grade may be used to satisfy high school
24 graduation requirements or Florida Academic Scholars award
25 requirements as specified in a district school board's student
26 progression plan. A student shall be granted credit toward
27 meeting the requirements of this subsection for equivalent
28 courses, as identified pursuant to s. 1007.271(6), taken
29 through dual enrollment.

1 (2) Remedial and compensatory courses taken in grades
2 9 through 12 may only be counted as elective credit as
3 provided in subsection (1).

4 (3) Credit for high school graduation may be earned
5 for volunteer activities and nonacademic activities which have
6 been approved for such credit by the State Board of Education.

7 (4)(a) A district school board may require specific
8 courses and programs of study within the minimum credit
9 requirements for high school graduation and shall modify basic
10 courses, as necessary, to assure exceptional students the
11 opportunity to meet the graduation requirements for a standard
12 diploma, using one of the following strategies:

13 1. Assignment of the exceptional student to an
14 exceptional education class for instruction in a basic course
15 with the same student performance standards as those required
16 of nonexceptional students in the district school board
17 student progression plan; or

18 2. Assignment of the exceptional student to a basic
19 education class for instruction that is modified to
20 accommodate the student's exceptionality.

21 (b) The district school board shall determine which of
22 these strategies to employ based upon an assessment of the
23 student's needs and shall reflect this decision in the
24 student's individual educational plan.

25 (c) District school boards are authorized and
26 encouraged to establish requirements for high school
27 graduation in excess of the minimum requirements; however, an
28 increase in academic credit or minimum grade point average
29 requirements shall not apply to those students enrolled in
30 grades 9 through 12 at the time the district school board
31 increases the requirements. In addition, any increase in

1 academic credit or minimum grade point average requirements
2 shall not apply to a student who earns credit toward the
3 graduation requirements of this section for equivalent courses
4 taken through dual enrollment.

5 (5) Each district school board shall establish
6 standards for graduation from its schools, and these standards
7 must include:

8 (a) Earning passing scores on the FCAT, as defined in
9 s. 1008.22(3)(c).

10 (b) Completion of all other applicable requirements
11 prescribed by the district school board pursuant to s.
12 1008.25.

13 (c) Achievement of a cumulative grade point average of
14 1.5 on a 4.0 scale, or its equivalent, for students entering
15 9th grade before the 1997-1998 school year; however, these
16 students must earn a cumulative grade point average of 2.0 on
17 a 4.0 scale, or its equivalent, in the courses required by
18 subsection (1) that are taken after July 1, 1997, or have an
19 overall cumulative grade point average of 2.0 or above.

20 (d) Achievement of a cumulative grade point average of
21 2.0 on a 4.0 scale, or its equivalent, in the courses required
22 by subsection (1), for students entering 9th grade in the
23 1997-1998 school year and thereafter.

24 (e) For purposes of paragraphs (c) and (d):

25 1. Each district school board shall adopt policies
26 designed to assist students in meeting these requirements.
27 These policies may include, but are not limited to:
28 forgiveness policies, summer school or before or after school
29 attendance, special counseling, volunteer and/or peer tutors,
30 school-sponsored help sessions, homework hotlines, and study
31 skills classes. Beginning in the 2000-2001 school year and

1 each year thereafter, forgiveness policies for required
2 courses shall be limited to replacing a grade of "D" or "F,"
3 or the equivalent of a grade of "D" or "F," with a grade of
4 "C" or higher, or the equivalent of a grade of "C" or higher,
5 earned subsequently in the same or comparable course.
6 Forgiveness policies for elective courses shall be limited to
7 replacing a grade of "D" or "F," or the equivalent of a grade
8 of "D" or "F," with a grade of "C" or higher, or the
9 equivalent of a grade of "C" or higher, earned subsequently in
10 another course. Any course grade not replaced according to a
11 district school board forgiveness policy shall be included in
12 the calculation of the cumulative grade point average required
13 for graduation.

14 2. At the end of each semester, the parent of each
15 student in grades 9, 10, 11, and 12 who has a cumulative grade
16 point average of less than 0.5 above the cumulative grade
17 point average required for graduation shall be notified that
18 the student is at risk of not meeting the requirements for
19 graduation. The notice shall contain an explanation of the
20 policies the district school board has in place to assist the
21 student in meeting the grade point average requirement.

22 3. Special assistance to obtain a high school
23 equivalency diploma pursuant to s. 1003.435 may be given only
24 when the student has completed all requirements for graduation
25 except the attainment of the required cumulative grade point
26 average.

27
28 The standards required in this subsection, and any subsequent
29 modifications, shall be reprinted in the Florida
30 Administrative Code even though not defined as "rules."

31

1 (6) The Legislature recognizes that adult learners are
2 unique in situation and needs. The following graduation
3 requirements are therefore instituted for students enrolled in
4 adult general education in accordance with s. 1004.93 in
5 pursuit of a high school diploma:

6 (a) The one credit in physical education required for
7 graduation, pursuant to subsection (1), is not required for
8 graduation and shall be substituted with elective credit
9 keeping the total credits needed for graduation consistent
10 with subsection (1).

11 (b) Each district school board may waive the
12 laboratory component of the science requirement expressed in
13 subsection (1) when such facilities are inaccessible or do not
14 exist.

15 (c) Any course listed within the Department of
16 Education Course Code Directory in the areas of art, dance,
17 drama, or music may be undertaken by adult secondary education
18 students. Enrollment and satisfactory completion of such a
19 course shall satisfy the credit in performing fine arts
20 required for high school graduation pursuant to subsection
21 (1).

22 (7) No student may be granted credit toward high
23 school graduation for enrollment in the following courses or
24 programs:

25 (a) More than a total of nine elective credits in
26 remedial programs.

27 (b) More than one credit in exploratory career
28 education courses as defined in s. 1003.01(4)(a).

29 (c) More than three credits in practical arts family
30 and consumer sciences classes as defined in s. 1003.01(4)(a).

31

1 (d) Any Level I course unless the student's assessment
 2 indicates that a more rigorous course of study would be
 3 inappropriate, in which case a written assessment of the need
 4 must be included in the student's individual educational plan
 5 or in a student performance plan, signed by the principal, the
 6 guidance counselor, and the parent of the student, or the
 7 student if the student is 18 years of age or older.

8 (8) The State Board of Education, after a public
 9 hearing and consideration, shall make provision for
 10 appropriate modification of testing instruments and procedures
 11 for students with identified handicaps or disabilities in
 12 order to ensure that the results of the testing represent the
 13 student's achievement, rather than reflecting the student's
 14 impaired sensory, manual, speaking, or psychological process
 15 skills.

16 (9) A student who meets all requirements prescribed in
 17 subsections (1), (4), and (5) shall be awarded a standard
 18 diploma in a form prescribed by the State Board of Education.
 19 A district school board may attach the Florida gold seal
 20 career and technical endorsement to a standard diploma or,
 21 instead of the standard diploma, award differentiated diplomas
 22 to those exceeding the prescribed minimums. A student who
 23 completes the minimum number of credits and other requirements
 24 prescribed by subsections (1) and (4), but who is unable to
 25 meet the standards of paragraph (5)(a), paragraph (5)(b), or
 26 paragraph (5)(c), shall be awarded a certificate of completion
 27 in a form prescribed by the State Board of Education. However,
 28 any student who is otherwise entitled to a certificate of
 29 completion may elect to remain in the secondary school either
 30 as a full-time student or a part-time student for up to 1
 31

1 additional year and receive special instruction designed to
2 remedy his or her identified deficiencies.

3 (10) The public hearing and consideration required in
4 subsection (8) shall not be construed to amend or nullify the
5 requirements of security relating to the contents of
6 examinations or assessment instruments and related materials
7 or data as prescribed in s. 1008.23.

8 (11) The Commissioner of Education may award a
9 standard high school diploma to honorably discharged veterans
10 who started high school between 1937 and 1946 and were
11 scheduled to graduate between 1941 and 1950 but were inducted
12 into the United States Armed Forces between September 16,
13 1940, and December 31, 1946, prior to completing the necessary
14 high school graduation requirements. Upon the recommendation
15 of the commissioner, the State Board of Education may develop
16 criteria and guidelines for awarding such diplomas.

17 Section 132. Section 1003.435, Florida Statutes, is
18 created to read:

19 1003.435 High school equivalency diploma program.--

20 (1) The State Board of Education shall adopt rules
21 that prescribe performance standards and provide for
22 comprehensive examinations to be administered to candidates
23 for high school equivalency diplomas. Such rules shall
24 include, but are not limited to, provisions for fees,
25 frequency of examinations, and procedures for retaking an
26 examination upon unsatisfactory performance.

27 (2) The department may award high school equivalency
28 diplomas to candidates who meet the performance standards
29 prescribed by the State Board of Education.

30 (3) Each district school board shall offer and
31 administer the high school equivalency diploma examinations

1 and the subject area examinations to all candidates pursuant
2 to rules of the State Board of Education.

3 (4) A candidate for a high school equivalency diploma
4 shall be at least 18 years of age on the date of the
5 examination, except that in extraordinary circumstances, as
6 provided for in rules of the district school board of the
7 district in which the candidate resides or attends school, a
8 candidate may take the examination after reaching the age of
9 16.

10 (5) Each district school board shall develop, in
11 cooperation with the area community college board of trustees,
12 a plan for the provision of advanced instruction for those
13 students who attain satisfactory performance on the high
14 school equivalency examination or the subject area
15 examinations or who demonstrate through other means a
16 readiness to engage in postsecondary-level academic work. The
17 plan shall include provisions for the equitable distribution
18 of generated funds to cover personnel, maintenance, and other
19 costs of offering the advanced instruction. Priority shall be
20 given to programs of advanced instruction offered in high
21 school facilities.

22 (6)(a) All high school equivalency diplomas issued
23 under the provisions of this section shall have equal status
24 with other high school diplomas for all state purposes,
25 including admission to any state university or community
26 college.

27 (b) The State Board of Education shall adopt rules
28 providing for the award of a standard high school diploma to
29 holders of high school equivalency diplomas who are assessed
30 as meeting designated criteria, and the commissioner shall
31 establish procedures for administering the assessment.

1 Section 133. Section 1003.436, Florida Statutes, is
2 created to read:

3 1003.436 Definition of "credit".--

4 (1)(a) For the purposes of requirements for high
5 school graduation, one full credit means a minimum of 135
6 hours of bona fide instruction in a designated course of study
7 that contains student performance standards. The State Board
8 of Education shall determine the number of postsecondary
9 credit hours earned through dual enrollment pursuant to s.
10 1007.271 that satisfy the requirements of a district's
11 interinstitutional articulation agreement according to s.
12 1007.235 and that equal one full credit of the equivalent high
13 school course identified pursuant to s. 1007.271(6).

14 (b) The hourly requirements for one-half credit are
15 one-half the requirements specified in paragraph (a).

16 (2) In awarding credit for high school graduation,
17 each district school board shall maintain a one-half credit
18 earned system that shall include courses provided on a
19 full-year basis. A student enrolled in a full-year course
20 shall receive one-half credit if the student successfully
21 completes either the first half or the second half of a
22 full-year course but fails to successfully complete the other
23 half of the course and the averaging of the grades obtained in
24 each half would not result in a passing grade. A student
25 enrolled in a full-year course shall receive a full credit if
26 the student successfully completes either the first half or
27 the second half of a full-year course but fails to
28 successfully complete the other half of the course and the
29 averaging of the grades obtained in each half would result in
30 a passing grade, provided that such additional requirements
31 specified in district school board policies, such as class

1 attendance, homework, participation, and other indicators of
2 performance, shall be successfully completed by the student.

3 Section 134. Section 1003.437, Florida Statutes, is
4 created to read:

5 1003.437 High school grading system.--The grading
6 system and interpretation of letter grades used in public high
7 schools shall be as follows:

8 (1) Grade "A" equals 90 percent through 100 percent,
9 has a grade point average value of 4, and is defined as
10 "outstanding progress."

11 (2) Grade "B" equals 80 percent through 89 percent,
12 has a grade point average value of 3, and is defined as "above
13 average progress."

14 (3) Grade "C" equals 70 percent through 79 percent,
15 has a grade point average value of 2, and is defined as
16 "average progress."

17 (4) Grade "D" equals 60 percent through 69 percent,
18 has a grade point average value of 1, and is defined as
19 "lowest acceptable progress."

20 (5) Grade "F" equals zero percent through 59 percent,
21 has a grade point average value of zero, and is defined as
22 "failure."

23 (6) Grade "I" equals zero percent, has a grade point
24 average value of zero, and is defined as "incomplete."

25
26 For the purposes of class ranking, district school boards may
27 exercise a weighted grading system.

28 Section 135. Section 1003.438, Florida Statutes, is
29 created to read:

30 1003.438 Special high school graduation requirements
31 for certain exceptional students.--A student who has been

1 properly classified, in accordance with rules established by
2 the State board of Education, as "educable mentally
3 handicapped," "trainable mentally handicapped," "hearing
4 impaired," "specific learning disabled," "physically or
5 language impaired," or "emotionally handicapped" shall not be
6 required to meet all requirements of s. 1003.43 and shall,
7 upon meeting all applicable requirements prescribed by the
8 district school board pursuant to s. 1008.25, be awarded a
9 special diploma in a form prescribed by the commissioner;
10 however, such special graduation requirements prescribed by
11 the district school board must include minimum graduation
12 requirements as prescribed by the commissioner. Any such
13 student who meets all special requirements of the district
14 school board for exceptionality, but is unable to meet the
15 appropriate special state minimum requirements, shall be
16 awarded a special certificate of completion in a form
17 prescribed by the commissioner. A student who has been
18 properly classified as "profoundly handicapped" and who meets
19 the special requirements of the district school board for a
20 special diploma in accordance with requirements for any
21 exceptional student identified in this section shall be
22 awarded a special diploma; however, such a student shall
23 alternatively be eligible for a special certificate of
24 completion, in a form prescribed by the commissioner, if all
25 school requirements for students who are "profoundly
26 handicapped" have been met. However, this section does not
27 limit or restrict the right of an exceptional student solely
28 to a special diploma or special certificate of completion.
29 Any such student shall, upon proper request, be afforded the
30 opportunity to fully meet all requirements of s. 1003.43
31

1 through the standard procedures established therein and
2 thereby to qualify for a standard diploma upon graduation.

3 Section 136. Section 1003.44, Florida Statutes, is
4 created to read:

5 1003.44 Patriotic programs; rules.--

6 (1) Each district school board may adopt rules to
7 require, in all of the schools of the district, programs of a
8 patriotic nature to encourage greater respect for the
9 government of the United States and its national anthem and
10 flag, subject always to other existing pertinent laws of the
11 United States or of the state. When the national anthem is
12 played, students and all civilians shall stand at attention,
13 men removing the headdress, except when such headdress is worn
14 for religious purposes. The pledge of allegiance to the flag,
15 "I pledge allegiance to the flag of the United States of
16 America and to the republic for which it stands, one nation
17 under God, indivisible, with liberty and justice for all,"
18 shall be rendered by students standing with the right hand
19 over the heart. The pledge of allegiance to the flag shall be
20 recited at the beginning of the day in each public elementary,
21 middle, and high school in the state. Each student shall be
22 informed by posting a notice in a conspicuous place that the
23 student has the right not to participate in reciting the
24 pledge. Upon written request by his or her parent, the student
25 must be excused from reciting the pledge. When the pledge is
26 given, civilians must show full respect to the flag by
27 standing at attention, men removing the headdress, except when
28 such headdress is worn for religious purposes, as provided by
29 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
30 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
31 December 22, 1942.

1 (2) Each district school board may allow any teacher
 2 or administrator to read, or to post in a public school
 3 building or classroom or at any school-related event, any
 4 excerpt or portion of the following historic material: the
 5 national motto; the national anthem; the pledge of allegiance;
 6 the Constitution of the State of Florida, including the
 7 Preamble; the Constitution of the United States, including the
 8 Preamble; the Bill of Rights; the Declaration of Independence;
 9 the Mayflower Compact; the Emancipation Proclamation; the
 10 writings, speeches, documents, and proclamations of the
 11 presidents of the United States, the signers of the
 12 Constitution of the United States and the Declaration of
 13 Independence, and civil rights leaders; and decisions of the
 14 United States Supreme Court. However, any material that is
 15 read, posted, or taught pursuant to this provision may be
 16 presented only from a historical perspective and in a
 17 nonproselytizing manner. When less than an entire document is
 18 used, the excerpt or portion must include as much material as
 19 is reasonably necessary to reflect the sentiment of the entire
 20 document and avoid expressing statements out of the context in
 21 which they were originally made. If the material refers to
 22 laws or judicial decisions that have been superseded, the
 23 material must be accompanied by a statement indicating that
 24 such law or decision is no longer the law of the land. No
 25 material shall be selected to advance a particular religious,
 26 political, or sectarian purpose. The department shall
 27 distribute a copy of this section to each district school
 28 board, whereupon each district school superintendent shall
 29 distribute a copy to all teachers and administrators.

30 Section 137. Section 1003.45, Florida Statutes, is
 31 created to read:

1 1003.45 Permitting study of the Bible and religion;
2 permitting brief meditation period.--

3 (1) The district school board may install in the
4 public schools in the district a secular program of education
5 including, but not limited to, an objective study of the Bible
6 and of religion.

7 (2) The district school board may provide that a brief
8 period, not to exceed 2 minutes, for the purpose of silent
9 prayer or meditation be set aside at the start of each school
10 day or each school week in the public schools in the district.

11 Section 138. Section 1003.46, Florida Statutes, is
12 created to read:

13 1003.46 Health education; instruction in acquired
14 immune deficiency syndrome.--

15 (1) Each district school board may provide instruction
16 in acquired immune deficiency syndrome education as a specific
17 area of health education. Such instruction may include, but
18 is not limited to, the known modes of transmission, signs and
19 symptoms, risk factors associated with acquired immune
20 deficiency syndrome, and means used to control the spread of
21 acquired immune deficiency syndrome. The instruction shall be
22 appropriate for the grade and age of the student and shall
23 reflect current theory, knowledge, and practice regarding
24 acquired immune deficiency syndrome and its prevention.

25 (2) Throughout instruction in acquired immune
26 deficiency syndrome, sexually transmitted diseases, or health
27 education, when such instruction and course material contains
28 instruction in human sexuality, a school shall:

29 (a) Teach abstinence from sexual activity outside of
30 marriage as the expected standard for all school-age students

31

1 while teaching the benefits of monogamous heterosexual
2 marriage.

3 (b) Emphasize that abstinence from sexual activity is
4 a certain way to avoid out-of-wedlock pregnancy, sexually
5 transmitted diseases, including acquired immune deficiency
6 syndrome, and other associated health problems.

7 (c) Teach that each student has the power to control
8 personal behavior and encourage students to base actions on
9 reasoning, self-esteem, and respect for others.

10 (d) Provide instruction and material that is
11 appropriate for the grade and age of the student.

12 Section 139. Section 1003.47, Florida Statutes, is
13 created to read:

14 1003.47 Biological experiments on living subjects.--

15 (1) It is the intent of the Legislature with respect
16 to biological experiments involving living subjects by
17 students in grades K through 12 that:

18 (a) No surgery or dissection shall be performed on any
19 living mammalian vertebrate or bird. Dissection may be
20 performed on nonliving mammals or birds secured from a
21 recognized source of such specimens and under supervision of
22 qualified instructors. Students may be excused upon written
23 request of a parent.

24 (b) Lower orders of life and invertebrates may be used
25 in such experiments.

26 (c) Nonmammalian vertebrates, excluding birds, may be
27 used in biological experiments, provided that physiological
28 harm does not result from such experiments. Anatomical
29 studies shall only be conducted on models that are
30 anatomically correct for the animal being studied or on
31 nonliving nonmammalian vertebrates secured and from a

1 recognized source of such specimens and under the supervision
2 of qualified instructors. Students may be excused from such
3 experiments upon written request of the parent.

4 (d) Observational studies of animals in the wild or in
5 zoological parks, gardens, or aquaria, or of pets, fish,
6 domestic animals, or livestock may be conducted.

7 (e) Studies of vertebrate animal cells, such as red
8 blood cells or other tissue cells, plasma or serum, or
9 anatomical specimens, such as organs, tissues, or skeletons,
10 purchased or acquired from biological supply houses or
11 research facilities or from wholesale or retail establishments
12 that supply carcasses or parts of food animals may be
13 conducted.

14 (f) Normal physiological and behavioral studies of the
15 human animal may be conducted, provided that such projects are
16 carefully selected so that neither physiological or
17 psychological harm to the subject can result from such
18 studies.

19 (g) All experiments shall be carried out under the
20 supervision of a competent science teacher who shall be
21 responsible for ensuring that the student has the necessary
22 comprehension for the study to be undertaken. Whenever
23 feasible, specifically qualified experts in the field should
24 be consulted.

25 (h) Live animals on the premises of public and private
26 elementary, middle, and high schools shall be housed and cared
27 for in a humane and safe manner. Animals shall not remain on
28 the premises of any school during periods when such school is
29 not in session, unless adequate care is provided for such
30 animals.

31

1 (2) The provisions of this section shall not be
2 construed to prohibit or constrain conventional instruction in
3 the normal practices of animal husbandry or exhibition of any
4 livestock in connection with any agricultural program or
5 instruction of advanced students participating in advanced
6 research, scientific studies, or projects.

7 (3) If any instructional employee of a public high
8 school or area technical center knowingly or intentionally
9 fails or refuses to comply with any of the provisions of this
10 section, the district school board may suspend, dismiss,
11 return to annual contract, or otherwise discipline such
12 employee as provided in s. 1012.22(1)(f) in accordance with
13 procedures established in chapter 1012. If any instructional
14 employee of any private school knowingly or intentionally
15 fails or refuses to comply with the provisions of this
16 section, the governing authority of the private school may
17 suspend, dismiss, or otherwise discipline such employee in
18 accordance with its standard personnel procedures.

19 Section 140. Section 1003.48, Florida Statutes, is
20 created to read:

21 1003.48 Instruction in operation of motor vehicles.--

22 (1) A course of study and instruction in the safe and
23 lawful operation of a motor vehicle shall be made available by
24 each district school board to students in the secondary
25 schools in the state. As used in this section, the term
26 "motor vehicle" shall have the same meaning as in s.
27 320.01(1)(a) and shall include motorcycles and mopeds.
28 Instruction in motorcycle or moped operation may be limited to
29 classroom instruction. The course shall not be made a part
30 of, or a substitute for, any of the minimum requirements for
31 graduation.

1 (2) In order to make such a course available to any
2 secondary school student, the district school board may use
3 any one of the following procedures or any combination
4 thereof:

5 (a) Utilize instructional personnel employed by the
6 district school board.

7 (b) Contract with a commercial driving school licensed
8 under the provisions of chapter 488.

9 (c) Contract with an instructor certified under the
10 provisions of chapter 488.

11 (3)(a) District school boards shall earn funds on
12 full-time equivalent students at the appropriate basic program
13 cost factor, regardless of the method by which such courses
14 are offered.

15 (b) For the purpose of financing the Driver Education
16 Program in the secondary schools, there shall be levied an
17 additional 50 cents per year to the driver's license fee
18 required by s. 322.21. The additional fee shall be promptly
19 remitted to the Department of Highway Safety and Motor
20 Vehicles, which shall transmit the fee to the Treasurer to be
21 deposited in the General Revenue Fund.

22 (4) The district school board shall prescribe
23 standards for the course required by this section and for
24 instructional personnel directly employed by the district
25 school board. Any certified instructor or licensed commercial
26 driving school shall be deemed sufficiently qualified and
27 shall not be required to meet any standards in lieu of or in
28 addition to those prescribed under chapter 488.

29 Section 141. Section 1003.49, Florida Statutes, is
30 created to read:

31

1 1003.49 Graduation and promotion requirements for
2 publicly operated schools.--

3 (1) Each state or local public agency, including the
4 Department of Children and Family Services, the Department of
5 Corrections, the boards of trustees of universities and
6 community colleges, and the Board of Trustees of the Florida
7 School for the Deaf and the Blind, which agency is authorized
8 to operate educational programs for students at any level of
9 grades kindergarten through 12 shall be subject to all
10 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.
11 Within the content of these cited statutes each such state or
12 local public agency or entity shall be considered a "district
13 school board."

14 (2) The Commissioner of Education shall establish
15 procedures to extend the state-administered assessment program
16 to school programs operated by such state or local public
17 agencies or entities in the same manner and to the same extent
18 as such program is administered in each district school
19 system.

20 Section 142. Section 1003.491, Florida Statutes, is
21 created to read:

22 1003.491 Career and technical education.--

23 (1) School board, superintendent, and school
24 accountability for career and technical education within
25 elementary and secondary schools includes, but is not limited
26 to:

27 (a) Student exposure to a variety of careers and
28 provision of instruction to explore specific careers in
29 greater depth.

30
31

1 (b) Student awareness of available career and
2 technical programs and the corresponding occupations into
3 which such programs lead.

4 (c) Student development of individual career plans.

5 (d) Integration of academic and career and technical
6 skills in the secondary curriculum.

7 (e) Student preparation to enter the workforce and
8 enroll in postsecondary education without being required to
9 complete college-preparatory or career and
10 technical-preparatory instruction.

11 (f) Student retention in school through high school
12 graduation.

13 (g) Career and technical curriculum articulation with
14 corresponding postsecondary programs in the local area
15 technical center or community college, or both.

16 (2) No school board or public school shall require a
17 student to participate in any school-to-work or job training
18 program. A district school board or school shall not require a
19 student to meet occupational standards for grade level
20 promotion or graduation unless the student is voluntarily
21 enrolled in a job training program.

22 Section 143. Part V of chapter 1003, Florida Statutes,
23 shall be entitled "Specialized Instruction For Certain Public
24 K-12 Students" and shall consist of ss. 1003.51-1003.58.

25 Section 144. Section 1003.51, Florida Statutes, is
26 created to read:

27 1003.51 Other public educational services.--

28 (1) The general control of other public educational
29 services shall be vested in the State Board of Education
30 except as provided herein. The State Board of Education
31 shall, at the request of the Department of Children and Family

1 Services and the Department of Juvenile Justice, advise as to
 2 standards and requirements relating to education to be met in
 3 all state schools or institutions under their control which
 4 provide educational programs. The Department of Education
 5 shall provide supervisory services for the educational
 6 programs of all such schools or institutions. The direct
 7 control of any of these services provided as part of the
 8 district program of education shall rest with the district
 9 school board. These services shall be supported out of state,
 10 district, federal, or other lawful funds, depending on the
 11 requirements of the services being supported.

12 (2) The State Board of Education shall adopt and
 13 maintain an administrative rule articulating expectations for
 14 high-quality, effective education programs for youth in
 15 Department of Juvenile Justice programs, including, but not
 16 limited to, education programs in juvenile justice commitment
 17 and detention facilities. The rule shall articulate policies
 18 and standards for education programs for youth in Department
 19 of Juvenile Justice programs and shall include the following:

20 (a) The interagency collaborative process needed to
 21 ensure effective programs with measurable results.

22 (b) The responsibilities of the Department of
 23 Education, the Department of Juvenile Justice, district school
 24 boards, and providers of education services to youth in
 25 Department of Juvenile Justice programs.

26 (c) Academic expectations.

27 (d) Service delivery options available to district
 28 school boards, including direct service and contracting.

29 (e) Assessment procedures, which:

30 1. Include appropriate academic and career and
 31 technical assessments administered at program entry and exit

1 that are selected by the Department of Education in
2 partnership with representatives from the Department of
3 Juvenile Justice, district school boards, and providers.

4 2. Require district school boards to be responsible
5 for ensuring the completion of the assessment process.

6 3. Require assessments for students in detention who
7 will move on to commitment facilities, to be designed to
8 create the foundation for developing the student's education
9 program in the assigned commitment facility.

10 4. Require assessments of students sent directly to
11 commitment facilities to be completed within the first week of
12 the student's commitment.

13
14 The results of these assessments, together with a portfolio
15 depicting the student's academic and career and technical
16 accomplishments, shall be included in the discharge package
17 assembled for each youth.

18 (f) Recommended instructional programs, including, but
19 not limited to, career and technical training and job
20 preparation.

21 (g) Funding requirements, which shall include the
22 requirement that at least 80 percent of the FEFP funds
23 generated by students in Department of Juvenile Justice
24 programs be spent on instructional costs for those students.
25 One hundred percent of the formula-based categorical funds
26 generated by students in Department of Juvenile Justice
27 programs must be spent on appropriate categoricals such as
28 instructional materials and public school technology for those
29 students.

1 (h) Qualifications of instructional staff, procedures
2 for the selection of instructional staff, and procedures to
3 ensure consistent instruction and qualified staff year round.

4 (i) Transition services, including the roles and
5 responsibilities of appropriate personnel in school districts,
6 provider organizations, and the Department of Juvenile
7 Justice.

8 (j) Procedures and timeframe for transfer of education
9 records when a youth enters and leaves a facility.

10 (k) The requirement that each district school board
11 maintain an academic transcript for each student enrolled in a
12 juvenile justice facility that delineates each course
13 completed by the student as provided by the State Course Code
14 Directory.

15 (l) The requirement that each district school board
16 make available and transmit a copy of a student's transcript
17 in the discharge packet when the student exits a facility.

18 (m) Contract requirements.

19 (n) Performance expectations for providers and
20 district school boards, including the provision of an academic
21 improvement plan as required in s. 1008.25.

22 (o) The role and responsibility of the district school
23 board in securing workforce development funds.

24 (p) A series of graduated sanctions for district
25 school boards whose educational programs in Department of
26 Juvenile Justice facilities are considered to be
27 unsatisfactory and for instances in which district school
28 boards fail to meet standards prescribed by law, rule, or
29 State Board of Education policy. These sanctions shall include
30 the option of requiring a district school board to contract
31 with a provider or another district school board if the

1 educational program at the Department of Juvenile Justice
2 facility has failed a quality assurance review and, after 6
3 months, is still performing below minimum standards.

4 (g) Other aspects of program operations.

5 (3) The Department of Education in partnership with
6 the Department of Juvenile Justice, the district school
7 boards, and providers shall:

8 (a) Maintain model contracts for the delivery of
9 appropriate education services to youth in Department of
10 Juvenile Justice programs to be used for the development of
11 future contracts. The model contracts shall reflect the policy
12 and standards included in subsection (2). The Department of
13 Education shall ensure that appropriate district school board
14 personnel are trained and held accountable for the management
15 and monitoring of contracts for education programs for youth
16 in juvenile justice residential and nonresidential facilities.

17 (b) Maintain model procedures for transitioning youth
18 into and out of Department of Juvenile Justice programs. These
19 procedures shall reflect the policy and standards adopted
20 pursuant to subsection (2).

21 (c) Maintain standardized required content of
22 education records to be included as part of a youth's
23 commitment record. These requirements shall reflect the policy
24 and standards adopted pursuant to subsection (2) and shall
25 include, but not be limited to, the following:

26 1. A copy of the student's individual educational
27 plan.

28 2. Assessment data, including grade level proficiency
29 in reading, writing, and mathematics, and performance on tests
30 taken according to s. 1008.22.

31

1 3. A copy of the student's permanent cumulative
2 record.

3 4. A copy of the student's academic transcript.

4 5. A portfolio reflecting the youth's academic
5 accomplishments while in the Department of Juvenile Justice
6 program.

7 (d) Maintain model procedures for securing the
8 education record and the roles and responsibilities of the
9 juvenile probation officer and others involved in the
10 withdrawal of the student from school and assignment to a
11 commitment or detention facility. District school boards shall
12 respond to requests for student education records received
13 from another district school board or a juvenile justice
14 facility within 5 working days after receiving the request.

15 (4) The Department of Education shall ensure that
16 district school boards notify students in juvenile justice
17 residential or nonresidential facilities who attain the age of
18 16 years of the provisions of law regarding compulsory school
19 attendance and make available the option of enrolling in a
20 program to attain a Florida high school diploma by taking the
21 general educational development test prior to release from the
22 facility. District school boards or community colleges, or
23 both, shall waive GED testing fees for youth in Department of
24 Juvenile Justice residential programs and shall, upon request,
25 designate schools operating for the purpose of providing
26 educational services to youth in Department of Juvenile
27 Justice programs as GED testing centers, subject to GED
28 testing center requirements. The administrative fees for the
29 general education development test required by the Department
30 of Education are the responsibility of district school boards
31 and may be required of providers by contractual agreement.

1 (5) The Department of Education shall establish and
2 operate, either directly or indirectly through a contract, a
3 mechanism to provide quality assurance reviews of all juvenile
4 justice education programs and shall provide technical
5 assistance and related research to district school boards and
6 providers on how to establish, develop, and operate
7 educational programs that exceed the minimum quality assurance
8 standards.

9 Section 145. Section 1003.52, Florida Statutes, is
10 created to read:

11 1003.52 Educational services in Department of Juvenile
12 Justice programs.--

13 (1) The Legislature finds that education is the single
14 most important factor in the rehabilitation of adjudicated
15 delinquent youth in the custody of the Department of Juvenile
16 Justice in detention or commitment facilities. It is the goal
17 of the Legislature that youth in the juvenile justice system
18 continue to be given the opportunity to receive a high-quality
19 education. The Department of Education shall serve as the lead
20 agency for juvenile justice education programs, curriculum,
21 support services, and resources. To this end, the Department
22 of Education and the Department of Juvenile Justice shall each
23 designate a Coordinator for Juvenile Justice Education
24 Programs to serve as the point of contact for resolving issues
25 not addressed by district school boards and to provide each
26 department's participation in the following activities:

27 (a) Training, collaborating, and coordinating with the
28 Department of Juvenile Justice, district school boards,
29 educational contract providers, and juvenile justice
30 providers, whether state operated or contracted.
31

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

1 (10) The district school board shall recruit and train
 2 teachers who are interested, qualified, or experienced in
 3 educating students in juvenile justice programs. Students in
 4 juvenile justice programs shall be provided a wide range of
 5 educational programs and opportunities including textbooks,
 6 technology, instructional support, and other resources
 7 available to students in public schools. Teachers assigned to
 8 educational programs in juvenile justice settings in which the
 9 district school board operates the educational program shall
 10 be selected by the district school board in consultation with
 11 the director of the juvenile justice facility. Educational
 12 programs in juvenile justice facilities shall have access to
 13 the substitute teacher pool utilized by the district school
 14 board. Full-time teachers working in juvenile justice schools,
 15 whether employed by a district school board or a provider,
 16 shall be eligible for the critical teacher shortage tuition
 17 reimbursement program as defined by s. 1009.58.

18 (11) District school boards may contract with a
 19 private provider for the provision of educational programs to
 20 youths placed with the Department of Juvenile Justice and
 21 shall generate local, state, and federal funding, including
 22 funding through the Florida Education Finance Program for such
 23 students. The district school board's planning and budgeting
 24 process shall include the needs of Department of Juvenile
 25 Justice programs in the district school board's plan for
 26 expenditures for state categorical and federal funds.

27 (12) The district school board shall fund the
 28 educational program in a Department of Juvenile Justice
 29 facility at the same or higher level of funding for equivalent
 30 students in the district school system based on the funds
 31 generated by state funding through the Florida Education

1 Finance Program for such students. It is the intent of the
2 Legislature that the school district maximize its available
3 local, state, and federal funding to a juvenile justice
4 program.

5 (a) Juvenile justice educational programs shall be
6 funded in the appropriate FEFP program based on the
7 educational services needed by the student for Department of
8 Juvenile Justice programs in accordance with s. 1011.62.

9 (b) Juvenile justice educational programs to receive
10 the appropriate FEFP funding for Department of Juvenile
11 Justice programs shall include those operated through a
12 contract with the Department of Juvenile Justice and which are
13 under purview of the Department of Juvenile Justice quality
14 assurance standards for education.

15 (c) Consistent with the rules of the State Board of
16 Education, district school boards are required to request an
17 alternative FTE survey for Department of Juvenile Justice
18 programs experiencing fluctuations in student enrollment.

19 (d) FTE count periods shall be prescribed in rules of
20 the State Board of Education and shall be the same for
21 programs of the Department of Juvenile Justice as for other
22 public school programs. The summer school period for students
23 in Department of Juvenile Justice programs shall begin on the
24 day immediately following the end of the regular school year
25 and end on the day immediately preceding the subsequent
26 regular school year. Students shall be funded for no more than
27 25 hours per week of direct instruction.

28 (13) Each district school board shall negotiate a
29 cooperative agreement with the Department of Juvenile Justice
30 on the delivery of educational services to youths under the
31

1 jurisdiction of the Department of Juvenile Justice. Such
2 agreement must include, but is not limited to:

3 (a) Roles and responsibilities of each agency,
4 including the roles and responsibilities of contract
5 providers.

6 (b) Administrative issues including procedures for
7 sharing information.

8 (c) Allocation of resources including maximization of
9 local, state, and federal funding.

10 (d) Procedures for educational evaluation for
11 educational exceptionalities and special needs.

12 (e) Curriculum and delivery of instruction.

13 (f) Classroom management procedures and attendance
14 policies.

15 (g) Procedures for provision of qualified
16 instructional personnel, whether supplied by the district
17 school board or provided under contract by the provider, and
18 for performance of duties while in a juvenile justice setting.

19 (h) Provisions for improving skills in teaching and
20 working with juvenile delinquents.

21 (i) Transition plans for students moving into and out
22 of juvenile facilities.

23 (j) Procedures and timelines for the timely
24 documentation of credits earned and transfer of student
25 records.

26 (k) Methods and procedures for dispute resolution.

27 (l) Provisions for ensuring the safety of education
28 personnel and support for the agreed-upon education program.

29 (m) Strategies for correcting any deficiencies found
30 through the quality assurance process.

31

1 (14) Nothing in this section or in a cooperative
2 agreement shall be construed to require the district school
3 board to provide more services than can be supported by the
4 funds generated by students in the juvenile justice programs.

5 (15)(a) The Department of Education in consultation
6 with the Department of Juvenile Justice, district school
7 boards, and providers shall establish objective and measurable
8 quality assurance standards for the educational component of
9 residential and nonresidential juvenile justice facilities.
10 These standards shall rate the district school board's
11 performance both as a provider and contractor. The quality
12 assurance rating for the educational component shall be
13 disaggregated from the overall quality assurance score and
14 reported separately.

15 (b) The Department of Education shall develop a
16 comprehensive quality assurance review process and schedule
17 for the evaluation of the educational component in juvenile
18 justice programs. The Department of Juvenile Justice quality
19 assurance site visit and the education quality assurance site
20 visit shall be conducted during the same visit.

21 (c) The Department of Education, in consultation with
22 district school boards and providers, shall establish minimum
23 thresholds for the standards and key indicators for
24 educational programs in juvenile justice facilities. If a
25 district school board fails to meet the established minimum
26 standards, it will be given 6 months to achieve compliance
27 with the standards. If after 6 months, the district school
28 board's performance is still below minimum standards, the
29 Department of Education shall exercise sanctions as prescribed
30 by rules adopted by the State Board of Education. If a
31 provider, under contract with the district school board, fails

1 to meet minimum standards, such failure shall cause the
2 district school board to cancel the provider's contract unless
3 the provider achieves compliance within 6 months or unless
4 there are documented extenuating circumstances.

5 (16) The district school board shall not be charged
6 any rent, maintenance, utilities, or overhead on such
7 facilities. Maintenance, repairs, and remodeling of existing
8 facilities shall be provided by the Department of Juvenile
9 Justice.

10 (17) When additional facilities are required, the
11 district school board and the Department of Juvenile Justice
12 shall agree on the appropriate site based on the instructional
13 needs of the students. When the most appropriate site for
14 instruction is on district school board property, a special
15 capital outlay request shall be made by the commissioner in
16 accordance with s. 1013.60. When the most appropriate site is
17 on state property, state capital outlay funds shall be
18 requested by the Department of Juvenile Justice provided by s.
19 216.043 and shall be submitted as specified by s. 216.023.
20 Any instructional facility to be built on state property shall
21 have educational specifications jointly developed by the
22 district school board and the Department of Juvenile Justice
23 and approved by the Department of Education. The size of
24 space and occupant design capacity criteria as provided by
25 State Board of Education rules shall be used for remodeling or
26 new construction whether facilities are provided on state
27 property or district school board property.

28 (18) The parent of an exceptional student shall have
29 the due process rights provided for in chapter 1003.

30 (19) Department of Juvenile Justice detention and
31 commitment programs may be designated as second chance schools

1 pursuant to s. 1003.53(1)(d). Admission to such programs shall
2 be governed by chapter 985.

3 (20) The Department of Education and the Department of
4 Juvenile Justice, after consultation with and assistance from
5 local providers and district school boards, shall report
6 annually to the Legislature by February 1 on the progress
7 towards developing effective educational programs for juvenile
8 delinquents, including the amount of funding provided by
9 district school boards to juvenile justice programs, the
10 amount retained for administration including documenting the
11 purposes for such expenses, the status of the development of
12 cooperative agreements, the results of the quality assurance
13 reviews including recommendations for system improvement, and
14 information on the identification of, and services provided
15 to, exceptional students in juvenile justice commitment
16 facilities to determine whether these students are properly
17 reported for funding and are appropriately served.

18 (21) The educational programs at the Arthur Dozier
19 School for Boys in Jackson County and the Florida School for
20 Boys in Okeechobee shall be operated by the Department of
21 Education, either directly or through grants or contractual
22 agreements with other public or duly accredited education
23 agencies approved by the Department of Education.

24 (22) The State Board of Education may adopt any rules
25 necessary to implement the provisions of this section,
26 including uniform curriculum, funding, and second chance
27 schools. Such rules shall require the minimum amount of
28 paperwork and reporting.

29 (23) The Department of Juvenile Justice and the
30 Department of Education shall, in consultation with the
31 statewide Workforce Development Youth Council, district school

1 boards, providers, and others, jointly develop a multiagency
2 plan for career and technical education which describes the
3 curriculum, goals, and outcome measures for career and
4 technical education programming in juvenile commitment
5 facilities, pursuant to s. 985.3155.

6 Section 146. Section 1003.53, Florida Statutes, is
7 created to read:

8 1003.53 Dropout prevention and academic
9 intervention.--

10 (1)(a) Dropout prevention and academic intervention
11 programs may differ from traditional educational programs and
12 schools in scheduling, administrative structure, philosophy,
13 curriculum, or setting and shall employ alternative teaching
14 methodologies, curricula, learning activities, and diagnostic
15 and assessment procedures in order to meet the needs,
16 interests, abilities, and talents of eligible students. The
17 educational program shall provide curricula, character
18 development and law education, and related services that
19 support the program goals and lead to improved performance in
20 the areas of academic achievement, attendance, and discipline.
21 Student participation in such programs shall be voluntary.
22 District school boards may, however, assign students to a
23 program for disruptive students. Notwithstanding any other
24 provision of law to the contrary, no student shall be
25 identified as being eligible to receive services funded
26 through the dropout prevention and academic intervention
27 program based solely on the student being from a single-parent
28 family.

29 (b) Students in grades 1-12 shall be eligible for
30 dropout prevention and academic intervention programs.
31 Eligible students shall be reported in the appropriate basic

1 cost factor in the Florida Education Finance Program. The
2 strategies and supports provided to eligible students shall be
3 funded through the General Appropriations Act and may include,
4 but are not limited to, those services identified on the
5 student's academic intervention plan.

6 (c) A student shall be identified as being eligible to
7 receive services funded through the dropout prevention and
8 academic intervention program based upon one of the following
9 criteria:

10 1. The student is academically unsuccessful as
11 evidenced by low test scores, retention, failing grades, low
12 grade point average, falling behind in earning credits, or not
13 meeting the state or district proficiency levels in reading,
14 mathematics, or writing.

15 2. The student has a pattern of excessive absenteeism
16 or has been identified as a habitual truant.

17 3. The student has a history of disruptive behavior in
18 school or has committed an offense that warrants out-of-school
19 suspension or expulsion from school according to the district
20 school board's code of student conduct. For the purposes of
21 this program, "disruptive behavior" is behavior that:

22 a. Interferes with the student's own learning or the
23 educational process of others and requires attention and
24 assistance beyond that which the traditional program can
25 provide or results in frequent conflicts of a disruptive
26 nature while the student is under the jurisdiction of the
27 school either in or out of the classroom; or

28 b. Severely threatens the general welfare of students
29 or others with whom the student comes into contact.

30 (d)1. "Second chance schools" means district school
31 board programs provided through cooperative agreements between

1 the Department of Juvenile Justice, private providers, state
 2 or local law enforcement agencies, or other state agencies for
 3 students who have been disruptive or violent or who have
 4 committed serious offenses. As partnership programs, second
 5 chance schools are eligible for waivers by State Board of
 6 Education rules from statutory requirements that prevent the
 7 provision of appropriate educational services to violent,
 8 severely disruptive, or delinquent students in small
 9 nontraditional settings or in court-adjudicated settings.

10 2. District school boards seeking to enter into a
 11 partnership with a private entity or public entity to operate
 12 a second chance school for disruptive students may apply to
 13 the Department of Education for startup grants. These grants
 14 must be available for 1 year and must be used to offset the
 15 startup costs for implementing such programs off public school
 16 campuses. General operating funds must be generated through
 17 the appropriate programs of the Florida Education Finance
 18 Program. Grants approved under this program shall be for the
 19 full operation of the school by a private nonprofit or
 20 for-profit provider or the public entity. This program must
 21 operate under rules adopted by the State Board of Education
 22 and be implemented to the extent funded by the Legislature.

23 3. A student enrolled in a sixth, seventh, eighth,
 24 ninth, or tenth grade class may be assigned to a second chance
 25 school if the student meets the following criteria:

26 a. The student is a habitual truant as defined in s.
 27 1003.01.

28 b. The student's excessive absences have detrimentally
 29 affected the student's academic progress and the student may
 30 have unique needs that a traditional school setting may not
 31 meet.

1 c. The student's high incidences of truancy have been
2 directly linked to a lack of motivation.

3 d. The student has been identified as at risk of
4 dropping out of school.

5 4. A student who is habitually truant may be assigned
6 to a second chance school only if the case staffing committee,
7 established pursuant to s. 984.12, determines that such
8 placement could be beneficial to the student and the criteria
9 included in subparagraph 3. are met.

10 5. A student may be assigned to a second chance school
11 if the district school board in which the student resides has
12 a second chance school and if the student meets one of the
13 following criteria:

14 a. The student habitually exhibits disruptive behavior
15 in violation of the code of student conduct adopted by the
16 district school board.

17 b. The student interferes with the student's own
18 learning or the educational process of others and requires
19 attention and assistance beyond that which the traditional
20 program can provide, or, while the student is under the
21 jurisdiction of the school either in or out of the classroom,
22 frequent conflicts of a disruptive nature occur.

23 c. The student has committed a serious offense which
24 warrants suspension or expulsion from school according to the
25 district school board's code of student conduct. For the
26 purposes of this program, "serious offense" is behavior which:

27 (I) Threatens the general welfare of students or
28 others with whom the student comes into contact;

29 (II) Includes violence;

30 (III) Includes possession of weapons or drugs; or

31

1 (IV) Is harassment or verbal abuse of school personnel
2 or other students.

3 6. Prior to assignment of students to second chance
4 schools, district school boards are encouraged to use
5 alternative programs, such as in-school suspension, which
6 provide instruction and counseling leading to improved student
7 behavior, a reduction in the incidence of truancy, and the
8 development of more effective interpersonal skills.

9 7. Students assigned to second chance schools must be
10 evaluated by the district school board's child study team
11 before placement in a second chance school. The study team
12 shall ensure that students are not eligible for placement in a
13 program for emotionally disturbed children.

14 8. Students who exhibit academic and social progress
15 and who wish to return to a traditional school shall complete
16 a character development and law education program and
17 demonstrate preparedness to reenter the regular school setting
18 prior to reentering a traditional school.

19 (2)(a) Each district school board may establish
20 dropout prevention and academic intervention programs at the
21 elementary, middle, junior high school, or high school level.
22 Programs designed to eliminate patterns of excessive
23 absenteeism or habitual truancy shall emphasize academic
24 performance and may provide specific instruction in the areas
25 of career education, preemployment training, and behavioral
26 management. Such programs shall utilize instructional teaching
27 methods appropriate to the specific needs of the student.

28 (b) Each school that establishes a dropout prevention
29 and academic intervention program at that school site shall
30 reflect that program in the school improvement plan as
31 required under s. 1001.42(16).

1 (3) Each district school board receiving state funding
2 for dropout prevention and academic intervention programs
3 through the General Appropriations Act shall submit
4 information through an annual report to the Department of
5 Education's database documenting the extent to which each of
6 the district's dropout prevention and academic intervention
7 programs has been successful in the areas of graduation rate,
8 dropout rate, attendance rate, and retention/promotion rate.
9 The department shall compile this information into an annual
10 report which shall be submitted to the presiding officers of
11 the Legislature by February 15.

12 (4) Each district school board shall establish
13 procedures for ensuring that teachers assigned to dropout
14 prevention and academic intervention programs possess the
15 affective, pedagogical, and content-related skills necessary
16 to meet the needs of these students.

17 (5) Each district school board providing a dropout
18 prevention and academic intervention program pursuant to this
19 section shall maintain for each participating student records
20 documenting the student's eligibility, the length of
21 participation, the type of program to which the student was
22 assigned or the type of academic intervention services
23 provided, and an evaluation of the student's academic and
24 behavioral performance while in the program. The school
25 principal or his or her designee shall, prior to placement in
26 a dropout prevention and academic intervention program or the
27 provision of an academic service, provide written notice of
28 placement or services by certified mail, return receipt
29 requested, to the student's parent. The parent of the student
30 shall sign an acknowledgment of the notice of placement or
31 service and return the signed acknowledgment to the principal

1 within 3 days after receipt of the notice. The parents of a
2 student assigned to such a dropout prevention and academic
3 intervention program shall be notified in writing and entitled
4 to an administrative review of any action by school personnel
5 relating to such placement pursuant to the provisions of
6 chapter 120.

7 (6) District school board dropout prevention and
8 academic intervention programs shall be coordinated with
9 social service, law enforcement, prosecutorial, and juvenile
10 justice agencies and juvenile assessment centers in the school
11 district. Notwithstanding the provisions of s. 1002.22, these
12 agencies are authorized to exchange information contained in
13 student records and juvenile justice records. Such information
14 is confidential and exempt from the provisions of s.
15 119.07(1). District school boards and other agencies receiving
16 such information shall use the information only for official
17 purposes connected with the certification of students for
18 admission to and for the administration of the dropout
19 prevention and academic intervention program, and shall
20 maintain the confidentiality of such information unless
21 otherwise provided by law or rule.

22 (7) The State Board of Education shall have the
23 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules
24 necessary to implement the provisions of this section; such
25 rules shall require the minimum amount of necessary paperwork
26 and reporting.

27 Section 147. Section 1003.54, Florida Statutes, is
28 created to read:

29 1003.54 Teenage parent programs.--

30 (1) Each district school board shall maintain a
31 teenage parent program.

1 (2) "Teenage parent programs" means educational
2 programs designed to provide a specialized curriculum to meet
3 the needs of students who are pregnant or students who are
4 mothers or fathers and the children of the students.

5 (3)(a) The program shall provide pregnant students or
6 students who are parents and the children of these students
7 with a comprehensive teenage parent program. The program shall
8 provide pregnant students or students who are parents with the
9 option of participating in regular classroom activities or
10 enrolling in a special program designed to meet their needs
11 pursuant to s. 1003.21. Students participating in teenage
12 parent programs shall be exempt from minimum attendance
13 requirements for absences related to pregnancy or parenting,
14 but shall be required to make up work missed due to absence.

15 (b) The curriculum shall include instruction in such
16 topics as prenatal and postnatal health care, parenting
17 skills, benefits of sexual abstinence, and consequences of
18 subsequent pregnancies. Parenting skills should include
19 instruction in the stages of child growth and development,
20 methods for aiding in the intellectual, language, physical,
21 and social development of children, and guidance on
22 constructive play activities.

23 (c) Provision for necessary child care, health care,
24 social services, parent education, and transportation shall be
25 ancillary service components of teenage parent programs.
26 Ancillary services may be provided through the coordination of
27 existing programs and services and through joint agreements
28 between district school boards and local school readiness
29 coalitions or other appropriate public and private providers.

30
31

1 (d) The district school board shall make adequate
2 provisions for pregnant and parenting teenagers to complete
3 the coursework necessary to earn a high school diploma.

4 (e) Children enrolled in child care provided by the
5 district shall be funded at the special program cost factor
6 pursuant to s. 1011.62 if the parent or parents are enrolled
7 full time in a public school in the district.

8 (4) Districts may modify courses listed in the State
9 Course Code Directory for the purpose of providing teenage
10 parent programs pursuant to the provisions of this section.
11 Such modifications must be approved by the commissioner and
12 may include lengthening or shortening of the school time
13 allotted for in-class study, alternate methods of assessment
14 of student performance, and the integration of curriculum
15 frameworks or student performance standards to produce
16 interdisciplinary units of instruction.

17 (5) The State Board of Education shall adopt rules
18 necessary to implement the provisions of this section.

19 Section 148. Section 1003.55, Florida Statutes, is
20 created to read:

21 1003.55 Instructional programs for blind or visually
22 impaired students and deaf or hard-of-hearing students.--

23 (1) The Department of Education may establish a
24 coordinating unit and instructional materials center for
25 visually impaired students and deaf or hard-of-hearing
26 students to provide staff and resources for the coordination,
27 cataloging, standardizing, producing, procuring, storing, and
28 distributing of braille, large print, tangible apparatus,
29 captioned films and video tapes, and other specialized
30 educational materials needed by these students and other
31 exceptional students. The coordinating unit shall have as its

1 major purpose the improvement of instructional programs for
2 visually impaired students and deaf or hard-of-hearing
3 students and may, as a second priority, extend appropriate
4 services to other exceptional students, consistent with
5 provisions and criteria established, to the extent that
6 resources are available.

7 (2) The unit shall be operated under rules adopted by
8 the State Board of Education.

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

10 (a) "Blind student" means a student who is eligible
11 for special education services and who:

12 1. Has a visual acuity of 20/200 or less in the better
13 eye with correcting lenses or has a limited field of vision
14 such that the widest diameter subtends an angular distance of
15 no greater than 20 degrees; or

16 2. Has a medically indicated expectation of visual
17 deterioration.

18 (b) "Braille" means the system of reading and writing
19 through touch commonly known as standard English braille.

20 (c) "Individualized education program" means a written
21 statement developed for a student eligible for special
22 education services pursuant to s. 602(a)(20), Part A of the
23 Individuals with Disabilities Education Act, 20 U.S.C. s.
24 1401(a).

25 (4) In developing an individualized written education
26 program for each blind student, the presumption shall be that
27 blind students can communicate effectively and efficiently
28 with the same level of proficiency expected of the students'
29 peers of comparable ability and grade level. Accordingly,
30 proficiency in reading and writing braille shall be considered
31

1 during the individualized planning and assessment processes in
2 this context.

3 (5) Any publisher of a textbook adopted pursuant to
4 the state instructional materials adoption process shall
5 furnish the Department of Education with a computer file in an
6 electronic format specified by the department at least 2 years
7 in advance that is readily translatable to braille and can be
8 used for large print or speech access. Any textbook
9 reproduced pursuant to the provisions of this subsection shall
10 be purchased at a price equal to the price paid for the
11 textbook as adopted. The Department of Education shall not
12 reproduce textbooks obtained pursuant to this subsection in
13 any manner that would generate revenues for the department
14 from the use of such computer files or that would preclude the
15 rightful payment of fees to the publisher for use of all or
16 some portion of the textbook.

17 Section 149. Section 1003.56, Florida Statutes, is
18 created to read:

19 1003.56 English language instruction for limited
20 English proficient students.--

21 (1) Instruction in the English language shall be
22 provided to limited English proficient students. Such
23 instruction shall be designed to develop the student's mastery
24 of the four language skills, including listening, speaking,
25 reading, and writing, as rapidly as possible.

26 (2)(a) "Limited English proficient" or "limited
27 English proficiency," when used with reference to an
28 individual, means:

29 1.a. An individual who was not born in the United
30 States and whose native language is a language other than
31 English;

1 b. An individual who comes from a home environment
2 where a language other than English is spoken in the home; or

3 c. An individual who is an American Indian or Alaskan
4 native and who comes from an environment where a language
5 other than English has had a significant impact on his or her
6 level of English language proficiency; and

7 2. Who, by reason thereof, has sufficient difficulty
8 speaking, reading, writing, or listening to the English
9 language to deny such individual the opportunity to learn
10 successfully in classrooms where the language of instruction
11 is English.

12 (b) "Home language" or "native language," when used
13 with reference to an individual of limited English
14 proficiency, means the language normally used by such
15 individual or, in the case of a student, the language normally
16 used by the parents of the student.

17 (c) "ESOL" means English for Speakers of Other
18 Languages and:

19 1. When modifying instruction, the strategy used to
20 teach limited English proficient students; or

21 2. When modifying program, the program funded in the
22 Florida Education Finance Program, listed under English for
23 Speakers of Other Languages in s. 1011.62.

24 (3) Each district school board shall implement the
25 following procedures:

26 (a) Develop and submit a plan for providing English
27 language instruction for limited English proficient students
28 to the Department of Education for review and approval.

29 (b) Identify limited English proficient students
30 through assessment.

31

1 (c) Provide for student exit from and reclassification
2 into the program.

3 (d) Provide limited English proficient students ESOL
4 instruction in English and ESOL instruction or home language
5 instruction in the basic subject areas of reading,
6 mathematics, science, social studies, and computer literacy.

7 (e) Maintain a student plan.

8 (f) Provide qualified teachers.

9 (g) Provide equal access to other programs for
10 eligible limited English proficient students based on need.

11 (h) Provide for parental involvement in the program.

12 (4) Each district school board's program for limited
13 English proficient students shall be evaluated and monitored
14 periodically.

15 (5) The State Board of Education shall adopt rules for
16 the purpose of implementing this section.

17 Section 150. Section 1003.57, Florida Statutes, is
18 created to read:

19 1003.57 Exceptional students instruction.--Each
20 district school board shall provide for an appropriate program
21 of special instruction, facilities, and services for
22 exceptional students as prescribed by the State Board of
23 Education as acceptable, including provisions that:

24 (1) The district school board provide the necessary
25 professional services for diagnosis and evaluation of
26 exceptional students.

27 (2) The district school board provide the special
28 instruction, classes, and services, either within the district
29 school system, in cooperation with other district school
30 systems, or through contractual arrangements with approved
31

1 private schools or community facilities that meet standards
2 established by the commissioner.

3 (3) The district school board annually provide
4 information describing the Florida School for the Deaf and the
5 Blind and all other programs and methods of instruction
6 available to the parent of a sensory-impaired student.

7 (4) The district school board, once every 3 years,
8 submit to the department its proposed procedures for the
9 provision of special instruction and services for exceptional
10 students.

11 (5) No student be given special instruction or
12 services as an exceptional student until after he or she has
13 been properly evaluated, classified, and placed in the manner
14 prescribed by rules of the State Board of Education. The
15 parent of an exceptional student evaluated and placed or
16 denied placement in a program of special education shall be
17 notified of each such evaluation and placement or denial. Such
18 notice shall contain a statement informing the parent that he
19 or she is entitled to a due process hearing on the
20 identification, evaluation, and placement, or lack thereof.
21 Such hearings shall be exempt from the provisions of ss.
22 120.569, 120.57, and 286.011, except to the extent that the
23 State Board of Education adopts rules establishing other
24 procedures and any records created as a result of such
25 hearings shall be confidential and exempt from the provisions
26 of s. 119.07(1). The hearing must be conducted by an
27 administrative law judge from the Division of Administrative
28 Hearings of the Department of Management Services. The
29 decision of the administrative law judge shall be final,
30 except that any party aggrieved by the finding and decision
31 rendered by the administrative law judge shall have the right

1 to bring a civil action in the circuit court. In such an
2 action, the court shall receive the records of the
3 administrative hearing and shall hear additional evidence at
4 the request of either party. In the alternative, any party
5 aggrieved by the finding and decision rendered by the
6 administrative law judge shall have the right to request an
7 impartial review of the administrative law judge's order by
8 the district court of appeal as provided by s. 120.68.
9 Notwithstanding any law to the contrary, during the pendency
10 of any proceeding conducted pursuant to this section, unless
11 the district school board and the parents otherwise agree, the
12 student shall remain in his or her then-current educational
13 assignment or, if applying for initial admission to a public
14 school, shall be assigned, with the consent of the parents, in
15 the public school program until all such proceedings have been
16 completed.

17 (6) In providing for the education of exceptional
18 students, the district school superintendent, principals, and
19 teachers shall utilize the regular school facilities and adapt
20 them to the needs of exceptional students to the maximum
21 extent appropriate. Segregation of exceptional students shall
22 occur only if the nature or severity of the exceptionality is
23 such that education in regular classes with the use of
24 supplementary aids and services cannot be achieved
25 satisfactorily.

26 Section 151. Section 1003.58, Florida Statutes, is
27 created to read:

28 1003.58 Students in residential care facilities.--Each
29 district school board shall provide educational programs
30 according to rules of the State Board of Education to students
31

1 who reside in residential care facilities operated by the
2 Department of Children and Family Services.

3 (1) The district school board shall not be charged any
4 rent, maintenance, utilities, or overhead on such facilities.
5 Maintenance, repairs, and remodeling of existing facilities
6 shall be provided by the Department of Children and Family
7 Services.

8 (2) If additional facilities are required, the
9 district school board and the Department of Children and
10 Family Services shall agree on the appropriate site based on
11 the instructional needs of the students. When the most
12 appropriate site for instruction is on district school board
13 property, a special capital outlay request shall be made by
14 the commissioner in accordance with s. 1013.60. When the most
15 appropriate site is on state property, state capital outlay
16 funds shall be requested by the Department of Children and
17 Family Services as provided by s. 216.043 and shall be
18 submitted as specified by s. 216.023. Any instructional
19 facility to be built on state property shall have educational
20 specifications jointly developed by the school district and
21 the Department of Children and Family Services and approved by
22 the Department of Education. The size of space and occupant
23 design capacity criteria as provided by state board rules
24 shall be used for remodeling or new construction whether
25 facilities are provided on state property or district school
26 board property. The planning of such additional facilities
27 shall incorporate current Department of Children and Family
28 Services deinstitutionalization plans.

29 (3) The district school board shall have full and
30 complete authority in the matter of the assignment and
31 placement of such students in educational programs. The parent

1 of an exceptional student shall have the same due process
2 rights as are provided under s. 1003.57(5).

3 (4) The district school board shall have a written
4 agreement with the Department of Children and Family Services
5 outlining the respective duties and responsibilities of each
6 party.

7
8 Notwithstanding the provisions herein, the educational program
9 at the Marianna Sunland Center in Jackson County shall be
10 operated by the Department of Education, either directly or
11 through grants or contractual agreements with other public or
12 duly accredited educational agencies approved by the
13 Department of Education.

14 Section 152. Part VI of chapter 1003, Florida
15 Statutes, shall be entitled "Pilot Public K-12 Education
16 Programs" and shall consist of ss. 1003.61-1003.63.

17 Section 153. Section 1003.61, Florida Statutes, is
18 created to read:

19 1003.61 Pilot attendance project.--It is the purpose
20 of this section to require the Manatee County District School
21 Board to implement a pilot project that raises the compulsory
22 age of attendance for children from the age of 16 years to the
23 age of 18 years. The pilot project applies to each child who
24 has not attained the age of 16 years by September 30 of the
25 school year in which a school board policy is adopted.

26 (1) Beginning July 1, 1999, the Manatee County
27 District School Board shall implement a pilot project
28 consistent with policy adopted by the school board to raise
29 the compulsory age of attendance for children from the age of
30 16 years to the age of 18 years.

31

1 (2) The district school board must, before the
2 beginning of the school year, adopt a policy for raising the
3 compulsory age of attendance for children from the age of 16
4 years to 18 years.

5 (a) Before the adoption of the policy, the district
6 school board must provide a notice of intent to adopt a policy
7 to raise the compulsory age of attendance for children from
8 the age of 16 years to the age of 18 years. The notice must be
9 provided to the parent of each child who is 15 years of age
10 and who is enrolled in a school in the district.

11 (b) Within 2 weeks after adoption of the school board
12 policy, the district school board must provide notice of the
13 policy to the parent of each child who is 15 years of age and
14 who is enrolled in a school in the district. The notice must
15 also provide information related to the penalties for refusing
16 or failing to comply with the compulsory attendance
17 requirements and information on alternative education programs
18 offered within the school district.

19 (3) All state laws and State Board of Education rules
20 related to students subject to compulsory school attendance
21 apply to the district school board. Notwithstanding the
22 provisions of s. 1003.21, the formal declaration of intent to
23 terminate school enrollment does not apply to the district
24 school board.

25 (4) The district school board must evaluate the effect
26 of its adopted policy raising the compulsory age of attendance
27 on school attendance and on the school district's dropout
28 rate, as well as on the costs associated with the pilot
29 project. The school district shall report its findings to the
30 President of the Senate, the Speaker of the House of
31 Representatives, the minority leader of each house of the

1 Legislature, the Governor, and the Commissioner of Education
2 not later than August 1 following each year that the pilot
3 project is in operation.

4 Section 154. Section 1003.62, Florida Statutes, is
5 created to read:

6 1003.62 Charter school districts pilot program.--The
7 State Board of Education is authorized to enter into a
8 performance contract with up to six district school boards for
9 the purpose of establishing them as charter school districts.
10 The State Board of Education shall give priority to
11 Hillsborough and Volusia Counties upon the submission of a
12 completed precharter agreement or charter proposal for a
13 charter school district. The purpose of this pilot program is
14 to examine a new relationship between the State Board of
15 Education and district school boards that may produce
16 significant improvements in student achievement and school
17 management, while complying with constitutional requirements
18 assigned to each entity.

19 (1) CHARTER DISTRICT.--A charter school district is a
20 school district in Florida in which the district school board
21 has submitted and the State Board of Education has approved a
22 charter proposal that exchanges statutory and rule exemption
23 for agreement to meet performance goals in the proposal. The
24 charter school district shall be chartered for 3 years, at the
25 end of which the performance shall be evaluated.

26 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
27 districts shall be exempt from state statutes and specified
28 State Board of Education rules. The district school board of a
29 charter school district shall not be exempt from any statute
30 governing election of district school board members, public
31 meetings and public records requirements, financial

1 disclosure, conflicts of interest, operation in the sunshine,
2 or any provisions outside the Florida K-20 Education Code.

3 (3) GOVERNING BOARD.--The governing board of the
4 charter school district shall be the duly elected district
5 school board. The district school board shall be responsible
6 for supervising the schools in the charter district and is
7 authorized to charter each of its existing public schools
8 pursuant to s. 1002.33, apply for deregulation of its public
9 schools pursuant to s. 1003.63, or otherwise establish
10 performance-based contractual relationships with its public
11 schools for the purpose of giving them greater autonomy with
12 accountability for performance.

13 (4) PRECHARTER AGREEMENT.--The State Board of
14 Education is authorized to approve a precharter agreement with
15 a potential charter district. The agreement may grant limited
16 flexibility and direction for developing the full charter
17 proposal.

18 (5) TIME PERIOD FOR PILOT.--The pilot program shall be
19 authorized for a period of 3 full school years commencing with
20 award of a charter. The charter may be renewed upon action of
21 the State Board of Education.

22 (6) REPORTS.--The State Board of Education shall
23 annually report on the implementation of the charter school
24 district pilot program. Upon the completion of the first
25 3-year term, the State Board of Education, through the
26 Commissioner of Education, shall submit to the Legislature a
27 full evaluation of the effectiveness of the program.

28 (7) RULEMAKING.--The State Board of Education shall
29 have the authority to enact rules to implement this section in
30 accordance with ss. 120.536 and 120.54.

31

1 Section 155. Section 1003.63, Florida Statutes, is
2 created to read:

3 1003.63 Deregulated public schools pilot program.--

4 (1) PILOT PROGRAM.--To provide public schools the same
5 flexibility and accountability afforded charter schools, pilot
6 programs for deregulated public schools shall be conducted.
7 The following districts are authorized to conduct pilot
8 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,
9 Walton, and Citrus Counties. The schools and district school
10 boards which are participating in the pilot program as of
11 January 1, 1999, are authorized to continue the pilot program
12 through the 2003-2004 school year. Lee County is authorized to
13 conduct the pilot program beginning in the 1999-2000 school
14 year through the 2003-2004 school year.

15 (2) PURPOSE.--The purpose of the pilot program for
16 deregulated public schools shall be to:

17 (a) Improve student learning.

18 (b) 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 (c) Encourage the use of different and innovative
22 learning methods.

23 (d) Increase choice of learning opportunities for
24 students.

25 (e) Establish a new form of accountability for
26 schools.

27 (f) Require the measurement of learning outcomes and
28 create innovative measurement tools.

29 (g) Make the school the unit for improvement.

30 (h) Relieve schools of paperwork and procedures that
31 are required by the state and the district school board for

1 purposes other than health, safety, equal opportunity, fiscal
2 accountability and documentation of student achievement.

3 (3) PROPOSAL.--

4 (a) A proposal to be a deregulated school must be
5 developed by the school principal and the school advisory
6 council. A majority of the members of the school advisory
7 council must approve the proposal, and the principal and the
8 school advisory council chair must sign the proposal. At least
9 50 percent of the teachers employed at the school must approve
10 the proposal. The school must conduct a survey to show
11 parental support for the proposal.

12 (b) A district school board shall receive and review
13 all proposals for a deregulated public school. A district
14 school board must by a majority vote approve or deny a
15 proposal no later than 30 days after the proposal is received.
16 If a proposal is denied, the district school board must,
17 within 10 calendar days, articulate in writing the specific
18 reasons based upon good cause supporting its denial of the
19 proposal.

20 (c) The Department of Education may provide technical
21 assistance to an applicant upon written request.

22 (d) The terms and conditions for the operation of a
23 deregulated public school shall be set forth in the proposal.
24 The district school board shall not impose unreasonable rules
25 or regulations that violate the intent of giving schools
26 greater flexibility to meet educational goals.

27 (4) ELIGIBLE STUDENTS.--

28 (a) A deregulated school shall be open to all students
29 residing in the school's attendance boundaries as determined
30 by the district school board.

31

1 (b) The deregulated public school shall have maximum
2 flexibility to enroll students under the district school board
3 open enrollment plan.

4 (5) REQUIREMENTS.--Like other public schools, a
5 deregulated public school shall:

6 (a) Be nonsectarian in its programs, admission
7 policies, employment practices, and operations.

8 (b) Not charge tuition or fees, except those fees
9 normally charged by other public schools.

10 (c) Meet all applicable state and local health,
11 safety, and civil rights requirements.

12 (d) Not violate the antidiscrimination provisions of
13 s. 1000.05.

14 (e) Be subject to an annual financial audit in a
15 manner similar to that of other public schools in the
16 district.

17 (6) ELEMENTS OF THE PROPOSAL.--The major issues
18 involving the operation of a deregulated public school shall
19 be considered in advance and written into the proposal.

20 (a) The proposal shall address, and criteria for
21 approval of the proposal shall be based on:

22 1. The school's mission and the students to be served.

23 2. The focus of the curriculum, the instructional
24 methods to be used, and any distinctive instructional
25 techniques to be employed.

26 3. The current baseline standard of achievement and
27 the outcomes to be achieved and the method of measurement that
28 will be used.

29 4. The methods used to identify the educational
30 strengths and needs of students and how well educational goals
31 and performance standards are met by students attending the

1 school. Students in deregulated public schools shall, at a
2 minimum, participate in the statewide assessment program.

3 5. In secondary schools, a method for determining that
4 a student has satisfied the requirements for graduation in s.
5 1003.43.

6 6. A method for resolving conflicts between the school
7 and the district.

8 7. The admissions procedures and dismissal procedures,
9 including the school's code of student conduct.

10 8. The ways by which the school's racial/ethnic
11 balance reflects the community it serves or reflects the
12 racial/ethnic range of other public schools in the same school
13 district.

14 9. The financial and administrative management of the
15 school including a statement of the areas in which the school
16 will have administrative and fiscal autonomy and the areas in
17 which the school will follow district school board fiscal and
18 administrative policies.

19 10. The manner in which the school will be insured,
20 including whether or not the school will be required to have
21 liability insurance, and, if so, the terms and conditions
22 thereof and the amounts of coverage.

23 11. The qualifications to be required of the teachers.

24 (b) The school shall make annual progress reports to
25 the district, which upon verification shall be forwarded to
26 the Commissioner of Education at the same time as other annual
27 school accountability reports. The report shall contain at
28 least the following information:

29 1. The school's progress towards achieving the goals
30 outlined in its proposal.

31

1 2. The information required in the annual school
2 report pursuant to s. 1008.345.

3 3. Financial records of the school, including revenues
4 and expenditures.

5 4. Salary and benefit levels of school employees.

6 (c) A district school board shall ensure that the
7 proposal is innovative and consistent with the state education
8 goals established by s. 1000.03(5).

9 (d) Upon receipt of the annual report required by
10 paragraph (b), the Department of Education shall provide the
11 State Board of Education, the Commissioner of Education, the
12 President of the Senate, and the Speaker of the House of
13 Representatives with a copy of each report and an analysis and
14 comparison of the overall performance of students, to include
15 all students in deregulated public schools whose scores are
16 counted as part of the statewide assessment tests, versus
17 comparable public school students in the district as
18 determined by FCAT and district assessment tests and, as
19 appropriate, the Florida Writes Assessment Test, and other
20 assessments administered pursuant to s. 1008.22(3).

21 (7) EXEMPTION FROM STATUTES.--

22 (a) A deregulated public school shall operate in
23 accordance with its proposal and shall be exempt from all
24 statutes of the Florida K-20 Education Code, except those
25 pertaining to civil rights and student health, safety, and
26 welfare, or as otherwise required by this section. A
27 deregulated public school shall not be exempt from the
28 following statutes: chapter 119, relating to public records,
29 and s. 286.011, relating to public meetings and records,
30 public inspection, and penalties. The school district, upon
31 request of a deregulated public school, may apply to the State

1 Board of Education for a waiver of provisions of law
2 applicable to deregulated public schools under this section,
3 except that the provisions of chapter 1010 or chapter 1011
4 shall not be eligible for waiver if the waiver would affect
5 funding allocations or create inequity in public school
6 funding. The State Board of Education may grant the waiver if
7 necessary to implement the school program.

8 (b) A deregulated public school may employ or contract
9 with skilled selected noncertified personnel to provide
10 instructional services or to assist instructional staff
11 members as education paraprofessionals in the same manner as
12 defined in chapter 1012. A deregulated public school may not
13 employ an individual to provide instructional services or to
14 serve as an education paraprofessional if the individual's
15 certification or licensure as an educator is suspended or
16 revoked by this or any other state. The qualifications of
17 teachers shall be disclosed to parents.

18 (c) A deregulated public school shall employ or
19 contract with employees who have been fingerprinted as
20 provided in s. 1012.32.

21 (8) REVENUE.--Students enrolled in a deregulated
22 public school shall be funded in a basic program or a special
23 program in the same manner as students enrolled in other
24 public schools in the school district.

25 (9) LENGTH OF SCHOOL YEAR.--A deregulated public
26 school shall provide instruction for at least the number of
27 days required by law for other public schools, and may provide
28 instruction for additional days.

29 (10) FACILITIES.--A deregulated public school shall
30 utilize facilities which comply with the State Uniform
31 Building Code for Public Educational Facilities Construction

1 adopted pursuant to s. 1013.37, or with applicable state
2 minimum building codes pursuant to chapter 553 and state
3 minimum fire protection codes pursuant to s. 633.025, as
4 adopted by the authority in whose jurisdiction the facility is
5 located.

6 Section 156. Chapter 1004, Florida Statutes, shall be
7 entitled "Public Postsecondary Education" and shall consist of
8 ss. 1004.01-1004.98.

9 Section 157. Part I of chapter 1004, Florida Statutes,
10 shall be entitled "General Provisions" and shall consist of
11 ss. 1004.01-1004.06.

12 Section 158. Section 1004.01, Florida Statutes, is
13 created to read:

14 1004.01 Statement of purpose and mission.--

15 (1) The Legislature finds it in the public interest to
16 provide a system of postsecondary education which is of the
17 highest possible quality; which enables all students to
18 participate in the search for knowledge and individual
19 development; which stresses undergraduate teaching as its main
20 priority; which offers selected professional, graduate, and
21 research programs with emphasis on state and national needs;
22 which fosters diversity of educational opportunity; which
23 promotes service to the public; which makes effective and
24 efficient use of human and physical resources; which functions
25 cooperatively with other educational institutions and systems;
26 and which promotes internal coordination and the wisest
27 possible use of resources.

28 (2) The mission of the state system of postsecondary
29 education is to develop human resources, to discover and
30 disseminate knowledge, to extend knowledge and its application
31 beyond the boundaries of its campuses, and to develop in

1 students heightened intellectual, cultural, and humane
2 sensitivities; scientific, professional, and technological
3 expertise; and a sense of purpose. Inherent in this broad
4 mission are methods of instruction, research, extended
5 training, and public service designed to educate people and
6 improve the human condition.

7 Section 159. Section 1004.02, Florida Statutes, is
8 created to read:

9 1004.02 Definitions.--As used in this chapter:

10 (1) "Adult basic education" means courses of
11 instruction designed to improve the employability of the
12 state's workforce through instruction in mathematics, reading,
13 language, and workforce readiness skills at grade level
14 equivalency 0-8.9.

15 (2) "Adult ESOL" or "adult ESL" means noncredit
16 English literacy courses designed to improve the employability
17 of the state's workforce through acquisition of communication
18 skills and cultural competencies that enhance ability to read,
19 write, speak, and listen in English. ESOL means English for
20 Speakers of Other Languages. ESL means English as a Second
21 Language. The two terms are interchangeable.

22 (3) "Adult general education" means comprehensive
23 instructional programs designed to improve the employability
24 of the state's workforce through adult basic education, adult
25 secondary education, English for Speakers of Other Languages,
26 vocational-preparatory instruction, and instruction for adults
27 with disabilities.

28 (4) "Adult high school credit program" means the award
29 of credits upon completion of courses and passing of state
30 mandated assessments necessary to qualify for a high school
31 diploma. Except as provided elsewhere in law, the graduation

1 standards for adults shall be the same as those for secondary
2 students.

3 (5) "Adult secondary education" means courses through
4 which a person receives high school credit that leads to the
5 award of a high school diploma or courses of instruction
6 through which a student prepares to take the General
7 Educational Development test.

8 (6) "Adult student" is a student who is beyond the
9 compulsory school age and who has legally left elementary or
10 secondary school, or a high school student who is taking an
11 adult course required for high school graduation.

12 (7) "Adult with disability" means an individual who
13 has a physical or mental impairment that substantially limits
14 one or more major life activities, has a record of such
15 impairment, or is regarded as having such an impairment, and
16 who requires modifications to the educational program,
17 adaptive equipment, or specialized instructional methods and
18 services in order to participate in workforce development
19 programs that lead to competitive employment.

20 (8) "Applied technology diploma program" means a
21 course of study that is part of a technical degree program, is
22 less than 60 credit hours, and leads to employment in a
23 specific occupation. An applied technology diploma program may
24 consist of either technical credit or college credit. A public
25 school district may offer an applied technology diploma
26 program only as technical credit, with college credit awarded
27 to a student upon articulation to a community college.
28 Statewide articulation among public schools and community
29 colleges is guaranteed by s. 1007.23, and is subject to
30 guidelines and standards adopted by the State Board of
31 Education pursuant to ss. 1007.24 and 1007.25.

1 (9) "Basic literacy," means the demonstration of
2 academic competence from 2.0 through 5.9 educational grade
3 levels as measured by means approved for this purpose by the
4 State Board of Education.

5 (10) "Beginning literacy" means the demonstration of
6 academic competence from 0 through 1.9 educational grade
7 levels as measured by means approved for this purpose by the
8 State Board of Education.

9 (11) "College-preparatory instruction" means courses
10 through which a high school graduate who applies for any
11 college credit program may attain the communication and
12 computation skills necessary to enroll in college credit
13 instruction.

14 (12) "Community education" means the use of a school
15 or other public facility as a community center operated in
16 conjunction with other public, private, and governmental
17 organizations for the purpose of providing educational,
18 recreational, social, cultural, health, and community services
19 for persons in the community in accordance with the needs,
20 interests, and concerns of that community, including lifelong
21 learning.

22 (13) "Continuing workforce education" means
23 instruction that does not result in a technical certificate,
24 diploma, associate in applied science degree, or associate in
25 science degree. Continuing workforce education is for:

26 (a) Individuals who are required to have training for
27 licensure renewal or certification renewal by a regulatory
28 agency or credentialing body;

29 (b) New or expanding businesses as described in
30 chapter 288;

31

1 (c) Business, industry, and government agencies whose
2 products or services are changing so that retraining of
3 employees is necessary or whose employees need training in
4 specific skills to increase efficiency and productivity; or

5 (d) Individuals who are enhancing occupational skills
6 necessary to maintain current employment, to cross train, or
7 to upgrade employment.

8 (14) "Technical degree education program" means a
9 course of study that leads to an associate in applied science
10 degree or an associate in science degree. A technical degree
11 program may contain within it one or more program progression
12 points and may lead to certificates or diplomas within the
13 course of study. The term is interchangeable with the term
14 "degree career education program." For licensure purposes, the
15 term "associate in science degree" is interchangeable with
16 "associate in applied science degree."

17 (15) "Family literacy" means a program for adults with
18 a literacy component for parents and children or other
19 intergenerational literacy components.

20 (16) "Functional literacy," which is also referred to
21 as "intermediate adult basic education," means the
22 demonstration of academic competence from 6.0 through 8.9
23 educational grade levels as measured by means approved for
24 this purpose by the State Board of Education.

25 (17) "General Educational Development (GED) test
26 preparation" means courses of instruction designed to prepare
27 adults for success on GED subject area tests leading to
28 qualification for a State of Florida high school diploma.

29 (18) "Lifelong learning" means a noncredit course or
30 activity offered by a school district or community college
31 that seeks to address community social and economic issues

1 related to health and human relations, government, parenting,
2 consumer economics, and senior citizens.

3 (19) "Local educational agency" means a community
4 college or school district.

5 (20) "Local sponsor" means a district school board,
6 community college board of trustees, public library, other
7 public entity, or private nonprofit entity, or any combination
8 of these entities, that provides adult literacy instruction.

9 (21) "Technical certificate program" means a course of
10 study that leads to at least one occupational completion
11 point. The program may also confer credit that may articulate
12 with a diploma or technical degree education program, if
13 authorized by rules of the State Board of Education. Any
14 credit instruction designed to articulate to a degree program
15 is subject to guidelines and standards adopted by the
16 Department of Education pursuant to chapter 1007. The term is
17 interchangeable with the term "certificate career and
18 technical education program."

19 (22) "Occupational completion point" means the
20 occupational competencies that qualify a person to enter an
21 occupation that is linked to a career and technical program.

22 (23) "Career and technical education planning region"
23 means the geographic area in which career and technical or
24 adult education is provided. Each career and technical region
25 is contiguous with one of the 28 community college service
26 areas.

27 (24) "Vocational-preparatory instruction" means adult
28 general education through which persons attain academic and
29 workforce readiness skills at the level of functional literacy
30 (grade levels 6.0-8.9) or higher so that such persons may

31

1 pursue technical certificate education or higher-level
2 technical education.

3 (25) "Career and technical program" means a group of
4 identified competencies leading to occupations identified by a
5 Classification of Instructional Programs number.

6 (26) "Workforce development education" means adult
7 general education or career and technical education and may
8 consist of a continuing workforce education course or a
9 program of study leading to an occupational completion point,
10 a technical certificate, an applied technology diploma, or a
11 technical degree.

12 (27) "Workforce literacy" means the basic skills
13 necessary to perform in entry-level occupations or the skills
14 necessary to adapt to technological advances in the workplace.

15 Section 160. Section 1004.03, Florida Statutes, is
16 created to read:

17 1004.03 Program approval.--

18 (1) The State Board of Education shall establish
19 criteria for the approval of new programs at state
20 universities, which criteria include, but are not limited to,
21 the following:

22 (a) New programs may not be approved unless the same
23 objectives cannot be met through use of educational
24 technology.

25 (b) Unnecessary duplication of programs offered by
26 public and independent institutions shall be avoided.

27 (c) Cooperative programs, particularly within regions,
28 should be encouraged.

29 (d) New programs shall be approved only if they are
30 consistent with the state master plans adopted by the State
31 Board of Education.

1 (e) A new graduate-level program may be approved if:
2 1. The university has taken into account the offerings
3 of its counterparts, including institutions in other sectors,
4 particularly at the regional level.
5 2. The addition of the program will not alter the
6 emphasis on undergraduate education.
7 3. The regional need and demand for the graduate
8 program was addressed and the community needs are obvious.
9 (2) The State Board of Education shall establish
10 criteria for the approval of new programs at community
11 colleges, which criteria include, but are not limited to, the
12 following:
13 (a) New programs may not be approved unless the same
14 objectives cannot be met through use of educational
15 technology.
16 (b) Unnecessary duplication of programs offered by
17 independent institutions shall be avoided.
18 (c) Cooperative programs, particularly within regions,
19 should be encouraged.
20 (d) New programs may be approved only if they are
21 consistent with the state master plan adopted by the State
22 Board of Education.
23 Section 161. Section 1004.04, Florida Statutes, is
24 created to read:
25 1004.04 Public accountability and state approval for
26 teacher preparation programs.--
27 (1) INTENT.--The Legislature recognizes that skilled
28 teachers make an important contribution to a system that
29 allows students to obtain a high-quality education. The intent
30 of the Legislature is to establish a system for development
31 and approval of teacher preparation programs that will free

1 postsecondary teacher preparation institutions to employ
 2 varied and innovative teacher preparation techniques while
 3 being held accountable for producing graduates with the
 4 competencies and skills necessary to achieve the state
 5 education goals; help the state's diverse student population,
 6 including students with limited English proficiency, meet high
 7 standards for academic achievement; maintain safe, secure
 8 classroom learning environments; and sustain the state system
 9 of school improvement and education accountability established
 10 pursuant to ss. 1000.03(5) and 1008.345. The State Board of
 11 Education shall adopt rules pursuant to ss. 120.536(1) and
 12 120.54 that establish uniform core curricula for each
 13 state-approved teacher preparation program.

14 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
 15 system developed by the Department of Education in
 16 collaboration with postsecondary educational institutions
 17 shall assist departments and colleges of education in the
 18 restructuring of their programs to meet the need for producing
 19 quality teachers now and in the future. The system must be
 20 designed to assist teacher educators in conceptualizing,
 21 developing, implementing, and evaluating programs that meet
 22 state-adopted standards. These standards shall emphasize
 23 quality indicators drawn from research, professional
 24 literature, recognized guidelines, Florida essential teaching
 25 competencies and educator-accomplished practices, effective
 26 classroom practices, and the outcomes of the state system of
 27 school improvement and education accountability, as well as
 28 performance measures. Departments and colleges of education
 29 shall emphasize the state system of school improvement and
 30 education accountability concepts and standards, including
 31 Sunshine State Standards. State-approved teacher preparation

1 programs must incorporate appropriate English for Speakers of
2 Other Languages instruction so that program graduates will
3 have completed the requirements for teaching limited English
4 proficient students in Florida public schools.

5 (3) INITIAL STATE PROGRAM APPROVAL.--

6 (a) A program approval process based on standards
7 adopted pursuant to subsection (2) must be established for
8 postsecondary teacher preparation programs, phased in
9 according to timelines determined by the Department of
10 Education, and fully implemented for all teacher preparation
11 programs in the state. Each program shall be approved by the
12 department, consistent with the intent set forth in subsection
13 (1) and based primarily upon significant, objective, and
14 quantifiable graduate performance measures.

15 (b) Each teacher preparation program approved by the
16 Department of Education, as provided for by this section,
17 shall require students to meet the following as prerequisites
18 for admission into the program:

19 1. Have a grade point average of at least 2.5 on a 4.0
20 scale for the general education component of undergraduate
21 studies or have completed the requirements for a baccalaureate
22 degree with a minimum grade point average of 2.5 on a 4.0
23 scale from any college or university accredited by a regional
24 accrediting association as defined by State Board of Education
25 rule.

26 2. Demonstrate mastery of general knowledge, including
27 the ability to read, write, and compute, by passing the
28 College Level Academic Skills Test, a corresponding component
29 of the National Teachers Examination series, or a similar test
30 pursuant to rules of the State Board of Education.

31

1 Each teacher preparation program may waive these admissions
 2 requirements for up to 10 percent of the students admitted.
 3 Programs shall implement strategies to ensure that students
 4 admitted under a waiver receive assistance to demonstrate
 5 competencies to successfully meet requirements for
 6 certification.

7 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
 8 subsection (3), failure by a public or nonpublic teacher
 9 preparation program to meet the criteria for continued program
 10 approval shall result in loss of program approval. The
 11 Department of Education, in collaboration with the departments
 12 and colleges of education, shall develop procedures for
 13 continued program approval that document the continuous
 14 improvement of program processes and graduates' performance.

15 (a) Continued approval of specific teacher preparation
 16 programs at each public and nonpublic postsecondary
 17 educational institution within the state is contingent upon
 18 the passing of the written examination required by s. 1012.56
 19 by at least 90 percent of the graduates of the program who
 20 take the examination. On request of an institution, the
 21 Department of Education shall provide an analysis of the
 22 performance of the graduates of such institution with respect
 23 to the competencies assessed by the examination required by s.
 24 1012.56.

25 (b) Additional criteria for continued program approval
 26 for public institutions may be approved by the State Board of
 27 Education. Such criteria must emphasize instruction in
 28 classroom management and must provide for the evaluation of
 29 the teacher candidates' performance in this area. The criteria
 30 shall also require instruction in working with underachieving
 31 students. Program evaluation procedures must include, but are

1 not limited to, program graduates' satisfaction with
 2 instruction and the program's responsiveness to local school
 3 districts. Additional criteria for continued program approval
 4 for nonpublic institutions shall be developed in the same
 5 manner as for public institutions; however, such criteria must
 6 be based upon significant, objective, and quantifiable
 7 graduate performance measures. Responsibility for collecting
 8 data on outcome measures through survey instruments and other
 9 appropriate means shall be shared by the postsecondary
 10 educational institutions and the Department of Education. By
 11 January 1 of each year, the Department of Education shall
 12 report this information for each postsecondary educational
 13 institution that has state-approved programs of teacher
 14 education to the Governor, the State Board of Education, the
 15 Commissioner of Education, the President of the Senate, the
 16 Speaker of the House of Representatives, all Florida
 17 postsecondary teacher preparation programs, and interested
 18 members of the public. This report must analyze the data and
 19 make recommendations for improving teacher preparation
 20 programs in the state.

21 (c) Continued approval for a teacher preparation
 22 program is contingent upon the results of annual reviews of
 23 the program conducted by the postsecondary educational
 24 institution, using procedures and criteria outlined in an
 25 institutional program evaluation plan approved by the
 26 Department of Education. This plan must incorporate the
 27 criteria established in paragraphs (a) and (b) and include
 28 provisions for involving primary stakeholders, such as program
 29 graduates, district school personnel, classroom teachers,
 30 principals, community agencies, and business representatives
 31 in the evaluation process. Upon request by an institution, the

1 department shall provide assistance in developing, enhancing,
2 or reviewing the institutional program evaluation plan and
3 training evaluation team members.

4 (d) Continued approval for a teacher preparation
5 program is contingent upon standards being in place that are
6 designed to adequately prepare elementary, middle, and high
7 school teachers to instruct their students in higher-level
8 mathematics concepts and in the use of technology at the
9 appropriate grade level.

10 (e) Continued approval of teacher preparation programs
11 is contingent upon compliance with the student admission
12 requirements of subsection (3) and upon the receipt of at
13 least a satisfactory rating from public schools and private
14 schools that employ graduates of the program. Employer
15 satisfaction shall be determined by an annually administered
16 survey instrument approved by the Department of Education
17 that, at a minimum, must include employer satisfaction of the
18 graduates' ability to do the following:

19 1. Write and speak in a logical and understandable
20 style with appropriate grammar.

21 2. Recognize signs of students' difficulty with the
22 reading and computational process and apply appropriate
23 measures to improve students' reading and computational
24 performance.

25 3. Use and integrate appropriate technology in
26 teaching and learning processes.

27 4. Demonstrate knowledge and understanding of Sunshine
28 State Standards.

29 (f)1. Each Florida public and private institution that
30 offers a state-approved teacher preparation program must
31 annually report information regarding these programs to the

1 state and the general public. This information shall be
2 reported in a uniform and comprehensible manner that is
3 consistent with definitions and methods approved by the
4 Commissioner of the National Center for Educational Statistics
5 and that is approved by the State Board of Education. This
6 information must include, at a minimum:

7 a. The percent of graduates obtaining full-time
8 teaching employment within the first year of graduation.

9 b. The average length of stay of graduates in their
10 full-time teaching positions.

11 c. Satisfaction ratings required in paragraph (e).

12 2. Each public and private institution offering
13 training for school readiness related professions, including
14 training in the fields of child care and early childhood
15 education, whether offering technical credit, associate in
16 applied science degree programs, associate in science degree
17 programs, or associate in arts degree programs, shall annually
18 report information regarding these programs to the state and
19 the general public in a uniform and comprehensible manner that
20 conforms with definitions and methods approved by the State
21 Board of Education. This information must include, at a
22 minimum:

23 a. Average length of stay of graduates in their
24 positions.

25 b. Satisfaction ratings of graduates' employers.

26
27 This information shall be reported through publications,
28 including college and university catalogs and promotional
29 materials sent to potential applicants, secondary school
30 guidance counselors, and prospective employers of the
31 institution's program graduates.

1 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
2 instructors, school district personnel and instructional
3 personnel, and school sites preparing instructional personnel
4 through preservice field experience courses and internships
5 shall meet special requirements.

6 (a) All instructors in postsecondary teacher
7 preparation programs who instruct or supervise preservice
8 field experience courses or internships shall have at least
9 one of the following: specialized training in clinical
10 supervision; a valid professional teaching certificate
11 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of
12 successful teaching experience in prekindergarten through
13 grade 12.

14 (b) All school district personnel and instructional
15 personnel who supervise or direct teacher preparation students
16 during field experience courses or internships must have
17 evidence of "clinical educator" training and must successfully
18 demonstrate effective classroom management strategies that
19 consistently result in improved student performance. The State
20 Board of Education shall approve the training requirements.

21 (c) Preservice field experience programs must provide
22 specific guidance and demonstration of effective classroom
23 management strategies, strategies for incorporating technology
24 into classroom instruction, and ways to link instructional
25 plans to the Sunshine State Standards, as appropriate. The
26 length of structured field experiences may be extended to
27 ensure that candidates achieve the competencies needed to meet
28 certification requirements.

29 (d) Postsecondary teacher preparation programs in
30 cooperation with district school boards and approved private
31 school associations shall select the school sites for

1 preservice field experience activities. These sites must
2 represent the full spectrum of school communities, including,
3 but not limited to, schools located in urban settings. In
4 order to be selected, school sites must demonstrate commitment
5 to the education of public school students and to the
6 preparation of future teachers.

7 (6) STANDARDS OF EXCELLENCE.--The State Board of
8 Education shall approve standards of excellence for teacher
9 preparation. These standards must exceed the requirements for
10 program approval pursuant to subsection (3) and must
11 incorporate state and national recommendations for exemplary
12 teacher preparation programs.

13 (7) NATIONAL BOARD STANDARDS.--The State Board of
14 Education shall review standards and recommendations developed
15 by the National Board for Professional Teaching Standards and
16 may incorporate those parts deemed appropriate into criteria
17 for continued state program approval, standards of excellence,
18 and requirements for inservice education.

19 (8) COMMUNITY COLLEGES.--To the extent practical,
20 postsecondary educational institutions offering teacher
21 preparation programs shall establish articulation agreements
22 on a core of liberal arts courses and introductory
23 professional courses with field experience components which
24 shall be offered at community colleges.

25 (9) PRETEACHER AND TEACHER EDUCATION PILOT
26 PROGRAMS.--State universities and community colleges may
27 establish preteacher education and teacher education pilot
28 programs to encourage promising minority students to prepare
29 for a career in education. These pilot programs shall be
30 designed to recruit and provide additional academic, clinical,
31 and counseling support for students whom the institution

1 judges to be potentially successful teacher education
2 candidates, but who may not meet teacher education program
3 admission standards. Priority consideration shall be given to
4 those pilot programs that are jointly submitted by community
5 colleges and state universities.

6 (a) These pilot programs shall be approved by the
7 State Board of Education and shall be designed to provide help
8 and support for program participants during the preteacher
9 education period of general academic preparation at a
10 community college or state university and during professional
11 preparation in a state-approved teacher education program.
12 Emphasis shall be placed on development of the basic skills
13 needed by successful teachers.

14 (b) State universities and community colleges may
15 admit into the pilot program those incoming students who
16 demonstrate an interest in teaching as a career, but who may
17 not meet the requirements for entrance into an approved
18 teacher education program.

19 1. Flexibility may be given to colleges of education
20 to develop and market innovative teacher training programs
21 directed at specific target groups such as graduates from the
22 colleges of arts and sciences, employed education
23 paraprofessionals, substitute teachers, early federal
24 retirees, and nontraditional college students. Programs must
25 be submitted to the State Board of Education for approval.

26 2. Academically successful graduates in the fields of
27 liberal arts and science may be encouraged to embark upon a
28 career in education.

29 3. Models may be developed to provide a positive
30 initial experience in teaching in order to encourage
31

1 retention. Priority should be given to models that encourage
 2 minority graduates.

3 (c) In order to be certified, a graduate from a pilot
 4 program shall meet all requirements for teacher certification
 5 specified by s. 1012.56. Should a graduate of a pilot program
 6 not meet the requirements of s. 1012.56, that person shall not
 7 be included in the calculations required by paragraph (4)(a)
 8 and State Board of Education rules for continued program
 9 approval, or in the statutes used by the State Board of
 10 Education in deciding which teacher education programs to
 11 approve.

12 (d) Institutions participating in the pilot program
 13 shall submit an annual report evaluating the success of the
 14 program to the Commissioner of Education by March 1 of each
 15 year. The report shall contain, but shall not be limited to:
 16 the number of pilot program participants, including the number
 17 participating in general education and the number admitted to
 18 approved teacher education programs, the number of pilot
 19 program graduates, and the number of pilot program graduates
 20 who met the requirements of s. 1012.56. The commissioner shall
 21 consider the number of participants recruited, the number of
 22 graduates, and the number of graduates successfully meeting
 23 the requirements of s. 1012.56 reported by each institution,
 24 and shall make an annual recommendation to the State Board of
 25 Education regarding the institution's continued participation
 26 in the pilot program.

27 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
 28 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
 29 shall be established at the University of Central Florida, the
 30 University of North Florida, and the University of South
 31 Florida. These programs shall include a year-long paid

1 teaching assignment and competency-based learning experiences
 2 and shall be designed to encourage high-achieving students, as
 3 identified by the institution, to pursue a career in
 4 education. Students chosen to participate in the pilot
 5 programs shall agree to teach for at least 1 year after they
 6 receive their degrees. Criteria for identifying
 7 high-achieving students shall be developed by the institution
 8 and shall include, at a minimum, requirements that the student
 9 have a 3.3 grade point average or above and that the student
 10 has demonstrated mastery of general knowledge pursuant to s.
 11 1012.56. The year-long paid teaching assignment shall begin
 12 after completion of the equivalent of 3 years of the state
 13 university teacher preparation program.

14 (a) Each pilot program shall be designed to include:
 15 1. A year-long paid teaching assignment at a specified
 16 school site during the fourth year of the state university
 17 teacher preparation program, which includes intense
 18 supervision by a support team trained in clinical education.
 19 The support team shall include a state university supervisor
 20 and experienced school-based mentors. A mentor teacher shall
 21 be assigned to each fourth year employed teacher to implement
 22 an individualized learning plan. This mentor teacher will be
 23 considered an adjunct professor for purposes of this program
 24 and may receive credit for time spent as a mentor teacher in
 25 the program. The mentor teacher must have a master's degree
 26 or above, a minimum of 3 years of teaching experience, and
 27 clinical education training or certification by the National
 28 Board of Professional Teaching Standards. Experiences and
 29 instruction may be delivered by other mentors, assigned
 30 teachers, professors, individualized learning, and
 31

1 demonstrations. Students in this paid teaching assignment
2 shall assume full responsibility of all teaching duties.

3 2. Professional education curriculum requirements that
4 address the educator-accomplished practices and other
5 competencies specified in state board rule.

6 3. A modified instructional delivery system that
7 provides onsite training during the paid teaching assignment
8 in the professional education areas and competencies specified
9 in this subsection. The institutions participating in this
10 pilot program shall be given a waiver to provide a modified
11 instructional delivery system meeting criteria that allows
12 earned credit through nontraditional approaches. The modified
13 system may provide for an initial evaluation of the
14 candidate's competencies to determine an appropriate
15 individualized professional development plan and may provide
16 for earned credit by:

17 a. Internet learning and competency acquisition.

18 b. Learning acquired by observing demonstrations and
19 being observed in application.

20 c. Independent study or instruction by mentor teachers
21 or adjunct teachers.

22 4. Satisfactory demonstration of the
23 educator-accomplished practices and content area competencies
24 for program completion.

25 5. For program completion, required achievement of
26 passing scores on all tests required for certification by
27 State Board of Education rules.

28 (b) Beginning in July 2003, each institution
29 participating in the pilot program shall submit to the
30 Commissioner of Education an annual report evaluating the
31 effectiveness of the program. The report shall include, but

1 shall not be limited to, the number of students selected for
2 the pilot program, the number of students successfully
3 completing the pilot program, the number of program
4 participants who passed all required examinations, the number
5 of program participants who successfully demonstrated all
6 required competencies, and a followup study to determine the
7 number of pilot program completers who were employed in a
8 teaching position and employers' satisfaction with the
9 performance of pilot program completers.

10 (c) This subsection shall be implemented to the extent
11 specifically funded in the General Appropriations Act.

12 (11) RULES.--The State Board of Education shall adopt
13 necessary rules pursuant to ss. 120.536(1) and 120.54 to
14 implement this section.

15 Section 162. Section 1004.05, Florida Statutes, is
16 created to read:

17 1004.05 Substance abuse training programs.--

18 (1) Each state university and community college may
19 develop courses designed for public school teachers,
20 counselors, physicians, law enforcement personnel, and other
21 professionals to assist them in recognizing symptoms of
22 substance abuse impairment and identifying appropriate service
23 providers for referral and treatment.

24 (2) Such courses may be made available to students who
25 are currently enrolled and for continuing education units.

26 Section 163. Section 1004.06, Florida Statutes, is
27 created to read:

28 1004.06 Prohibited expenditures.--No community

29 college, state university, community college direct-support
30 organization, or state university direct-support organization
31 shall expend any funds, regardless of source, to purchase

1 membership in, or goods and services from, any organization
2 that discriminates on the basis of race, national origin,
3 gender, or religion.

4 Section 164. Part II of chapter 1004, Florida
5 Statutes, shall be entitled "State Universities" and shall
6 consist of ss. 1004.21-1004.62.

7 Section 165. Part II.a. of chapter 1004, Florida
8 Statutes, shall be entitled "General Provisions" and shall
9 consist of ss. 1004.21-1004.32.

10 Section 166. Section 1004.21, Florida Statutes, is
11 created to read:

12 1004.21 State universities; legislative intent.--It is
13 the legislative intent that state universities be constituted
14 as public corporations of the state and be operated by a board
15 of trustees as provided in s. 1001.74.

16 Section 167. Section 1004.22, Florida Statutes, is
17 created to read:

18 1004.22 Divisions of sponsored research at state
19 universities.--

20 (1) Each university is authorized to create, as it
21 deems advisable, divisions of sponsored research which will
22 serve the function of administration and promotion of the
23 programs of research, including sponsored training programs,
24 of the university at which they are located. A division of
25 sponsored research created under the provisions of this
26 section shall be under the supervision of the president of
27 that university.

28 (2) The university shall set such policies to regulate
29 the activities of the divisions of sponsored research as it
30 may consider necessary to effectuate the purposes of this act
31 and to administer the research programs in a manner which

1 assures efficiency and effectiveness, producing the maximum
 2 benefit for the educational programs and maximum service to
 3 the state. To this end, materials that relate to methods of
 4 manufacture or production, potential trade secrets,
 5 potentially patentable material, actual trade secrets,
 6 business transactions, or proprietary information received,
 7 generated, ascertained, or discovered during the course of
 8 research conducted within the state universities shall be
 9 confidential and exempt from the provisions of s. 119.07(1),
 10 except that a division of sponsored research shall make
 11 available upon request the title and description of a research
 12 project, the name of the researcher, and the amount and source
 13 of funding provided for such project.

14 (3) The president of the university where a division
 15 of sponsored research is created, or his or her designee, is
 16 authorized to negotiate, enter into, and execute research
 17 contracts; to solicit and accept research grants and
 18 donations; and to fix and collect fees, other payments, and
 19 donations that may accrue by reason thereof. The president or
 20 his or her designee may negotiate, enter into, and execute
 21 contracts on a cost-reimbursement basis and may provide
 22 temporary financing of such costs prior to reimbursement from
 23 moneys on deposit in a sponsored research development fund,
 24 except as may be prohibited elsewhere by law.

25 (4) A division of sponsored research shall be financed
 26 from the moneys of a university which are on deposit or
 27 received for use in the research or related programs of that
 28 particular university. Such moneys shall be deposited by the
 29 university in a permanent sponsored research development fund.

30 (5) Moneys deposited in the permanent sponsored
 31 research development fund of a university shall be disbursed

1 in accordance with the terms of the contract, grant, or
 2 donation under which they are received. Moneys received for
 3 overhead or indirect costs and other moneys not required for
 4 the payment of direct costs shall be applied to the cost of
 5 operating the division of sponsored research. Any surplus
 6 moneys shall be used to support other research or sponsored
 7 training programs in any area of the university.
 8 Transportation and per diem expense allowances shall be the
 9 same as those provided by law in s. 112.061, except that
 10 personnel performing travel under a sponsored research
 11 subcontract may be reimbursed for travel expenses in
 12 accordance with the provisions of the applicable prime
 13 contract or grant and the travel allowances established by the
 14 subcontractor, subject to the requirements of subsection (7),
 15 or except as provided in subsection (11).

16 (6)(a) Each university shall submit to the State Board
 17 of Education a report of the activities of each division of
 18 sponsored research together with an estimated budget for the
 19 next fiscal year.

20 (b) Not less than 90 days prior to the convening of
 21 each regular session of the Legislature in which an
 22 appropriation shall be made, the State Board of Education
 23 shall submit to the chair of the appropriations committee of
 24 each house of the Legislature a compiled report, together with
 25 a compiled estimated budget for the next fiscal year. A copy
 26 of such report and estimated budget shall be furnished to the
 27 Governor, as the chief budget officer of the state.

28 (7) All purchases of a division of sponsored research
 29 shall be made in accordance with the policies and procedures
 30 of the university; however, upon certification addressed to
 31 the university president that it is necessary for the

1 efficient or expeditious prosecution of a research project,
2 the president may exempt the purchase of material, supplies,
3 equipment, or services for research purposes shall be exempt
4 from the general purchasing requirement of the Florida
5 Statutes.

6 (8) The university may authorize the construction,
7 alteration, or remodeling of buildings when the funds used are
8 derived entirely from the sponsored research development fund
9 of a university or from that fund in combination with other
10 nonstate sources, provided that such construction, alteration,
11 or remodeling is for use exclusively in the area of research;
12 it also may authorize the acquisition of real property when
13 the cost is entirely from said funds. Title to all real
14 property purchased prior to January 7, 2003, or with funds
15 appropriated by the Legislature shall vest in the Board of
16 Trustees of the Internal Improvement Trust Fund and shall only
17 be transferred or conveyed by it.

18 (9) The sponsored research programs of the Institute
19 of Food and Agricultural Sciences, the University of Florida
20 Health Science Center, and the engineering and industrial
21 experiment station shall continue to be centered at the
22 University of Florida as heretofore provided by law. Indirect
23 cost reimbursements of all grants deposited in the Division of
24 Sponsored Research shall be distributed directly to the above
25 units in direct proportion to the amounts earned by each unit.

26 (10) The operation of the divisions of sponsored
27 research and the conduct of the sponsored research program are
28 expressly exempted from the provisions of any other laws or
29 portions of laws in conflict herewith and are, subject to the
30 requirements of subsection (7), exempted from the provisions
31 of chapters 215, 216, and 283.

1 (11) The divisions of sponsored research may pay, by
2 advancement or reimbursement, or a combination thereof, the
3 costs of per diem of university employees and of other
4 authorized persons, as defined in s. 112.061(2)(e), for
5 foreign travel up to the current rates as stated in the grant
6 and contract terms and may also pay incidental expenses as
7 authorized by s. 112.061(8). This subsection applies to any
8 university employee traveling in foreign countries for
9 sponsored programs of the university, if such travel expenses
10 are approved in the terms of the contract or grant. The
11 provisions of s. 112.061, other than those relating to per
12 diem, apply to the travel described in this subsection. As
13 used in this subsection, "foreign travel" means any travel
14 outside the United States and its territories and possessions
15 and Canada. Persons traveling in foreign countries pursuant
16 to this section shall not be entitled to reimbursements or
17 advancements pursuant to s. 112.061(6)(a)2. for such travel.

18 (12) Each division of sponsored research is authorized
19 to advance funds to any principal investigator who, under the
20 contract or grant terms, will be performing a portion of his
21 or her research at a site that is remote from the university.
22 Funds shall be advanced only to employees who have executed a
23 proper power of attorney with the university to ensure the
24 proper collection of such advanced funds if it becomes
25 necessary. As used in this subsection, the term "remote"
26 means so far removed from the university as to render normal
27 purchasing and payroll functions ineffective.

28 (13) Each university board of trustees is authorized
29 to adopt rules, as necessary, to administer this section.

30 Section 168. Section 1004.23, Florida Statutes, is
31 created to read:

1 1004.23 Universities; powers; patents, copyrights, and
2 trademarks.--Any other law to the contrary notwithstanding,
3 each state university is authorized, in its own name, to:

4 (1) Perform all things necessary to secure letters of
5 patent, copyrights, and trademarks on any work products and to
6 enforce its rights therein. The university shall consider
7 contributions by university personnel in the development of
8 trademarks, copyrights, and patents and shall enter into
9 written contracts with such personnel establishing the
10 interests of the university and such personnel in each
11 trademark, copyright, or patent.

12 (2) License, lease, assign, or otherwise give written
13 consent to any person, firm, or corporation for the
14 manufacture or use thereof, on a royalty basis or for such
15 other consideration as the university shall deem proper.

16 (3) Take any action necessary, including legal action,
17 to protect the same against improper or unlawful use or
18 infringement.

19 (4) Enforce the collection of any sums due the
20 university for the manufacture or use thereof by any other
21 party.

22 (5) Sell any of the same and execute all instruments
23 necessary to consummate any such sale.

24 (6) Do all other acts necessary and proper for the
25 execution of powers and duties herein conferred upon the
26 university, including adopting rules, as necessary, in order
27 to administer this section. Any proceeds therefrom shall be
28 deposited and expended in accordance with s. 1004.22. Any
29 action taken by the university in securing or exploiting such
30 trademarks, copyrights, or patents shall, within 30 days, be
31

1 reported in writing by the president to the Department of
2 State.

3 Section 169. Section 1004.24, Florida Statutes, is
4 created to read:

5 1004.24 Authorization to secure liability insurance.--

6 (1) The State Board of Education is authorized to
7 secure, or otherwise provide as a self-insurer, or by a
8 combination thereof, comprehensive general liability
9 insurance, including professional liability for health care
10 and veterinary sciences, for:

11 (a) A university board of trustees.

12 (b) The students and faculty of any state university.

13 (c) The officers, employees, or agents of a university
14 board of trustees.

15 (d) The professional practitioners practicing a
16 profession within, or by virtue of employment by, any state
17 university.

18 (e) Any of the state universities or subdivisions
19 thereof.

20 (f) Any not-for-profit corporation, organized pursuant
21 to chapter 617, and the directors, officers, employees, and
22 agents thereof, that is affiliated with a state university, if
23 the corporation is operated for the benefit of a state
24 university in a manner consistent with the best interests of
25 the state, and if such participation is approved by the
26 appropriate insurance trust fund council, university
27 president, and the State Board of Education.

28
29 The State Board of Education is authorized to delegate to the
30 university boards of trustees, as appropriate, the authority
31 to secure any liability insurance for the above.

1 (2) In the event the State Board of Education adopts a
 2 self-insurance program, the necessary trust funds in the State
 3 Treasury may be established pursuant to law. If the annual
 4 actuarial report to the self-insurance trust fund council is
 5 provided each year to the Auditor General within 60 days after
 6 acceptance by the council, the assets of a self-insurance
 7 program may be deposited outside the State Treasury, at the
 8 option of the State Board of Education, in accounts
 9 established pursuant to law for that purpose. Self-insurance
 10 program trust funds shall be administered in accordance with
 11 rules established by the State Board of Education.

12 (3) There shall be no funds appropriated directly to
 13 any insurance trust fund. The State Board of Education is
 14 authorized to accept any payments, receipts, gifts, or
 15 donations made for the purposes of this section and deposit
 16 such funds in the appropriate insurance trust fund.

17 (4) No self-insurance program adopted by the State
 18 Board of Education may sue or be sued. The State Board of
 19 Education shall pay, out of the assets of a trust fund
 20 established pursuant to this section, any claim or judgment
 21 for which the self-insurance trust funds were created and
 22 which is rendered against the board. The claims files of any
 23 such program are privileged and confidential, exempt from the
 24 provisions of s. 119.07(1), and are only for the use of the
 25 program in fulfilling its duties. Any self-insurance trust
 26 fund and revenues generated by that fund shall only be used to
 27 pay claims and administration expenses.

28 (5) The State Board of Education is authorized and
 29 empowered to make such rules as may be necessary to carry out
 30 the provisions of this section, including the delegation of
 31

1 authority, other than rulemaking authority, to appropriate
2 levels of administration within the state universities.

3 Section 170. Section 1004.25, Florida Statutes, is
4 created to read:

5 1004.25 State universities; payment of costs of civil
6 action.--A university may defray all costs of defending any
7 civil action brought against any officer or employee of the
8 university for any act or omission arising out of and in the
9 course of the performance of his or her duties and
10 responsibilities, which costs may include reasonable
11 attorney's fees and expenses together with costs of appeal,
12 and may save harmless and protect such person from any
13 financial loss resulting from the lawful performance of his or
14 her duties and responsibilities. Claims based on such actions
15 or omissions may be settled prior to or after the filing of
16 suit thereon. The university may arrange for and pay the
17 premium for appropriate insurance to cover all such losses and
18 expenses. The university may use funds available, not subject
19 to the obligation of contract, covenant, or trust, to carry
20 out the purposes of this section in the amount necessary.
21 Failure by the university to perform any act authorized by
22 this section shall not constitute a cause of action against
23 the university or its members, officers, or employees.

24 Section 171. Section 1004.28, Florida Statutes, is
25 created to read:

26 1004.28 Direct-support organizations; use of property;
27 board of directors; activities; audit; facilities.--

28 (1) DEFINITIONS.--For the purposes of this section:

29 (a) "University direct-support organization" means an
30 organization which is:

31

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 a state university in Florida or for
7 the benefit of a research and development park or research and
8 development authority affiliated with a state university and
9 organized under part V of chapter 159.

10 3. An organization that a state university board of
11 trustees, after review, has certified to be operating in a
12 manner consistent with the goals of the university and in the
13 best interest of the state. Any organization that is denied
14 certification by the board of trustees shall not use the name
15 of the university that it serves.

16 (b) "Personal services" includes full-time or
17 part-time personnel as well as payroll processing.

18 (2) USE OF PROPERTY.--

19 (a) Each state university board of trustees is
20 authorized to permit the use of property, facilities, and
21 personal services at any state university by any university
22 direct-support organization, and, subject to the provisions of
23 this section, direct-support organizations may establish
24 accounts with the State Board of Administration for investment
25 of funds pursuant to part IV of chapter 218.

26 (b) The board of trustees shall prescribe by rule
27 conditions with which a university direct-support organization
28 must comply in order to use property, facilities, or personal
29 services at any state university. Such rules shall provide
30 for budget and audit review and oversight by the board of
31 trustees.

1 (c) The board of trustees shall not permit the use of
2 property, facilities, or personal services at any state
3 university by any university direct-support organization that
4 does not provide equal employment opportunities to all persons
5 regardless of race, color, religion, gender, age, or national
6 origin.

7 (3) BOARD OF DIRECTORS.--The chair of the university
8 board of trustees may appoint a representative to the board of
9 directors and the executive committee of any direct-support
10 organization established under this section. The president of
11 the university for which the direct-support organization is
12 established, or his or her designee, shall also serve on the
13 board of directors and the executive committee of any
14 direct-support organization established to benefit that
15 university.

16 (4) ACTIVITIES; RESTRICTION.--A university
17 direct-support organization is prohibited from giving, either
18 directly or indirectly, any gift to a political committee or
19 committee of continuous existence as defined in s. 106.011 for
20 any purpose other than those certified by a majority roll call
21 vote of the governing board of the direct-support organization
22 at a regularly scheduled meeting as being directly related to
23 the educational mission of the university.

24 (5) ANNUAL AUDIT.--Each direct-support organization
25 shall provide for an annual financial audit of its accounts
26 and records to be conducted by an independent certified public
27 accountant in accordance with rules adopted by the Auditor
28 General pursuant to s. 11.45(8) and by the university board of
29 trustees. The annual audit report shall be submitted, within
30 9 months after the end of the fiscal year, to the Auditor
31 General and the State Board of Education for review. The State

1 Board of Education, the university board of trustees, the
2 Auditor General, and the Office of Program Policy Analysis and
3 Government Accountability shall have the authority to require
4 and receive from the organization or from its independent
5 auditor any records relative to the operation of the
6 organization. The identity of donors who desire to remain
7 anonymous shall be protected, and that anonymity shall be
8 maintained in the auditor's report. All records of the
9 organization other than the auditor's report, management
10 letter, and any supplemental data requested by the State Board
11 of Education, the university board of trustees, the Auditor
12 General, and the Office of Program Policy Analysis and
13 Government Accountability shall be confidential and exempt
14 from the provisions of s. 119.07(1).

15 (6) FACILITIES.--In addition to issuance of
16 indebtedness pursuant to s. 1010.60(2), each direct-support
17 organization is authorized to enter into agreements to
18 finance, design and construct, lease, lease-purchase,
19 purchase, or operate facilities necessary and desirable to
20 serve the needs and purposes of the university, as determined
21 by the systemwide strategic plan adopted by the State Board of
22 Education. Such agreements are subject to the provisions of
23 s. 1013.171.

24 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
25 organization shall submit to the university president and the
26 State Board of Education its federal Internal Revenue Service
27 Application for Recognition of Exemption form (Form 1023) and
28 its federal Internal Revenue Service Return of Organization
29 Exempt from Income Tax form (Form 990).

30 Section 172. Section 1004.29, Florida Statutes, is
31 created to read:

1 1004.29 University health services support

2 organizations.--

3 (1) Each state university is authorized to establish
4 university health services support organizations which shall
5 have the ability to enter into, for the benefit of the
6 university academic health sciences center, arrangements with
7 other entities as providers in other integrated health care
8 systems or similar entities. To the extent required by law or
9 rule, university health services support organizations shall
10 become licensed as insurance companies, pursuant to chapter
11 624, or be certified as health maintenance organizations,
12 pursuant to chapter 641. University health services support
13 organizations shall have sole responsibility for the acts,
14 debts, liabilities, and obligations of the organization. In
15 no case shall the state or university have any responsibility
16 for such acts, debts, liabilities, and obligations incurred or
17 assumed by university health services support organizations.

18 (2) Each university health services support
19 organization shall be a Florida corporation not for profit,
20 incorporated under the provisions of chapter 617 and approved
21 by the Department of State.

22 (3) A state university board of trustees may
23 prescribe, by rule, conditions with which a university health
24 services support organization must comply in order to be
25 certified and to use property, facilities, or personal
26 services at any state university. The rules must provide for
27 budget, audit review, and oversight by the board of trustees.
28 Such rules shall provide that the university health services
29 support organization may provide salary supplements and other
30 compensation or benefits for university faculty and staff
31 employees only as set forth in the organization's budget,

1 which shall be subject to approval by the university
2 president.

3 (4) The chair of the university board of trustees may
4 appoint a representative to the board of directors and the
5 executive committee of any university health services support
6 organization established under this section. The president of
7 the university for which the university health services
8 support organization is established, or the president's
9 designee, shall also serve on the board of directors and the
10 executive committee of any university health services support
11 organization established to benefit that university.

12 (5) Each university health services support
13 organization shall provide for an annual financial audit in
14 accordance with s. 1004.28(5). The auditor's report,
15 management letter, and any supplemental data requested by the
16 State Board of Education, the university board of trustees,
17 and the Auditor General shall be considered public records,
18 pursuant to s. 119.07.

19 Section 173. Section 1004.30, Florida Statutes, is
20 created to read:

21 1004.30 University health services support
22 organization; confidentiality of information.--

23 (1) All meetings of a governing board of a university
24 health services support organization and all university health
25 services support organization records shall be open and
26 available to the public in accordance with s. 286.011 and s.
27 24(b), Art. I of the State Constitution and chapter 119 and s.
28 24(a), Art. I of the State Constitution, respectively, unless
29 made confidential or exempt by law. Records required by the
30 Department of Insurance to discharge its duties shall be made
31 available to the department upon request.

1 (2) The following university health services support
2 organization's records and information 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 (a) Contracts for managed care arrangements under
6 which the university health services support organization
7 provides health care services, preferred provider organization
8 contracts, health maintenance organization contracts, alliance
9 network arrangements, and exclusive provider organization
10 contracts, and any documents directly relating to the
11 negotiation, performance, and implementation of any such
12 contracts for managed care arrangements or alliance network
13 arrangements. As used in this paragraph, the term "managed
14 care" means systems or techniques generally used by
15 third-party payors or their agents to affect access to and
16 control payment for health care services. Managed-care
17 techniques most often include one or more of the following:
18 prior, concurrent, and retrospective review of the medical
19 necessity and appropriateness of services or site of services;
20 contracts with selected health care providers; financial
21 incentives or disincentives related to the use of specific
22 providers, services, or service sites; controlled access to
23 and coordination of services by a case manager; and payor
24 efforts to identify treatment alternatives and modify benefit
25 restrictions for high-cost patient care.

26 (b) Each university health services support
27 organization's marketing plan the disclosure of which may
28 reasonably be expected by the organization's governing board
29 to be used by a competitor or an affiliated provider of the
30 organization to frustrate, circumvent, or exploit the purposes
31 of the plan before it is implemented and which is not

1 otherwise known or cannot be legally obtained by a competitor
2 or an affiliated provider. However, documents that are
3 submitted to the organization's governing board as part of the
4 board's approval of the organization's budget, and the budget
5 itself, are not confidential and exempt.

6 (c) Trade secrets, as defined in s. 688.002, including
7 reimbursement methodologies and rates.

8 (d) The records of the peer review panels, committees,
9 governing board, and agents of the university health services
10 support organization which relate solely to the evaluation of
11 health care services and professional credentials of health
12 care providers and physicians employed by or providing
13 services under contract to the university health services
14 support organization. The exemptions created by this
15 paragraph shall not be construed to impair any otherwise
16 established rights of an individual health care provider to
17 inspect documents concerning the determination of such
18 provider's professional credentials.

19 (3) Any portion of a governing board or peer review
20 panel or committee meeting during which a confidential and
21 exempt contract, document, record, marketing plan, or trade
22 secret, as provided for in subsection (2), is discussed is
23 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
24 of the State Constitution.

25 (4) Those portions of any public record, such as a
26 tape recording, minutes, and notes, generated during that
27 portion of a governing board or peer review panel or committee
28 meeting which is closed to the public pursuant to this
29 section, which contain information relating to contracts,
30 documents, records, marketing plans, or trade secrets which
31 are made confidential and exempt by this section, are

1 confidential and exempt from the provisions of s. 119.07(1)
2 and s. 24(a), Art. I of the State Constitution.

3 (5) The exemptions from s. 119.07(1) and s. 24(a),
4 Art. I of the State Constitution and s. 286.011 and s. 24(b),
5 Art. I of the State Constitution provided in this section do
6 not apply if the governing board of a university health
7 services support organization votes to lease, sell, or
8 transfer all or any substantial part of the facilities or
9 property of the university health services support
10 organization to a nonpublic entity.

11 (6) Any person may petition a court of competent
12 jurisdiction for an order for the public release of those
13 portions of any public record, such as a tape recording,
14 minutes, or notes, generated during that portion of a
15 governing board meeting which is closed to the public pursuant
16 to subsection (3), which record is made confidential and
17 exempt by subsection (4). Any action pursuant to this
18 subsection must be brought in the county where the principal
19 office of the university health services support organization
20 is located, as reflected in the records of the Secretary of
21 State. In any order for the public release of a record
22 pursuant to this subsection, the court shall make a finding
23 that a compelling public interest is served by the release of
24 the record or portions thereof which exceeds the public
25 necessity for maintaining the confidentiality of such record
26 as described in s. 2, chapter 96-171, Laws of Florida, and
27 that the release of the record will not cause damage to or
28 adversely affect the interests of private persons, business
29 entities, the university health services support organization,
30 or the affiliated university.

31

1 (7) Those portions of any public record, such as a
 2 tape recording, minutes, or notes, generated during that
 3 portion of a governing board meeting at which negotiations for
 4 contracts for managed-care arrangements occur, are reported
 5 on, or are acted on by the governing board, which record is
 6 made confidential and exempt by subsection (4), shall become
 7 public records 2 years after the termination or completion of
 8 the term of the contract to which such negotiations relate or,
 9 if no contract was executed, 2 years after the termination of
 10 the negotiations. Notwithstanding paragraph (2)(a) and
 11 subsection (4), a university health services support
 12 organization must make available, upon request, the title and
 13 general description of a contract for managed-care
 14 arrangements, the names of the contracting parties, and the
 15 duration of the contract term. All contracts for managed-care
 16 arrangements which are made confidential and exempt by
 17 paragraph (2)(a), except those portions of any contract
 18 containing trade secrets which are made confidential and
 19 exempt by paragraph (2)(c), shall become public 2 years after
 20 the termination or completion of the term of the contract.

21 (8) A university health services support organization
 22 may petition a court of competent jurisdiction to continue the
 23 confidentiality of any public record made nonconfidential by
 24 this section, upon a showing of good cause. In determining
 25 good cause, the court shall balance the property, privacy, and
 26 economic interests of any affected person or business entity
 27 with those of the university health services support
 28 organization and with the public interest and must make a
 29 finding that a substantial public interest is served by the
 30 continued confidentiality of the public record for an
 31 additional time period. The length of time for this continued

1 exemption may be no longer than is necessary to protect that
2 substantial public interest.

3 (9) This act does not preclude discovery of records
4 and information that are otherwise discoverable under the
5 Florida Rules of Civil Procedure or any statutory provision
6 allowing discovery or presuit disclosure of such records and
7 information for the purpose of civil actions.

8 Section 174. Section 1004.31, Florida Statutes, is
9 created to read:

10 1004.31 Assent to Hatch Act and Morrill Land-Grant
11 Act.--The assent of the Legislature is given to the provisions
12 and requirements of the Acts of Congress commonly known as the
13 "Hatch Act of 1887," the "First Morrill Act of 1862," the
14 "Second Morrill Act of 1890," and all acts supplemental
15 thereto. The University of Florida Board of Trustees may
16 receive grants of money appropriated for the benefit of the
17 University of Florida Institute of Food and Agricultural
18 Sciences in the case of the First Morrill Act, the Hatch Act,
19 and all acts supplemental thereto. The Florida Agricultural
20 and Mechanical University Board of Trustees may receive grants
21 of money appropriated for the benefit of Florida Agricultural
22 and Mechanical University in the case of the Second Morrill
23 Act and all acts supplemental thereto. The provisions of
24 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,
25 1870, Laws of Florida, are made applicable to said
26 universities insofar as the same are or can be made effective;
27 and all estate, right, property claim, and emoluments, and the
28 rents and issues thereof, or any substitutions thereof, and
29 all claims and demands arising or that may or can arise
30 thereunder, or any Act of Congress in that regard, are hereby
31 preserved, maintained, and transferred to the University of

1 Florida Board of Trustees and the Florida Agricultural and
2 Mechanical University Board of Trustees for the use and
3 benefit of said universities under the terms of said acts.

4 Section 175. Section 1004.32, Florida Statutes, is
5 created to read:

6 1004.32 New College of Florida.--

7 (1) MISSION AND GOALS.--New College of Florida serves
8 a distinctive mission as the 4-year residential liberal arts
9 honors college of the State of Florida. To maintain this
10 mission, New College of Florida has the following goals:

11 (a) To provide a quality education to students of high
12 ability who, because of their ability, deserve a program of
13 study that is both demanding and stimulating.

14 (b) To engage in undergraduate educational reform by
15 combining educational innovation with educational excellence.

16 (c) To provide programs of study that allow students
17 to design their educational experience as much as possible in
18 accordance with their individual interests, values, and
19 abilities.

20 (d) To challenge undergraduates not only to master
21 existing bodies of knowledge but also to extend the frontiers
22 of knowledge through original research.

23 (2) ACCREDITATION.--As soon as possible, New College
24 of Florida shall apply to the Commission on Colleges of the
25 Southern Association of Colleges and Schools for separate
26 accreditation.

27 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
28 members to the Board of Trustees, to serve 4-year staggered
29 terms, as follows:

30 (a) Three residents of Sarasota County.

31 (b) Two residents of Manatee County.

1 (c) Until the expiration date of the terms of office
2 of the members who are on the board June 30, 2001, seven
3 members selected from the Board of Trustees of the New College
4 Foundation.

5
6 In addition, the student body president shall serve ex officio
7 as a voting member of the board of trustees.

8 Section 176. Part II.b. of chapter 1004, Florida
9 Statutes, shall be entitled "Branch Campuses, Centers,
10 Institutes, and Special Programs" and shall consist of ss.
11 1004.33-1004.62.

12 Section 177. Section 1004.33, Florida Statutes, is
13 created to read:

14 1004.33 The University of South Florida St.
15 Petersburg.--

16 (1) The St. Petersburg campus of the University of
17 South Florida is established and shall be known as the
18 "University of South Florida St. Petersburg."

19 (a) The Legislature intends that the University of
20 South Florida St. Petersburg be operated and maintained as a
21 separate organizational and budget entity of the University of
22 South Florida, and that all legislative appropriations for the
23 University of South Florida St. Petersburg be set forth as
24 separate line items in the annual General Appropriations Act.

25 (b) The University of South Florida St. Petersburg
26 shall have a Campus Board and a Campus Executive Officer.

27 (c) As soon as possible, but no later than the
28 effective date of this act, the President of the University of
29 South Florida shall begin the process of application to the
30 Commission on Colleges of the Southern Association of Colleges
31 and Schools for separate accreditation of the University of

1 South Florida St. Petersburg. If the application is not
2 approved or is provisionally approved, the University of South
3 Florida shall correct any identified deficiencies and shall
4 continue to work for accreditation.

5 (2) The Board of Trustees of the University of South
6 Florida shall appoint to the Campus Board, from
7 recommendations of the President of the University of South
8 Florida, five residents of Pinellas County. If a resident of
9 Pinellas County is appointed to the Board of Trustees of the
10 University of South Florida, the board shall appoint that
11 member to serve jointly as a member of the Campus Board. If
12 more than one Pinellas County resident is appointed to the
13 Board of Trustees, the board shall select one joint member.
14 The Board of Trustees may reappoint a member to the Campus
15 Board for one additional term. The Campus Board has the powers
16 and duties provided by law, which include the authority to:

17 (a) Review and approve an annual legislative budget
18 request to be submitted to the Commissioner of Education. The
19 Campus Executive Officer shall prepare the legislative budget
20 request in accordance with guidelines established by the State
21 Board of Education. This request must include items for campus
22 operations and fixed capital outlay.

23 (b) Approve and submit an annual operating plan and
24 budget for review and consultation by the Board of Trustees of
25 the University of South Florida. The campus operating budget
26 must reflect the actual funding available to that campus from
27 separate line-item appropriations contained in each annual
28 General Appropriations Act, which line-item appropriations
29 must initially reflect the funds reported to the Legislature
30 for the University of South Florida St. Petersburg campus for
31

1 fiscal year 2000-2001 and any additional funds provided in the
2 fiscal year 2001-2002 legislative appropriation.

3 (c) Enter into central support services contracts with
4 the Board of Trustees of the University of South Florida for
5 any services that the St. Petersburg campus cannot provide
6 more economically, including payroll processing, accounting,
7 technology, construction administration, and other desired
8 services. However, all legal services for the campus must be
9 provided by a central services contract with the university.
10 The Board of Trustees of the University of South Florida and
11 the Campus Board shall determine in a letter of agreement any
12 allocation or sharing of student fee revenue between the
13 University of South Florida's main campus and the St.
14 Petersburg campus.

15
16 The Board of Trustees of the University of South Florida may
17 lawfully delegate other powers and duties to the Campus Board
18 for the efficient operation and improvement of the campus and
19 for the purpose of vesting in the campus the attributes
20 necessary to meet the requirements for separate accreditation
21 by the Southern Association of Colleges and Schools.

22 (3) The University of South Florida St. Petersburg
23 shall be administered by a Campus Executive Officer who shall
24 be appointed by, report directly to, and serve at the pleasure
25 of the President of the University of South Florida. The
26 President shall consult with the Campus Board before hiring or
27 terminating the Campus Executive Officer. The Campus Executive
28 Officer has authority and responsibility as provided in law,
29 including the authority to:

30 (a) Administer campus operations within the annual
31 operating budget as approved by the Campus Board.

1 (b) Recommend to the Campus Board an annual
2 legislative budget request that includes funding for campus
3 operations and fixed capital outlay.

4 (c) Recommend to the Campus Board an annual campus
5 operating budget.

6 (d) Recommend to the Campus Board appropriate services
7 and terms and conditions to be included in annual central
8 support services contracts.

9 (e) Carry out any additional responsibilities assigned
10 or delegated by the President of the University of South
11 Florida for the efficient operation and improvement of the
12 campus, especially any authority necessary for the purpose of
13 vesting in the campus attributes necessary to meet the
14 requirements for separate accreditation.

15 (4) Students enrolled at the University of South
16 Florida, including those enrolled at a branch campus, have the
17 same rights and obligations as provided by law, policy, or
18 rule adopted by the University of South Florida, the Florida
19 Department of Education, or other lawful entity. The
20 University of South Florida shall provide a comprehensive and
21 coordinated system of student registration so that a student
22 enrolled at any campus of the University of South Florida has
23 the ability to register for courses at any other campus of the
24 University of South Florida.

25 (5) The following entities are not affected by this
26 section and remain under the administrative control of the
27 University of South Florida:

28 (a) The University of South Florida College of Marine
29 Science, which is a component college of the main campus.

30 (b) The Florida Institute of Oceanography, which is a
31 Type One Institute.

1 (c) The University of South Florida Pediatric Research
2 Center.

3 (d) The University of South Florida/USGS joint
4 facility.

5 Section 178. Section 1004.34, Florida Statutes, is
6 created to read:

7 1004.34 The University of South Florida
8 Sarasota/Manatee.--

9 (1) The Sarasota/Manatee campus of the University of
10 South Florida is established and shall be known as the
11 "University of South Florida Sarasota/Manatee."

12 (a) The Legislature intends that the University of
13 South Florida Sarasota/Manatee be operated and maintained as a
14 separate organizational and budget entity of the University of
15 South Florida and that all legislative appropriations for the
16 University of South Florida Sarasota/Manatee be set forth as
17 separate line items in the annual General Appropriations Act.

18 (b) The University of South Florida Sarasota/Manatee
19 shall have a Campus Board and a Campus Executive Officer.

20 (c) As soon as possible, but no later than July 1,
21 2002, the President of the University of South Florida shall
22 begin the process of application to the Commission on Colleges
23 of the Southern Association of Colleges and Schools for
24 separate accreditation of the University of South Florida
25 Sarasota/Manatee. If the application is not approved or is
26 provisionally approved, the University of South Florida shall
27 correct any identified deficiencies and shall continue to work
28 for accreditation.

29 (2) The Board of Trustees of the University of South
30 Florida shall appoint to the Campus Board, from
31 recommendations of the President of the University of South

1 Florida, three residents of Manatee County and two residents
 2 of Sarasota County, to serve 4-year staggered terms. If one or
 3 more residents of Sarasota County or Manatee County are
 4 appointed to the Board of Trustees of the University of South
 5 Florida, the board shall, at the next vacancy of the Campus
 6 Board, appoint one of those members to serve jointly as a
 7 member of the Campus Board. The Board of Trustees may
 8 reappoint a member to the Campus Board for one additional
 9 term. The Campus Board has the powers and duties provided by
 10 law, which include the authority to:

11 (a) Review and approve an annual legislative budget
 12 request to be submitted to the Commissioner of Education. The
 13 Campus Executive Officer shall prepare the legislative budget
 14 request in accordance with guidelines established by the State
 15 Board of Education. This request must include items for campus
 16 operations and fixed capital outlay.

17 (b) Approve and submit an annual operating plan and
 18 budget for review and consultation by the Board of Trustees of
 19 the University of South Florida. The campus operating budget
 20 must reflect the actual funding available to that campus from
 21 separate line-item appropriations contained in each annual
 22 General Appropriations Act, which line-item appropriations
 23 must initially reflect the funds reported to the Legislature
 24 for the University of South Florida Sarasota/Manatee campus
 25 for fiscal year 2000-2001 and any additional funds provided in
 26 the fiscal year 2001-2002 legislative appropriation.

27 (c) Enter into central support services contracts with
 28 the Board of Trustees of the University of South Florida for
 29 any services that the campus at Sarasota/Manatee cannot
 30 provide more economically, including payroll processing,
 31 accounting, technology, construction administration, and other

1 desired services. However, all legal services for the campus
2 must be provided by a central services contract with the
3 university. The Board of Trustees of the University of South
4 Florida and the Campus Board shall determine in a letter of
5 agreement any allocation or sharing of student fee revenue
6 between the University of South Florida's main campus and the
7 Sarasota/Manatee campus.

8
9 The Board of Trustees of the University of South Florida may
10 lawfully delegate other powers and duties to the Campus Board
11 for the efficient operation and improvement of the campus and
12 for the purpose of vesting in the campus the attributes
13 necessary to meet the requirements for separate accreditation
14 by the Southern Association of Colleges and Schools.

15 (3) The University of South Florida Sarasota/Manatee
16 shall be administered by a Campus Executive Officer who shall
17 be appointed by, report directly to, and serve at the pleasure
18 of the President of the University of South Florida. The
19 President shall consult with the Campus Board before hiring or
20 terminating the Campus Executive Officer. The Campus Executive
21 Officer has authority and responsibility as provided in law,
22 including the authority to:

23 (a) Administer campus operations within the annual
24 operating budget as approved by the Campus Board.

25 (b) Recommend to the Campus Board an annual
26 legislative budget request that includes funding for campus
27 operations and fixed capital outlay.

28 (c) Recommend to the Campus Board an annual campus
29 operating budget.

30
31

1 (d) Recommend to the Campus Board appropriate services
2 and terms and conditions to be included in annual central
3 support services contracts.

4 (e) Carry out any additional responsibilities assigned
5 or delegated by the President of the University of South
6 Florida for the efficient operation and improvement of the
7 campus, especially any authority necessary for the purpose of
8 vesting in the campus attributes necessary to meet the
9 requirements for separate accreditation.

10 (4) Students enrolled at the University of South
11 Florida, including those enrolled at a branch campus, have the
12 same rights and obligations as provided by law, policy, or
13 rule adopted by the University of South Florida, the Florida
14 Department of Education, or other lawful entity. The
15 University of South Florida shall provide a comprehensive and
16 coordinated system of student registration so that a student
17 enrolled at any campus of the University of South Florida has
18 the ability to register for courses at any other campus of the
19 University of South Florida.

20 (5) Promote technology transfer between the research
21 operations of the University of South Florida and local
22 economic development agencies.

23 Section 179. Section 1004.35, Florida Statutes, is
24 created to read:

25 1004.35 Broward County campuses of Florida Atlantic
26 University; coordination with other institutions.--The State
27 Board of Education and Florida Atlantic University shall
28 consult with Broward Community College and Florida
29 International University in coordinating course offerings at
30 the postsecondary level in Broward County. Florida Atlantic
31 University may contract with the Board of Trustees of Broward

1 Community College and with Florida International University to
2 provide instruction in courses offered at the Southeast
3 Campus. Florida Atlantic University shall increase course
4 offerings at the Southeast Campus as facilities become
5 available.

6 Section 180. Section 1004.36, Florida Statutes, is
7 created to read:

8 1004.36 Florida Atlantic University campuses.--

9 (1) The Broward County campuses of Florida Atlantic
10 University are hereby established as a partner of the Florida
11 Atlantic University campus in Boca Raton. The Broward County
12 campuses of Florida Atlantic University shall be known as
13 "Florida Atlantic University Broward." The Boca Raton campuses
14 of Florida Atlantic University shall be known as "Florida
15 Atlantic University Boca Raton." The office of the president
16 shall be at the campus in Boca Raton.

17 (2) Florida Atlantic University shall develop and
18 administer a separate budget for Florida Atlantic University
19 Broward. The budget shall include, at a minimum, an allocation
20 of those operating and capital outlay funds appropriated
21 annually by the Legislature in the General Appropriations Act
22 for the Broward campuses; a proportional share, based on
23 student credit hours produced at the Broward campuses, of any
24 allocations received by the university from student tuition
25 and fees, except for athletic fees, specifically authorized by
26 law; all overhead charges from sponsored research conducted on
27 the Broward campuses; and all revenues derived from vending
28 funds, auxiliary enterprises and contracts, and grants and
29 donations, as authorized by s. 1011.91, which result from
30 activities on Broward campuses. Florida Atlantic University
31 Broward and Florida Atlantic University Boca Raton may pay

1 reasonable charges to appropriate levels of administration of
2 Florida Atlantic University for services delivered
3 universitywide.

4 (3) The Florida Atlantic University Board of Trustees
5 shall take all actions necessary to ensure that Florida
6 Atlantic University Broward and Florida Atlantic University
7 Boca Raton are partners in the overall policymaking and
8 academic governance structures of the university. Annual
9 legislative budget requests for operations and facilities
10 shall separately identify those funds requested for Florida
11 Atlantic University Broward and Florida Atlantic University
12 Boca Raton. Florida Atlantic University Broward and Florida
13 Atlantic University Boca Raton shall have local management
14 authority over their campus faculty, staff, and programs, but
15 there shall be universitywide standards and processes for
16 evaluating requests for promotion and tenure; there shall be
17 complete transferability of credits and uniform programs
18 across campuses; and colleges operating on multiple campuses
19 shall have only one dean for each college. Florida Atlantic
20 University Broward shall establish a faculty senate and may
21 establish a direct-support organization. Any such
22 direct-support organization shall be subject to s. 1004.28(5).

23 (4) The State Board of Education, as a function of its
24 comprehensive master planning process, shall continue to
25 evaluate the need for undergraduate programs in Broward County
26 and shall assess the extent to which existing postsecondary
27 programs are addressing those needs.

28 Section 181. Section 1004.37, Florida Statutes, is
29 created to read:
30
31

1 1004.37 County or area extension programs; cooperation
2 between counties and University of Florida and Florida
3 Agricultural and Mechanical University.--

4 (1) The Florida Cooperative Extension Service is
5 administered through the University of Florida and is
6 supported programmatically by the University of Florida and
7 Florida Agricultural and Mechanical University in
8 collaboration with individual county governments. County or
9 area extension programs will be developed, based on local
10 situations, needs, and problems, supported by scientific and
11 technical information developed by the University of Florida,
12 Florida Agricultural and Mechanical University, the United
13 States Department of Agriculture, and other sources of
14 research information. This information will be made available
15 through the local program, with the aid of research scientists
16 and extension specialists of the University of Florida
17 Institute of Food and Agricultural Sciences and Florida
18 Agricultural and Mechanical University.

19 (2) In each county or other geographic subdivision the
20 board of county commissioners or other legally constituted
21 governing body will annually determine the extent of its
22 financial participation in cooperative extension work. The
23 extent of such financial participation by the counties will
24 influence the number of county extension agents and clerical
25 staff employed and the scope of the local extension program.

26 (3) Boards of county commissioners or other legally
27 constituted governing bodies will approve or disapprove of
28 persons recommended for extension positions in the county. If
29 the governing body of the county notifies the extension
30 service by resolution that it wants a list of three qualified
31 candidates, then the extension service shall, for each

1 position, make its recommendation by submitting a list of not
 2 fewer than three qualified persons, or all qualified persons
 3 if three or fewer. From this list, the board of county
 4 commissioners, or other legally constituted governing body,
 5 shall make its selection. If none of the persons recommended
 6 are approved, the extension service shall continue to submit
 7 lists of not fewer than three additional qualified persons
 8 until one person is selected. If the governing body of the
 9 county does not forward such a resolution to the extension
 10 service, the extension service shall recommend one qualified
 11 candidate to the governing body. If a person recommended is
 12 not approved, the extension service shall recommend another
 13 qualified candidate and shall repeat this procedure as
 14 necessary until one person is selected. Extension agents so
 15 appointed will be staff members of the University of Florida
 16 or Florida Agricultural and Mechanical University, depending
 17 on the source of funds. It is the responsibility of the
 18 cooperative extension service to determine qualifications for
 19 positions.

20 (4) Although county extension agents are jointly
 21 employed by the state universities and federal and county
 22 governments for the purposes of administration of the
 23 cooperative extension service, the personnel policies and
 24 procedures of the University of Florida or Florida
 25 Agricultural and Mechanical University, depending on
 26 appointment, will apply except in those instances when federal
 27 legislation or the basic memorandum of understanding is
 28 applicable.

29 (5) The University of Florida will provide county
 30 extension personnel in the county with supervision and
 31 resources for planning and programming and is responsible for

1 the programming process. The Florida Cooperative Extension
2 Service will make available needed program materials to the
3 extension agents through the subject matter specialists or
4 through other resource persons available from within the
5 university. It will be responsible for maintaining a high
6 level of technical competence in the county extension staff
7 through a continuous program of inservice training.

8 (6) The county extension director will report
9 periodically to the board of county commissioners or other
10 legally constituted governing body on programs underway and
11 results in the county. Each board of county commissioners or
12 other legally constituted governing body will develop a plan
13 which will enable it to be kept informed on the progress and
14 results of the local extension program so that its own
15 knowledge of program needs and problems may become a part of
16 the educational work carried on by the agents. Such plan shall
17 provide for a means of communicating the board's satisfaction
18 with the extension program to the county extension director
19 and the cooperative extension service.

20 Section 182. Section 1004.38, Florida Statutes, is
21 created to read:

22 1004.38 Master of science program in speech-language
23 pathology; Florida International University.--A master of
24 science degree program in speech-language pathology is hereby
25 authorized at Florida International University.

26 Section 183. Section 1004.39, Florida Statutes, is
27 created to read:

28 1004.39 College of law at Florida International
29 University.--

30 (1) A college of law is authorized at Florida
31 International University.

1 (2) The college of law at Florida International
2 University must be operated in compliance with the standards
3 approved by nationally recognized associations for accredited
4 colleges of law.

5 (3) The college of law at Florida International
6 University, to the extent consistent with the standards
7 required by the American Bar Association or any other
8 nationally recognized association for the accreditation of
9 colleges of law, shall develop a law library collection
10 utilizing electronic formats and mediums.

11 (4) The college of law at Florida International
12 University shall develop and institute a program that is
13 consistent with sound legal education principles as determined
14 by the American Bar Association or any other nationally
15 recognized association for the accreditation of colleges of
16 law and that, to the extent consistent with such sound legal
17 education principles, is structured to serve the legal needs
18 of traditionally underserved portions of the population by
19 providing an opportunity for participation in a legal clinic
20 program or pro bono legal service.

21 (5) The Florida International University Board of
22 Trustees shall commence the planning of a college of law at
23 Florida International University. In planning the college of
24 law, the Florida International University Board of Trustees
25 and the State Board of Education may accept grants, donations,
26 gifts, and moneys available for this purpose, including moneys
27 for planning and constructing the college. The Florida
28 International University Board of Trustees may procure and
29 accept any federal funds that are available for the planning,
30 creation, and establishment of the college of law. Classes
31 must commence by the fall semester 2003. If the American Bar

1 Association or any other nationally recognized association for
2 the accreditation of colleges of law issues a third
3 disapproval of an application for provisional approval or for
4 full approval or fails to grant, within 5 years following the
5 graduation of the first class, a provisional approval, to the
6 college of law at Florida International University, the State
7 Board of Education shall make recommendations to the Governor
8 and the Legislature as to whether the college of law will
9 cease operations at the end of the full academic year
10 subsequent to the receipt by the college of law of any such
11 third disapproval, or whether the college of law will continue
12 operations and any conditions for continued operations. If the
13 college of law ceases operations pursuant to this section, the
14 following conditions apply:

15 (a) The authority for the college of law at Florida
16 International University and the authority of the Florida
17 International University Board of Trustees and the State Board
18 of Education provided in this section shall terminate upon the
19 cessation of operations of the college of law at Florida
20 International University. The college of law at Florida
21 International University shall receive no moneys allocated for
22 the planning, construction, or operation of the college of law
23 after its cessation of operations other than moneys to be
24 expended for the cessation of operations of the college of
25 law. Any moneys allocated to the college of law at Florida
26 International University not expended prior to or scheduled to
27 be expended after the date of the cessation of the college of
28 law shall be appropriated for other use by the Legislature of
29 the State of Florida.

30 (b) Any buildings of the college of law at Florida
31 International University constructed from the expenditure of

1 capital outlay funds appropriated by the Legislature shall be
2 owned by the Board of Trustees of the Internal Improvement
3 Trust Fund and managed by the Florida International University
4 Board of Trustees upon the cessation of the college of law.

5
6 Nothing in this section shall undermine commitments to current
7 students receiving support as of the date of the enactment of
8 this section from the law school scholarship program of the
9 Florida Education Fund as provided in s. 1009.70(8). Students
10 attending the college of law at Florida International
11 University shall be eligible for financial, academic, or other
12 support from the Florida Education Fund as provided in s.
13 1009.70(8) without the college's obtaining accreditation by
14 the American Bar Association.

15 (6) The college of law at Florida International
16 University shall be dedicated to providing opportunities for
17 minorities to attain representation within the legal
18 profession proportionate to their representation in the
19 general population; however, the college of law shall not
20 include preferences in the admissions process for applicants
21 on the basis of race, national origin, or gender.

22 Section 184. Section 1004.40, Florida Statutes, is
23 created to read:

24 1004.40 College of law at Florida Agricultural and
25 Mechanical University.--

26 (1) A college of law is authorized at Florida
27 Agricultural and Mechanical University.

28 (2) The college of law at Florida Agricultural and
29 Mechanical University must be operated in compliance with the
30 standards approved by nationally recognized associations for
31 accredited colleges of law.

1 (3) The college of law at Florida Agricultural and
 2 Mechanical University, to the extent consistent with the
 3 standards required by the American Bar Association or any
 4 other nationally recognized association for the accreditation
 5 of colleges of law, shall develop a law library collection
 6 utilizing electronic formats and mediums.

7 (4) The college of law at Florida Agricultural and
 8 Mechanical University shall develop and institute a program
 9 that is consistent with sound legal education principles as
 10 determined by the American Bar Association or any other
 11 nationally recognized association for the accreditation of
 12 colleges of law and that, to the extent consistent with such
 13 sound legal education principles, is structured to serve the
 14 legal needs of traditionally underserved portions of the
 15 population by providing an opportunity for participation in a
 16 legal clinic program or pro bono legal service.

17 (5) The Florida Agricultural and Mechanical University
 18 Board of Trustees shall commence the planning of a college of
 19 law under the auspices of Florida Agricultural and Mechanical
 20 University to be located in the I-4 corridor area. In planning
 21 the college of law, the Florida Agricultural and Mechanical
 22 University Board of Trustees and the State Board of Education
 23 may accept grants, donations, gifts, and moneys available for
 24 this purpose, including moneys for planning and constructing
 25 the college. The Florida Agricultural and Mechanical
 26 University Board of Trustees may procure and accept any
 27 federal funds that are available for the planning, creation,
 28 and establishment of the college of law. Classes must commence
 29 by the fall semester 2003. If the American Bar Association or
 30 any other nationally recognized association for the
 31 accreditation of colleges of law issues a third disapproval of

1 an application for provisional approval or for full approval
 2 or fails to grant, within 5 years following the graduation of
 3 the first class, a provisional approval, to the college of law
 4 at Florida Agricultural and Mechanical University, the State
 5 Board of Education shall make recommendations to the Governor
 6 and Legislature as to whether the college of law will cease
 7 operations at the end of the full academic year subsequent to
 8 the receipt by the college of law of any such third
 9 disapproval, or whether the college of law will continue
 10 operations and any conditions for continued operations. If the
 11 college of law ceases operations of the college of law
 12 pursuant to this section, the following conditions apply:

13 (a) The authority for the college of law at Florida
 14 Agricultural and Mechanical University and the authority of
 15 the Florida Agricultural and Mechanical University Board of
 16 Trustees and the State Board of Education provided in this
 17 section shall terminate upon the cessation of operations of
 18 the college of law at Florida Agricultural and Mechanical
 19 University. The college of law at Florida Agricultural and
 20 Mechanical University shall receive no moneys allocated for
 21 the planning, construction, or operation of the college of law
 22 after its cessation of operations other than moneys to be
 23 expended for the cessation of operations of the college of
 24 law. Any moneys allocated to the college of law at Florida
 25 Agricultural and Mechanical University not expended prior to
 26 or scheduled to be expended after the date of the cessation of
 27 the college of law shall be appropriated for other use by the
 28 Legislature of the State of Florida.

29 (b) Any buildings of the college of law at Florida
 30 Agricultural and Mechanical University constructed from the
 31 expenditure of capital outlay funds appropriated by the

1 Legislature shall be owned by the Board of Trustees of the
2 Internal Improvement Trust Fund and managed by the Florida
3 Agricultural and Mechanical University Board of Trustees upon
4 the cessation of the college of law.

5
6 Nothing in this section shall undermine commitments to current
7 students receiving support as of the date of the enactment of
8 this section from the law school scholarship program of the
9 Florida Education Fund as provided in s. 1009.70(8). Students
10 attending the college of law at Florida Agricultural and
11 Mechanical University shall be eligible for financial,
12 academic, or other support from the Florida Education Fund as
13 provided in s. 1009.70(8) without the college's obtaining
14 accreditation by the American Bar Association.

15 (6) The college of law at Florida Agricultural and
16 Mechanical University shall be dedicated to providing
17 opportunities for minorities to attain representation within
18 the legal profession proportionate to their representation in
19 the general population; however, the college of law shall not
20 include preferences in the admissions process for applicants
21 on the basis of race, national origin, or gender.

22 Section 185. Section 1004.41, Florida Statutes, is
23 created to read:

24 1004.41 University of Florida; J. Hillis Miller Health
25 Center.--

26 (1) There is established the J. Hillis Miller Health
27 Center at the University of Florida, including campuses at
28 Gainesville and Jacksonville and affiliated teaching
29 hospitals, which shall include the following colleges:

30 (a) College of Dentistry.

31 (b) College of Health Professions.

1 (c) College of Medicine.

2 (d) College of Nursing.

3 (e) College of Pharmacy.

4 (f) College of Veterinary Medicine and related
5 teaching hospitals.

6 (2) Each college of the health center shall be so
7 maintained and operated as to comply with the standards
8 approved by a nationally recognized association for
9 accreditation.

10 (3)(a) The University of Florida Health Center
11 Operations and Maintenance Trust Fund shall be administered by
12 the University of Florida Board of Trustees. Funds shall be
13 credited to the trust fund from the sale of goods and services
14 performed by the University of Florida Veterinary Medicine
15 Teaching Hospital. The purpose of the trust fund is to support
16 the instruction, research, and service missions of the
17 University of Florida College of Veterinary Medicine.

18 (b) Notwithstanding the provisions of s. 216.301, and
19 pursuant to s. 216.351, any balance in the trust fund at the
20 end of any fiscal year shall remain in the trust fund and
21 shall be available for carrying out the purposes of the trust
22 fund.

23 (4)(a) The University of Florida Board of Trustees
24 shall lease the hospital facilities of the health center,
25 known as the Shands Teaching Hospital and Clinics on the
26 campus of the University of Florida and all furnishings,
27 equipment, and other chattels or choses in action used in the
28 operation of the hospital, to a private not-for-profit
29 corporation organized solely for the purpose of operating the
30 hospital and ancillary health care facilities of the health
31 center and other health care facilities and programs

1 determined to be necessary by the board of the nonprofit
2 corporation. The rental for the hospital facilities shall be
3 an amount equal to the debt service on bonds or revenue
4 certificates issued solely for capital improvements to the
5 hospital facilities or as otherwise provided by law.

6 (b) The University of Florida Board of Trustees shall
7 provide in the lease or by separate contract or agreement with
8 the not-for-profit corporation for the following:

9 1. Approval of the articles of incorporation of the
10 not-for-profit corporation by the University of Florida Board
11 of Trustees and the governance of the not-for-profit
12 corporation by a board of directors appointed and chaired by
13 the President of the University of Florida and vice-chaired by
14 the Vice President for Health Affairs of the University of
15 Florida.

16 2. The use of hospital facilities and personnel in
17 support of the research programs and of the teaching role of
18 the health center.

19 3. The continued recognition of the collective
20 bargaining units and collective bargaining agreements as
21 currently composed and recognition of the certified labor
22 organizations representing those units and agreements.

23 4. The use of hospital facilities and personnel in
24 connection with research programs conducted by the health
25 center.

26 5. Reimbursement to the hospital for indigent
27 patients, state-mandated programs, underfunded state programs,
28 and costs to the hospital for support of the teaching and
29 research programs of the health center. Such reimbursement
30 shall be appropriated to either the health center or the
31

1 hospital each year by the Legislature after review and
2 approval of the request for funds.

3 (c) The University of Florida Board of Trustees may,
4 with the approval of the Legislature, increase the hospital
5 facilities or remodel or renovate them, provided that the
6 rental paid by the hospital for such new, remodeled, or
7 renovated facilities is sufficient to amortize the costs
8 thereof over a reasonable period of time or fund the debt
9 service for any bonds or revenue certificates issued to
10 finance such improvements.

11 (d) The University of Florida Board of Trustees is
12 authorized to provide to the not-for-profit corporation
13 leasing the hospital facilities and its not-for-profit
14 subsidiaries comprehensive general liability insurance
15 including professional liability from a self-insurance trust
16 program established pursuant to s. 1004.24.

17 (e) In the event that the lease of the hospital
18 facilities to the not-for-profit corporation is terminated for
19 any reason, the University of Florida Board of Trustees shall
20 resume management and operation of the hospital facilities.
21 In such event, the Administration Commission is authorized to
22 appropriate revenues generated from the operation of the
23 hospital facilities to the University of Florida Board of
24 Trustees to pay the costs and expenses of operating the
25 hospital facility for the remainder of the fiscal year in
26 which such termination occurs.

27 (f) The University of Florida Board of Trustees is
28 authorized to provide to Shands Jacksonville Healthcare, Inc.,
29 and its not-for-profit subsidiaries and affiliates and any
30 successor corporation that acts in support of the board of
31 trustees, comprehensive general liability coverage, including

1 professional liability, from the self-insurance programs
2 established pursuant to s. 1004.24.

3 Section 186. Section 1004.42, Florida Statutes, is
4 created to read:

5 1004.42 Florida State University College of
6 Medicine.--

7 (1) CREATION.--There is hereby established a 4-year
8 allopathic medical school within the Florida State University,
9 to be known as the Florida State University College of
10 Medicine, with a principal focus on recruiting and training
11 medical professionals to meet the primary health care needs of
12 the state, especially the needs of the state's elderly, rural,
13 minority, and other underserved citizens.

14 (2) LEGISLATIVE INTENT.--It is the intent of the
15 Legislature that the Florida State University College of
16 Medicine represent a new model for the training of allopathic
17 physician healers for the citizens of the state. In accordance
18 with this intent, the governing philosophy of the College of
19 Medicine should include the training of students, in a humane
20 environment, in the scientific, clinical, and behavioral
21 practices required to deliver patient-centered health care.
22 Key components of the College of Medicine, which would build
23 on the foundation of the 30-year-old Florida State University
24 Program in Medical Sciences (PIMS), would include: admission
25 of diverse types of students who possess good communication
26 skills and are compassionate individuals, representative of
27 the population of the state; basic and behavioral sciences
28 training utilizing medical problem-based teaching; and
29 clinical training at several dispersed sites throughout the
30 state in existing community hospitals, clinics, and doctors'
31 offices. The Legislature further intends that study of the

1 aging human be a continuing focus throughout the 4-year
2 curriculum and that use of information technology be a key
3 component of all parts of the educational program.

4 (3) PURPOSE.--The College of Medicine shall be
5 dedicated to: preparing physicians to practice primary care,
6 geriatric, and rural medicine, to make appropriate use of
7 emerging technologies, and to function successfully in a
8 rapidly changing health care environment; advancing knowledge
9 in the applied biomedical and behavioral sciences, geriatric
10 research, autism, cancer, and chronic diseases; training
11 future scientists to assume leadership in health care delivery
12 and academic medicine; and providing access to medical
13 education for groups which are underrepresented in the medical
14 profession.

15 (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS
16 PROCESS.--The General Appropriations Act for fiscal year
17 1999-2000 included initial funding for facilities and
18 operations to provide a transition from the Program in Medical
19 Sciences (PIMS) to a College of Medicine at the Florida State
20 University. For transitional purposes, the Program in Medical
21 Sciences (PIMS) in the College of Arts and Sciences at the
22 Florida State University shall be reorganized and
23 restructured, as soon as practicable, as the Institute of
24 Human Medical Sciences. At such time as the 4-year educational
25 program development is underway and a sufficient number of
26 basic and behavioral sciences and clinical faculty are
27 recruited, the Institute of Human Medical Sciences shall
28 evolve into the Florida State University College of Medicine,
29 with appropriate departments. The current admissions procedure
30 utilized by the Program in Medical Sciences (PIMS) shall
31 provide the basis for the design of an admissions process for

1 the College of Medicine, with selection criteria that focus on
2 identifying future primary care physicians who have
3 demonstrated interest in serving underserved areas. Enrollment
4 levels at the College of Medicine are planned to not exceed
5 120 students per class, and shall be phased in from 30
6 students in the Program in Medical Sciences (PIMS), to 40
7 students admitted to the College of Medicine as the charter
8 class in Fall 2001, and 20 additional students admitted to the
9 College of Medicine in each class thereafter until the maximum
10 class size is reached.

11 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;
12 GRADUATE PROGRAMS.--To provide broad-based clinical
13 instruction in both rural and urban settings for students in
14 the community-based medical education program, the College of
15 Medicine, through creation of nonprofit corporations, shall
16 seek affiliation agreements with health care systems and
17 organizations, local hospitals, medical schools, and military
18 health care facilities in the following targeted communities:
19 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and
20 the rural areas of the state. Selected hospitals in the target
21 communities include, but are not limited to, the following:

- 22 (a) Baptist Health Care in Pensacola.
- 23 (b) Sacred Heart Health System in Pensacola.
- 24 (c) West Florida Regional Medical Center in Pensacola.
- 25 (d) Tallahassee Memorial Healthcare in Tallahassee.
- 26 (e) Florida Hospital Health System in Orlando.
- 27 (f) Sarasota Memorial Health Care System in Sarasota.
- 28 (g) Mayo Clinic in Jacksonville.
- 29 (h) Lee Memorial Health System, Inc., in Fort Myers.
- 30 (i) Rural hospitals in the state.

31

1 The College of Medicine shall also explore all alternatives
2 for cooperation with established graduate medical education
3 programs in the state to develop a plan to retain its
4 graduates in residency programs in Florida.

5 (6) ACCREDITATION.--The College of Medicine shall
6 develop a program which conforms to the accreditation
7 standards of the Liaison Committee on Medical Education
8 (LCME).

9 (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

10 (a) The preclinical curriculum shall draw on the
11 Florida State University's Program in Medical Sciences (PIMS)
12 experience and national trends in basic and behavioral
13 sciences instruction, including use of technology for
14 distributed and distance learning. First-year instruction
15 shall include a lecture mode and problem-based learning. In
16 the second year, a small-group, problem-based learning
17 approach shall provide more advanced treatment of each
18 academic subject in a patient-centered context. Various
19 short-term clinical exposures shall be programmed throughout
20 the preclinical years, including rural, geriatric, and
21 minority health, and contemporary practice patterns in these
22 areas.

23 (b) During the third and fourth years, the curriculum
24 shall follow a distributed, community-based model with a
25 special focus on rural health. Subgroups of students shall be
26 assigned to clinical rotation training sites in local
27 communities in roughly equal numbers, as follows:

- 28 1. Group 1 - Tallahassee.
- 29 2. Group 2 - Pensacola.
- 30 3. Group 3 - Orlando.
- 31 4. Group 4 - Sarasota.

1 5. Group 5 - Jacksonville.

2 6. Group 6 - To be determined prior to 2005, based on
3 emerging state needs.

4 7. Group 7 - Rural Physician Associate Program (RPAP).

5 (8) MEDICAL NEEDS OF THE ELDERLY.--The College of
6 Medicine shall develop a comprehensive program to ensure
7 training in the medical needs of the elderly and incorporate
8 principles embodied in the curriculum guidelines of the
9 American Geriatric Society. The College of Medicine shall
10 have as one of its primary missions the improvement of medical
11 education for physicians who will treat elder citizens. To
12 accomplish this mission, the College of Medicine shall
13 establish an academic leadership position in geriatrics,
14 create an external elder care advisory committee, and
15 implement an extensive faculty development plan. For student
16 recruitment purposes, the current Program in Medical Sciences
17 (PIMS) selection criteria shall be expanded to include
18 consideration of students who have expressed an interest in
19 elder care and who have demonstrated, through life choices, a
20 commitment to serve older persons.

21 (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address
22 the medical needs of the state's rural and underserved
23 populations, the College of Medicine shall develop a
24 Department of Family Medicine with a significant rural
25 training track that provides students with early and frequent
26 clinical experiences in community-based settings to train and
27 produce highly skilled primary care physicians. The College
28 of Medicine shall consider developing new, rural-based family
29 practice clinical training programs and shall establish a
30 partnership with the West Florida Area Health Education Center
31 to assist in developing partnerships and programs to provide

1 incentives and support for physicians to practice in primary
 2 care, geriatric, and rural medicine in underserved areas of
 3 the state.

4 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED
 5 GROUPS.--To increase the participation of underrepresented
 6 groups and socially and economically disadvantaged youth in
 7 science and medical programs, the College of Medicine shall
 8 continue the outreach efforts of the Program in Medical
 9 Sciences (PIMS) to middle and high school minority students,
 10 including the Science Students Together Reaching Instructional
 11 Diversity and Excellence (SSTRIDE), and shall build an
 12 endowment income to support recruitment programs and
 13 scholarship and financial aid packages for these students. To
 14 develop a base of qualified potential medical school
 15 candidates from underrepresented groups, the College of
 16 Medicine shall coordinate with the undergraduate premedical
 17 and science programs currently offered at the Florida State
 18 University, develop relationships with potential feeder
 19 institutions, including 4-year institutions and community
 20 colleges, and pursue grant funds to support programs, as well
 21 as support scholarship and financial aid packages. The College
 22 of Medicine shall develop plans for a postbaccalaureate,
 23 1-year academic program that provides a second chance to a
 24 limited number of students per year who have been declined
 25 medical school admission, who are state residents, and who
 26 meet established criteria as socially and economically
 27 disadvantaged. The College of Medicine shall make every
 28 effort, through recruitment and retention, to employ a faculty
 29 and support staff that reflect the heterogeneous nature of the
 30 state's general population.

1 (11) TECHNOLOGY.--To create technology-rich learning
 2 environments, the College of Medicine shall build on the
 3 considerable infrastructure that already supports the many
 4 technology resources of the Florida State University and shall
 5 expand the infrastructure to conduct an effective medical
 6 education program, including connectivity between the main
 7 campus, community-based training locations, and rural clinic
 8 locations. Additional technology programs shall include
 9 extensive professional development opportunities for faculty;
 10 an on-line library of academic and medical resources for
 11 students, faculty, and community preceptors; and
 12 technology-sharing agreements with other medical schools to
 13 allow for the exchange of technology applications among
 14 medical school faculty for the purpose of enhancing medical
 15 education. The College of Medicine shall explore the
 16 opportunities afforded by Mayo Clinic in Jacksonville through
 17 clerkships, visiting professors or lectures through the
 18 existing telecommunications systems, and collaboration in
 19 research activities at the Mayo Clinic's Jacksonville campus.

20 (12) ADMINISTRATION; FACULTY.--Each of the major
 21 community-based clinical rotation training sites described in
 22 subsection (7) shall have a community dean and a student
 23 affairs/administrative officer. Teaching faculty for the
 24 community-based clinical training component shall be community
 25 physicians serving part-time appointments. Sixty faculty
 26 members shall be recruited to serve in the basic and
 27 behavioral sciences department. The College of Medicine shall
 28 have a small core staff of on-campus, full-time faculty and
 29 administrators at the Florida State University, including a
 30 dean, a senior associate dean for educational programs, an
 31 associate dean for clinical education, a chief

1 financial/administrative officer, an admissions/student
2 affairs officer, an instructional resources coordinator, a
3 coordinator for graduate and continuing medical education, and
4 several mission focus coordinators.

5 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To
6 provide students with the skills, knowledge, and values needed
7 to practice medicine in the evolving national system of health
8 care delivery, the College of Medicine shall fully integrate
9 modern health care delivery concepts into its curriculum. For
10 this purpose, the College of Medicine shall develop a
11 partnership with one or more health care organizations in the
12 state and shall recruit faculty with strong health care
13 delivery competencies. Faculty from other disciplines at the
14 Florida State University shall be utilized to develop
15 team-based approaches to core competencies in the delivery of
16 health care.

17 (14) INDEMNIFICATION FROM LIABILITY.--This section
18 shall be construed to authorize the Florida State University
19 Board of Trustees to negotiate and purchase policies of
20 insurance to indemnify from any liability those individuals or
21 entities providing sponsorship or training to the students of
22 the medical school, professionals employed by the medical
23 school, and students of the medical school.

24 Section 187. Section 1004.43, Florida Statutes, is
25 created to read:

26 1004.43 H. Lee Moffitt Cancer Center and Research
27 Institute.--There is established the H. Lee Moffitt Cancer
28 Center and Research Institute at the University of South
29 Florida.

30 (1) The State Board of Education shall enter into an
31 agreement for the utilization of the facilities on the campus

1 of the University of South Florida to be known as the H. Lee
 2 Moffitt Cancer Center and Research Institute, including all
 3 furnishings, equipment, and other chattels used in the
 4 operation of said facilities, with a Florida not-for-profit
 5 corporation organized solely for the purpose of governing and
 6 operating the H. Lee Moffitt Cancer Center and Research
 7 Institute. This not-for-profit corporation, acting as an
 8 instrumentality of the State of Florida, shall govern and
 9 operate the H. Lee Moffitt Cancer Center and Research
 10 Institute in accordance with the terms of the agreement
 11 between the State Board of Education and the not-for-profit
 12 corporation. The not-for-profit corporation may, with the
 13 prior approval of the State Board of Education, create
 14 not-for-profit corporate subsidiaries to fulfill its mission.
 15 The not-for-profit corporation and its subsidiaries are
 16 authorized to receive, hold, invest, and administer property
 17 and any moneys received from private, local, state, and
 18 federal sources, as well as technical and professional income
 19 generated or derived from practice activities of the
 20 institute, for the benefit of the institute and the
 21 fulfillment of its mission. The affairs of the corporation
 22 shall be managed by a board of directors who shall serve
 23 without compensation. The President of the University of
 24 South Florida and the chair of the State Board of Education,
 25 or his or her designee, shall be directors of the
 26 not-for-profit corporation, together with 5 representatives of
 27 the state universities and no more than 14 nor fewer than 10
 28 directors who are not medical doctors or state employees.
 29 Each director shall have only one vote, shall serve a term of
 30 3 years, and may be reelected to the board. Other than the
 31 President of the University of South Florida and the chair of

1 the State Board of Education, directors shall be elected by a
2 majority vote of the board. The chair of the board of
3 directors shall be selected by majority vote of the directors.

4 (2) The State Board of Education shall provide in the
5 agreement with the not-for-profit corporation for the
6 following:

7 (a) Approval of the articles of incorporation of the
8 not-for-profit corporation by the State Board of Education.

9 (b) Approval of the articles of incorporation of any
10 not-for-profit corporate subsidiary created by the
11 not-for-profit corporation.

12 (c) Utilization of hospital facilities and personnel
13 by the not-for-profit corporation and its subsidiaries for
14 mutually approved teaching and research programs conducted by
15 the University of South Florida or other accredited medical
16 schools or research institutes.

17 (d) Preparation of an annual postaudit of the
18 not-for-profit corporation's financial accounts and the
19 financial accounts of any subsidiaries to be conducted by an
20 independent certified public accountant. The annual audit
21 report shall include management letters and shall be submitted
22 to the Auditor General and the State Board of Education for
23 review. The State Board of Education, the Auditor General,
24 and the Office of Program Policy Analysis and Government
25 Accountability shall have the authority to require and receive
26 from the not-for-profit corporation and any subsidiaries or
27 from their independent auditor any detail or supplemental data
28 relative to the operation of the not-for-profit corporation or
29 subsidiary.

30 (e) Provision by the not-for-profit corporation and
31 its subsidiaries of equal employment opportunities to all

1 persons regardless of race, color, religion, sex, age, or
2 national origin.

3 (3) The State Board of Education is authorized to
4 secure comprehensive general liability protection, including
5 professional liability protection, for the not-for-profit
6 corporation and its subsidiaries pursuant to s. 1004.24.

7 (4) In the event that the agreement between the
8 not-for-profit corporation and the State Board of Education is
9 terminated for any reason, the State Board of Education shall
10 resume governance and operation of said facilities.

11 (5) The institute shall be administered by a chief
12 executive officer who shall serve at the pleasure of the board
13 of directors of the not-for-profit corporation and who shall
14 have the following powers and duties subject to the approval
15 of the board of directors:

16 (a) The chief executive officer shall establish
17 programs which fulfill the mission of the institute in
18 research, education, treatment, prevention, and the early
19 detection of cancer; however, the chief executive officer
20 shall not establish academic programs for which academic
21 credit is awarded and which terminate in the conference of a
22 degree without prior approval of the State Board of Education.

23 (b) The chief executive officer shall have control
24 over the budget and the dollars appropriated or donated to the
25 institute from private, local, state, and federal sources, as
26 well as technical and professional income generated or derived
27 from practice activities of the institute. However,
28 professional income generated by university faculty from
29 practice activities at the institute shall be shared between
30 the institute and the university as determined by the chief
31

1 executive officer and the appropriate university dean or vice
2 president.

3 (c) The chief executive officer shall appoint members
4 to carry out the research, patient care, and educational
5 activities of the institute and determine compensation,
6 benefits, and terms of service. Members of the institute
7 shall be eligible to hold concurrent appointments at
8 affiliated academic institutions. University faculty shall be
9 eligible to hold concurrent appointments at the institute.

10 (d) The chief executive officer shall have control
11 over the use and assignment of space and equipment within the
12 facilities.

13 (e) The chief executive officer shall have the power
14 to create the administrative structure necessary to carry out
15 the mission of the institute.

16 (f) The chief executive officer shall have a reporting
17 relationship to the Commissioner of Education.

18 (g) The chief executive officer shall provide a copy
19 of the institute's annual report to the Governor and Cabinet,
20 the President of the Senate, the Speaker of the House of
21 Representatives, and the chair of the State Board of
22 Education.

23 (6) The board of directors of the not-for-profit
24 corporation shall create a council of scientific advisers to
25 the chief executive officer comprised of leading researchers,
26 physicians, and scientists. This council shall review programs
27 and recommend research priorities and initiatives so as to
28 maximize the state's investment in the institute. The council
29 shall be appointed by the board of directors of the
30 not-for-profit corporation and shall include five appointees
31 of the State Board of Education. Each member of the council

1 shall be appointed to serve a 2-year term and may be
2 reappointed to the council.

3 (7) In carrying out the provisions of this section,
4 the not-for-profit corporation and its subsidiaries are not
5 "agencies" within the meaning of s. 20.03(11).

6 (8)(a) Records of the not-for-profit corporation and
7 of its subsidiaries are public records unless made
8 confidential or exempt by law.

9 (b) Proprietary confidential business information is
10 confidential and exempt from the provisions of s. 119.07(1)
11 and s. 24(a), Art. I of the State Constitution. However, the
12 Auditor General, the Office of Program Policy Analysis and
13 Government Accountability, and the State Board of Education,
14 pursuant to their oversight and auditing functions, must be
15 given access to all proprietary confidential business
16 information upon request and without subpoena and must
17 maintain the confidentiality of information so received. As
18 used in this paragraph, the term "proprietary confidential
19 business information" means information, regardless of its
20 form or characteristics, which is owned or controlled by the
21 not-for-profit corporation or its subsidiaries; is intended to
22 be and is treated by the not-for-profit corporation or its
23 subsidiaries as private and the disclosure of which would harm
24 the business operations of the not-for-profit corporation or
25 its subsidiaries; has not been intentionally disclosed by the
26 corporation or its subsidiaries unless pursuant to law, an
27 order of a court or administrative body, a legislative
28 proceeding pursuant to s. 5, Art. III of the State
29 Constitution, or a private agreement that provides that the
30 information may be released to the public; and which is
31 information concerning:

- 1 1. Internal auditing controls and reports of internal
2 auditors;
- 3 2. Matters reasonably encompassed in privileged
4 attorney-client communications;
- 5 3. Contracts for managed-care arrangements, including
6 preferred provider organization contracts, health maintenance
7 organization contracts, and exclusive provider organization
8 contracts, and any documents directly relating to the
9 negotiation, performance, and implementation of any such
10 contracts for managed-care arrangements;
- 11 4. Bids or other contractual data, banking records,
12 and credit agreements the disclosure of which would impair the
13 efforts of the not-for-profit corporation or its subsidiaries
14 to contract for goods or services on favorable terms;
- 15 5. Information relating to private contractual data,
16 the disclosure of which would impair the competitive interest
17 of the provider of the information;
- 18 6. Corporate officer and employee personnel
19 information;
- 20 7. Information relating to the proceedings and records
21 of credentialing panels and committees and of the governing
22 board of the not-for-profit corporation or its subsidiaries
23 relating to credentialing;
- 24 8. Minutes of meetings of the governing board of the
25 not-for-profit corporation and its subsidiaries, except
26 minutes of meetings open to the public pursuant to subsection
27 (9);
- 28 9. Information that reveals plans for marketing
29 services that the corporation or its subsidiaries reasonably
30 expect to be provided by competitors;
- 31

1 10. Trade secrets as defined in s. 688.002, including
2 reimbursement methodologies or rates; or

3 11. The identity of donors or prospective donors of
4 property who wish to remain anonymous or any information
5 identifying such donors or prospective donors. The anonymity
6 of these donors or prospective donors must be maintained in
7 the auditor's report.

8
9 As used in this paragraph, the term "managed care" means
10 systems or techniques generally used by third-party payors or
11 their agents to affect access to and control payment for
12 health care services. Managed-care techniques most often
13 include one or more of the following: prior, concurrent, and
14 retrospective review of the medical necessity and
15 appropriateness of services or site of services; contracts
16 with selected health care providers; financial incentives or
17 disincentives related to the use of specific providers,
18 services, or service sites; controlled access to and
19 coordination of services by a case manager; and payor efforts
20 to identify treatment alternatives and modify benefit
21 restrictions for high-cost patient care.

22 (9) Meetings of the governing board of the
23 not-for-profit corporation and meetings of the subsidiaries of
24 the not-for-profit corporation at which the expenditure of
25 dollars appropriated to the not-for-profit corporation by the
26 state are discussed or reported must remain open to the public
27 in accordance with s. 286.011 and s. 24(b), Art. I of the
28 State Constitution, unless made confidential or exempt by law.
29 Other meetings of the governing board of the not-for-profit
30 corporation and of the subsidiaries of the not-for-profit

31

1 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
2 the State Constitution.

3 Section 188. Section 1004.435, Florida Statutes, is
4 created to read:

5 1004.435 Cancer control and research.--

6 (1) SHORT TITLE.--This section shall be known and may
7 be cited as the "Cancer Control and Research Act."

8 (2) LEGISLATIVE INTENT.--It is the finding of the
9 Legislature that:

10 (a) Advances in scientific knowledge have led to the
11 development of preventive and therapeutic capabilities in the
12 control of cancer. Such knowledge and therapy must be made
13 available to all citizens of this state through educational
14 and therapeutic programs.

15 (b) The present state of our knowledge concerning the
16 prevalence, cause or associated factors, and treatment of
17 cancer have resulted primarily from a vast federal investment
18 into basic and clinical research, some of which is expended in
19 this state. These research activities must continue, but
20 programs must be established to extend this knowledge in
21 preventive measures and patient treatment throughout the
22 state.

23 (c) Research in cancer has implicated the environment
24 as a causal factor for many types of cancer, i.e., sunshine, X
25 rays, diet, smoking, etc., and programs are needed to further
26 document such cause and effect relationships. Proven causes
27 of cancer should be publicized and be the subject of
28 educational programs for the prevention of cancer.

29 (d) An effective cancer control program would mobilize
30 the scientific, educational, and medical resources that
31

1 presently exist into an intense attack against this dread
2 disease.

3 (3) DEFINITIONS.--The following words and phrases when
4 used in this section have, unless the context clearly
5 indicates otherwise, the meanings given to them in this
6 subsection:

7 (a) "Cancer" means all malignant neoplasms, regardless
8 of the tissue of origin, including lymphoma and leukemia.

9 (b) "Council" means the Florida Cancer Control and
10 Research Advisory Council, which is an advisory body appointed
11 to function on a continuing basis for the study of cancer and
12 which recommends solutions and policy alternatives to the
13 State Board of Education and the secretary and which is
14 established by this section.

15 (c) "Department" means the Department of Health.

16 (d) "Fund" means the Florida Cancer Control and
17 Research Fund established by this section.

18 (e) "Qualified nonprofit association" means any
19 association, incorporated or unincorporated, that has received
20 tax-exempt status from the Internal Revenue Service.

21 (f) "Secretary" means the Secretary of Health.

22 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
23 COUNCIL; CREATION; COMPOSITION.--

24 (a) There is created within the H. Lee Moffitt Cancer
25 Center and Research Institute, Inc., the Florida Cancer
26 Control and Research Advisory Council. The council shall
27 consist of 35 members, which includes the chairperson, all of
28 whom must be residents of this state. All members, except
29 those appointed by the Speaker of the House of Representatives
30 and the President of the Senate, must be appointed by the
31 Governor. At least one of the members appointed by the

1 Governor must be 60 years of age or older. One member must be
 2 a representative of the American Cancer Society; one member
 3 must be a representative of the Florida Tumor Registrars
 4 Association; one member must be a representative of the
 5 Sylvester Comprehensive Cancer Center of the University of
 6 Miami; one member must be a representative of the Department
 7 of Health; one member must be a representative of the
 8 University of Florida Shands Cancer Center; one member must be
 9 a representative of the Agency for Health Care Administration;
 10 one member must be a representative of the Florida Nurses
 11 Association; one member must be a representative of the
 12 Florida Osteopathic Medical Association; one member must be a
 13 representative of the American College of Surgeons; one member
 14 must be a representative of the School of Medicine of the
 15 University of Miami; one member must be a representative of
 16 the College of Medicine of the University of Florida; one
 17 member must be a representative of NOVA Southeastern College
 18 of Osteopathic Medicine; one member must be a representative
 19 of the College of Medicine of the University of South Florida;
 20 one member must be a representative of the College of Public
 21 Health of the University of South Florida; one member must be
 22 a representative of the Florida Society of Clinical Oncology;
 23 one member must be a representative of the Florida Obstetric
 24 and Gynecologic Society who has had training in the specialty
 25 of gynecologic oncology; one member must be a representative
 26 of the Florida Medical Association; one member must be a
 27 member of the Florida Pediatric Society; one member must be a
 28 representative of the Florida Radiological Society; one member
 29 must be a representative of the Florida Society of
 30 Pathologists; one member must be a representative of the H.
 31 Lee Moffitt Cancer Center and Research Institute, Inc.; three

1 members must be representatives of the general public acting
 2 as consumer advocates; one member must be a member of the
 3 House of Representatives appointed by the Speaker of the House
 4 of Representatives; one member must be a member of the Senate
 5 appointed by the President of the Senate; one member must be a
 6 representative of the Department of Education; one member must
 7 be a representative of the Florida Dental Association; one
 8 member must be a representative of the Florida Hospital
 9 Association; one member must be a representative of the
 10 Association of Community Cancer Centers; one member shall be a
 11 representative from a statutory teaching hospital affiliated
 12 with a community-based cancer center; one member must be a
 13 representative of the Florida Association of Pediatric Tumor
 14 Programs, Inc.; one member must be a representative of the
 15 Cancer Information Service; one member must be a
 16 representative of the Florida Agricultural and Mechanical
 17 University Institute of Public Health; and one member must be
 18 a representative of the Florida Society of Oncology Social
 19 Workers. Of the members of the council appointed by the
 20 Governor, at least 10 must be individuals who are minority
 21 persons as defined by s. 288.703(3).

22 (b) The terms of the members shall be 4 years from
 23 their respective dates of appointment.

24 (c) A chairperson shall be appointed by the Governor
 25 for a term of 2 years. The chairperson shall appoint an
 26 executive committee of no fewer than three persons to serve at
 27 the pleasure of the chairperson. This committee will prepare
 28 material for the council but make no final decisions.

29 (d) The council shall meet no less than semiannually
 30 at the call of the chairperson or, in his or her absence or
 31 incapacity, at the call of the secretary. Sixteen members

1 constitute a quorum for the purpose of exercising all of the
2 powers of the council. A vote of the majority of the members
3 present is sufficient for all actions of the council.

4 (e) The council members shall serve without pay.
5 Pursuant to the provisions of s. 112.061, the council members
6 may be entitled to be reimbursed for per diem and travel
7 expenses.

8 (f) No member of the council shall participate in any
9 discussion or decision to recommend grants or contracts to any
10 qualified nonprofit association or to any agency of this state
11 or its political subdivisions with which the member is
12 associated as a member of the governing body or as an employee
13 or with which the member has entered into a contractual
14 arrangement.

15 (g) The council may prescribe, amend, and repeal
16 bylaws governing the manner in which the business of the
17 council is conducted.

18 (h) The council shall advise the State Board of
19 Education, the secretary, and the Legislature with respect to
20 cancer control and research in this state.

21 (i) The council shall approve each year a program for
22 cancer control and research to be known as the "Florida Cancer
23 Plan" which shall be consistent with the State Health Plan and
24 integrated and coordinated with existing programs in this
25 state.

26 (j) The council shall formulate and recommend to the
27 secretary a plan for the care and treatment of persons
28 suffering from cancer and recommend the establishment of
29 standard requirements for the organization, equipment, and
30 conduct of cancer units or departments in hospitals and
31 clinics in this state. The council may recommend to the

1 secretary the designation of cancer units following a survey
2 of the needs and facilities for treatment of cancer in the
3 various localities throughout the state. The secretary shall
4 consider the plan in developing departmental priorities and
5 funding priorities and standards under chapter 395.

6 (k) The council is responsible for including in the
7 Florida Cancer Plan recommendations for the coordination and
8 integration of medical, nursing, paramedical, lay, and other
9 plans concerned with cancer control and research. Committees
10 shall be formed by the council so that the following areas
11 will be established as entities for actions:

12 1. Cancer plan evaluation: tumor registry, data
13 retrieval systems, and epidemiology of cancer in the state and
14 its relation to other areas.

15 2. Cancer prevention.

16 3. Cancer detection.

17 4. Cancer patient management: treatment,
18 rehabilitation, terminal care, and other patient-oriented
19 activities.

20 5. Cancer education: lay and professional.

21 6. Unproven methods of cancer therapy: quackery and
22 unorthodox therapies.

23 7. Investigator-initiated project research.

24 (l) In order to implement in whole or in part the
25 Florida Cancer Plan, the council shall recommend to the State
26 Board of Education or the secretary the awarding of grants and
27 contracts to qualified profit or nonprofit associations or
28 governmental agencies in order to plan, establish, or conduct
29 programs in cancer control or prevention, cancer education and
30 training, and cancer research.

31

1 (m) If funds are specifically appropriated by the
 2 Legislature, the council shall develop or purchase
 3 standardized written summaries, written in layperson's terms
 4 and in language easily understood by the average adult
 5 patient, informing actual and high-risk breast cancer
 6 patients, prostate cancer patients, and men who are
 7 considering prostate cancer screening of the medically viable
 8 treatment alternatives available to them in the effective
 9 management of breast cancer and prostate cancer; describing
 10 such treatment alternatives; and explaining the relative
 11 advantages, disadvantages, and risks associated therewith.
 12 The breast cancer summary, upon its completion, shall be
 13 printed in the form of a pamphlet or booklet and made
 14 continuously available to physicians and surgeons in this
 15 state for their use in accordance with s. 458.324 and to
 16 osteopathic physicians in this state for their use in
 17 accordance with s. 459.0125. The council shall periodically
 18 update both summaries to reflect current standards of medical
 19 practice in the treatment of breast cancer and prostate
 20 cancer. The council shall develop and implement educational
 21 programs, including distribution of the summaries developed or
 22 purchased under this paragraph, to inform citizen groups,
 23 associations, and voluntary organizations about early
 24 detection and treatment of breast cancer and prostate cancer.

25 (n) The council shall have the responsibility to
 26 advise the State Board of Education and the secretary on
 27 methods of enforcing and implementing laws already enacted and
 28 concerned with cancer control, research, and education.

29 (o) The council may recommend to the State Board of
 30 Education or the secretary rules not inconsistent with law as
 31

1 it may deem necessary for the performance of its duties and
2 the proper administration of this section.

3 (p) The council shall formulate and put into effect a
4 continuing educational program for the prevention of cancer
5 and its early diagnosis and disseminate to hospitals, cancer
6 patients, and the public information concerning the proper
7 treatment of cancer.

8 (q) The council shall be physically located at the H.
9 Lee Moffitt Cancer Center and Research Institute, Inc., at the
10 University of South Florida.

11 (r) On February 15 of each year, the council shall
12 report to the Governor and to the Legislature.

13 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,
14 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,
15 AND THE SECRETARY.--

16 (a) The State Board of Education or the secretary,
17 after consultation with the council, shall award grants and
18 contracts to qualified nonprofit associations and governmental
19 agencies in order to plan, establish, or conduct programs in
20 cancer control and prevention, cancer education and training,
21 and cancer research.

22 (b) The H. Lee Moffitt Cancer Center and Research
23 Institute, Inc., shall provide such staff, information, and
24 other assistance as reasonably necessary for the completion of
25 the responsibilities of the council.

26 (c) The State Board of Education or the secretary,
27 after consultation with the council, may adopt rules necessary
28 for the implementation of this section.

29 (d) The secretary, after consultation with the
30 council, shall make rules specifying to what extent and on
31 what terms and conditions cancer patients of the state may

1 receive financial aid for the diagnosis and treatment of
2 cancer in any hospital or clinic selected. The department may
3 furnish to citizens of this state who are afflicted with
4 cancer financial aid to the extent of the appropriation
5 provided for that purpose in a manner which in its opinion
6 will afford the greatest benefit to those afflicted and may
7 make arrangements with hospitals, laboratories, or clinics to
8 afford proper care and treatment for cancer patients in this
9 state.

10 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

11 (a) There is created the Florida Cancer Control and
12 Research Fund consisting of funds appropriated therefor from
13 the General Revenue Fund and any gifts, grants, or funds
14 received from other sources.

15 (b) The fund shall be used exclusively for grants and
16 contracts to qualified nonprofit associations or governmental
17 agencies for the purpose of cancer control and prevention,
18 cancer education and training, cancer research, and all
19 expenses incurred in connection with the administration of
20 this section and the programs funded through the grants and
21 contracts authorized by the State Board of Education or the
22 secretary.

23 Section 189. Section 1004.44, Florida Statutes, is
24 created to read:

25 1004.44 Louis de la Parte Florida Mental Health
26 Institute.--There is established the Louis de la Parte Florida
27 Mental Health Institute within the University of South
28 Florida.

29 (1) The purpose of the institute is to strengthen
30 mental health services throughout the state by providing
31 technical assistance and support services to mental health

1 agencies and mental health professionals. Such assistance and
2 services shall include:

3 (a) Technical training and specialized education.

4 (b) Development, implementation, and evaluation of
5 mental health service programs.

6 (c) Evaluation of availability and effectiveness of
7 existing mental health services.

8 (d) Analysis of factors that influence the incidence
9 and prevalence of mental and emotional disorders.

10 (e) Dissemination of information about innovations in
11 mental health services.

12 (f) Consultation on all aspects of program development
13 and implementation.

14 (g) Provisions for direct client services, provided
15 for a limited period of time either in the institute facility
16 or in other facilities within the state, and limited to
17 purposes of research or training.

18 (2) The Department of Children and Family Services is
19 authorized to designate the Louis de la Parte Florida Mental
20 Health Institute a treatment facility for the purpose of
21 accepting voluntary and involuntary clients in accordance with
22 institute programs. Clients to be admitted are exempted from
23 prior screening by a community mental health center.

24 (3) The institute may provide direct services in
25 coordination with other agencies. The institute may also
26 provide support services to state agencies through joint
27 programs, collaborative agreements, contracts, and grants.

28 (4) The institute shall operate under the authority of
29 the President of the University of South Florida and shall
30 employ a mental health professional as director. The director
31 shall hold a faculty appointment in a university's college or

1 department related to mental health within the university.
2 The director has primary responsibility for establishing
3 active liaisons with the community of mental health
4 professionals and other related constituencies in the state
5 and may, with approval of the university president, establish
6 appropriate statewide advisory groups to assist in developing
7 these communication links.

8 Section 190. Section 1004.445, Florida Statutes, is
9 created to read:

10 1004.445 Florida Alzheimer's Center and Research
11 Institute.--

12 (1) There is established the Florida Alzheimer's
13 Center and Research Institute at the University of South
14 Florida.

15 (2)(a) The State Board of Education shall enter into
16 an agreement for the utilization of the facilities on the
17 campus of the University of South Florida to be known as the
18 Florida Alzheimer's Center and Research Institute, including
19 all furnishings, equipment, and other chattels used in the
20 operation of said facilities, with a Florida not-for-profit
21 corporation organized solely for the purpose of governing and
22 operating the Florida Alzheimer's Center and Research
23 Institute. This not-for-profit corporation, acting as an
24 instrumentality of the state, shall govern and operate the
25 Florida Alzheimer's Center and Research Institute in
26 accordance with the terms of the agreement between the State
27 Board of Education and the not-for-profit corporation. The
28 not-for-profit corporation may, with the prior approval of the
29 State Board of Education, create not-for-profit corporate
30 subsidiaries to fulfill its mission. The not-for-profit
31 corporation and its subsidiaries are authorized to receive,

1 hold, invest, and administer property and any moneys received
 2 from private, local, state, and federal sources, as well as
 3 technical and professional income generated or derived from
 4 practice activities of the institute, for the benefit of the
 5 institute and the fulfillment of its mission.

6 (b)1. The affairs of the not-for-profit corporation
 7 shall be managed by a board of directors who shall serve
 8 without compensation. The board of directors shall consist of
 9 the President of the University of South Florida and the chair
 10 of the State Board of Education, or their designees, five
 11 representatives of the state universities, and no fewer than
 12 nine nor more than 14 representatives of the public who are
 13 neither medical doctors nor state employees. Each director
 14 who is a representative of a state university or of the public
 15 shall serve a term of 3 years. The chair of the board of
 16 directors shall be selected by a majority vote of the
 17 directors. Each director shall have only one vote.

18 2. The initial board of directors shall consist of the
 19 President of the University of South Florida and the chair of
 20 the State Board of Education, or their designees; the five
 21 university representatives, of whom one shall be appointed by
 22 the Governor, two by the President of the Senate, and two by
 23 the Speaker of the House of Representatives; and nine public
 24 representatives, of whom three shall be appointed by the
 25 Governor, three by the President of the Senate, and three by
 26 the Speaker of the House of Representatives. Upon the
 27 expiration of the terms of the initial appointed directors,
 28 all directors subject to 3-year terms of office under this
 29 paragraph shall be elected by a majority vote of the directors
 30 and the board may be expanded to include additional public
 31 representative directors up to the maximum number allowed.

1 Any vacancy in office shall be filled for the remainder of the
2 term by majority vote of the directors. Any director may be
3 reelected.

4 (3) The State Board of Education shall provide in the
5 agreement with the not-for-profit corporation for the
6 following:

7 (a) Approval by the State Board of Education of the
8 articles of incorporation of the not-for-profit corporation.

9 (b) Approval by the State Board of Education of the
10 articles of incorporation of any not-for-profit corporate
11 subsidiary created by the not-for-profit corporation.

12 (c) Utilization of hospital facilities and personnel
13 by the not-for-profit corporation and its subsidiaries for
14 mutually approved teaching and research programs conducted by
15 the University of South Florida or other accredited medical
16 schools or research institutes.

17 (d) Preparation of an annual postaudit of the
18 not-for-profit corporation's financial accounts and the
19 financial accounts of any subsidiaries to be conducted by an
20 independent certified public accountant. The annual audit
21 report shall include management letters and shall be submitted
22 to the Auditor General and the State Board of Education for
23 review. The State Board of Education, the Auditor General,
24 and the Office of Program Policy Analysis and Government
25 Accountability shall have the authority to require and receive
26 from the not-for-profit corporation and any subsidiaries or
27 from their independent auditor any detail or supplemental data
28 relative to the operation of the not-for-profit corporation or
29 subsidiary.

30 (e) Provision by the not-for-profit corporation and
31 its subsidiaries of equal employment opportunities to all

1 persons regardless of race, color, religion, gender, age, or
2 national origin.

3 (4) The State Board of Education is authorized to
4 secure comprehensive general liability protection, including
5 professional liability protection, for the not-for-profit
6 corporation and its subsidiaries, pursuant to s. 1004.24.

7 (5) In the event that the agreement between the
8 not-for-profit corporation and the State Board of Education is
9 terminated for any reason, the State Board of Education shall
10 assume governance and operation of the facilities.

11 (6) The institute shall be administered by a chief
12 executive officer who shall be appointed by and serve at the
13 pleasure of the board of directors of the not-for-profit
14 corporation and who shall have the following powers and
15 duties, subject to the approval of the board of directors:

16 (a) The chief executive officer shall establish
17 programs that fulfill the mission of the institute in
18 research, education, treatment, prevention, and early
19 detection of Alzheimer's disease; however, the chief executive
20 officer may not establish academic programs for which academic
21 credit is awarded and which terminate in the conferring of a
22 degree without prior approval of the State Board of Education.

23 (b) The chief executive officer shall have control
24 over the budget and the moneys appropriated or donated to the
25 institute from private, local, state, and federal sources, as
26 well as technical and professional income generated or derived
27 from practice activities of the institute. However,
28 professional income generated by university faculty from
29 practice activities at the institute shall be shared between
30 the institute and the university as determined by the chief

31

1 executive officer and the appropriate university dean or vice
2 president.

3 (c) The chief executive officer shall appoint members
4 to carry out the research, patient care, and educational
5 activities of the institute and determine compensation,
6 benefits, and terms of service. Members of the institute
7 shall be eligible to hold concurrent appointments at
8 affiliated academic institutions. University faculty shall be
9 eligible to hold concurrent appointments at the institute.

10 (d) The chief executive officer shall have control
11 over the use and assignment of space and equipment within the
12 facilities.

13 (e) The chief executive officer shall have the power
14 to create the administrative structure necessary to carry out
15 the mission of the institute.

16 (f) The chief executive officer shall have a reporting
17 relationship to the Commissioner of Education.

18 (g) The chief executive officer shall provide a copy
19 of the institute's annual report to the Governor and Cabinet,
20 the President of the Senate, the Speaker of the House of
21 Representatives, and the chair of the State Board of
22 Education.

23 (7) The board of directors of the not-for-profit
24 corporation shall create a council of scientific advisers to
25 the chief executive officer comprised of leading researchers,
26 physicians, and scientists. The council shall review programs
27 and recommend research priorities and initiatives to maximize
28 the state's investment in the institute. The members of the
29 council shall be appointed by the board of directors of the
30 not-for-profit corporation, except for five members who shall
31 be appointed by the State Board of Education. Each member of

1 the council shall be appointed to serve a 2-year term and may
2 be reappointed to the council.

3 (8) In carrying out the provisions of this section,
4 the not-for-profit corporation and its subsidiaries are not
5 agencies within the meaning of s. 20.03(11).

6 Section 191. The sum of \$20 million is appropriated
7 for fiscal year 2002-2003 from the Public Education Capital
8 Outlay and Debt Service Trust Fund to the University of South
9 Florida for partial construction of a \$40 million research
10 facility at the university for the Florida Alzheimer's Center
11 and Research Institute.

12 Section 192. The sum of \$20 million is appropriated
13 for fiscal year 2002-2003 from the General Revenue Fund to the
14 University of South Florida for the operations of the Florida
15 Alzheimer's Center and Research Institute. From this amount
16 \$15 million shall be used by the institute to contract with
17 the following entities, at \$5 million each, to support the
18 purposes of this act: the Mayo Clinic in Jacksonville,
19 Florida; the University of Florida; and the University of
20 Miami.

21 Section 193. Section 1004.45, Florida Statutes, is
22 created to read:

23 1004.45 Ringling Center for Cultural Arts.--

24 (1) The Florida State University Ringling Center for
25 Cultural Arts is created. The center consists of the following
26 properties located in Sarasota County:

27 (a) The John and Mable Ringling Museum of Art composed
28 of:

- 29 1. The art museum.
- 30 2. The Ca' d'Zan (the Ringling residence).
- 31 3. The Ringling Museum of the Circus.

1 (b) The Florida State University Center for the Fine
2 and Performing Arts, including the Asolo Theater and the
3 Florida State University Center for the Performing Arts, both
4 of which shall provide for academic programs in theatre,
5 dance, art, art history, and museum management.

6
7 The center shall be operated by the Florida State University,
8 which shall be charged with encouraging participation by K-12
9 schools and by other postsecondary educational institutions,
10 public and private, in the educational and cultural enrichment
11 programs of the center.

12 (2)(a) The John and Mable Ringling Museum of Art is
13 designated as the official Art Museum of the State of Florida.
14 The purpose and function of the museum is to maintain and
15 preserve all objects of art and artifacts donated to the state
16 through the will of John Ringling; to acquire and preserve
17 objects of art or artifacts of historical or cultural
18 significance; to exhibit such objects to the public; to
19 undertake scholarly research and publication, including that
20 relating to the collection; to provide educational programs
21 for students at K-12 schools and those in college and graduate
22 school and enrichment programs for children and adults; to
23 assist other museums in the state and nation through education
24 programs and through loaning objects from the collection when
25 such loans do not threaten the safety and security of the
26 objects; to enhance knowledge and appreciation of the
27 collection; and to engage in other activities related to
28 visual arts which benefit the public. The museum shall also
29 engage in programs on the national and international level to
30 enhance further the cultural resources of the state.

1 (b) The Florida State University shall approve a John
 2 and Mable Ringling Museum of Art direct-support organization.
 3 Such direct-support organization shall consist of no more than
 4 31 members appointed by the president of the university from a
 5 list of nominees provided by the Ringling direct-support
 6 organization. No fewer than one-third of the members must be
 7 residents of Sarasota and Manatee Counties, and the remaining
 8 members may reside elsewhere. The current members of the Board
 9 of Trustees of the John and Mable Ringling Museum of Art may
 10 be members of the direct-support organization. They shall
 11 develop a charter and bylaws to govern their operation, and
 12 these shall be subject to approval by the Florida State
 13 University.

14 (c) The John and Mable Ringling Museum of Art
 15 direct-support organization, operating under the charter and
 16 bylaws and such contracts as are approved by the university,
 17 shall set policies to maintain and preserve the collections of
 18 the Art Museum; the Circus Museum; the furnishings and objects
 19 in the Ringling home, referred to as the Ca' d'Zan; and other
 20 objects of art and artifacts in the custody of the museum.
 21 Title to all such collections, art objects, and artifacts of
 22 the museums and its facilities shall remain with the Florida
 23 State University, which shall assign state registration
 24 numbers to, and conduct annual inventories of, all such
 25 properties. The direct-support organization shall develop
 26 policy for the museum, subject to the provisions of the John
 27 Ringling will and the overall direction of the president of
 28 the university; and it is invested with power and authority to
 29 nominate a museum director who is appointed by and serves at
 30 the pleasure of the president of the university and shall
 31 report to the provost of the university or his or her

1 designee. The museum director, with the approval of the
 2 provost or his or her designee, shall appoint other employees
 3 in accordance with Florida Statutes and rules; remove the same
 4 in accordance with Florida Statutes and rules; provide for the
 5 proper keeping of accounts and records and budgeting of funds;
 6 enter into contracts for professional programs of the museum
 7 and for the support and maintenance of the museum; secure
 8 public liability insurance; and do and perform every other
 9 matter or thing requisite to the proper management,
 10 maintenance, support, and control of the museum at the highest
 11 efficiency economically possible, while taking into
 12 consideration the purposes of the museum.

13 (d) Notwithstanding the provision of s. 287.057, the
 14 John and Mable Ringling Museum of Art direct-support
 15 organization may enter into contracts or agreements with or
 16 without competitive bidding, in its discretion, for the
 17 restoration of objects of art in the museum collection or for
 18 the purchase of objects of art that are to be added to the
 19 collection.

20 (e) Notwithstanding s. 273.055, the university may
 21 sell any art object in the museum collection, which object has
 22 been acquired after 1936, if the director and the
 23 direct-support organization recommend such sale to the
 24 president of the university and if they first determine that
 25 the object is no longer appropriate for the collection. The
 26 proceeds of the sale shall be deposited in the Ringling Museum
 27 Art Acquisition, Restoration, and Conservation Trust Fund. The
 28 university also may exchange any art object in the collection,
 29 which object has been acquired after 1936, for an art object
 30 or objects that the director and the museum direct-support
 31

1 organization recommend to the university after judging these
2 to be of equivalent or greater value to the museum.

3 (f) An employee or member of the museum direct-support
4 organization may not receive a commission, fee, or financial
5 benefit in connection with the sale or exchange of a work of
6 art and may not be a business associate of any individual,
7 firm, or organization involved in the sale or exchange.

8 (g) The university, in consultation with the
9 direct-support organization, shall establish policies and may
10 adopt rules for the sale or exchange of works of art.

11 (h) The John and Mable Ringling Museum of Art
12 direct-support organization shall provide for an annual
13 financial audit in accordance with s. 1004.28(5). Florida
14 State University is authorized to require and receive from the
15 direct-support organization, or from its independent auditor,
16 any detail or supplemental data relative to the operation of
17 such organization. Information that, if released, would
18 identify donors who desire to remain anonymous, is
19 confidential and exempt from the provisions of s. 119.07(1).
20 Information that, if released, would identify prospective
21 donors is confidential and exempt from the provisions of s.
22 119.07(1) when the direct-support organization has identified
23 the prospective donor itself and has not obtained the name of
24 the prospective donor by copying, purchasing, or borrowing
25 names from another organization or source. Identities of such
26 donors and prospective donors shall not be revealed in the
27 auditor's report.

28 (i) The direct-support organization is given authority
29 to make temporary loans of paintings and other objects of art
30 or artifacts belonging to the John and Mable Ringling Museum
31 of Art for the purpose of public exhibition in art museums,

1 other museums, or institutions of higher learning wherever
2 located, including such museums or institutions in other
3 states or countries. Temporary loans may also be made to the
4 executive mansion in Tallahassee, chapters and affiliates of
5 the John and Mable Ringling Museum of Art, and, for education
6 purposes, to schools, public libraries, or other institutions
7 in the state, if such exhibition will benefit the general
8 public as the university deems wise and for the best interest
9 of the John and Mable Ringling Museum of Art and under
10 policies established by Florida State University for the
11 protection of the paintings and other objects of art and
12 artifacts. In making temporary loans, the direct-support
13 organization shall give first preference to art museums, other
14 museums, and institutions of higher learning.

15 (j) Notwithstanding any other provision of law, the
16 John and Mable Ringling Museum of Art direct-support
17 organization is eligible to match state funds in the Major
18 Gifts Trust Fund established pursuant to s. 1011.94 as
19 follows:

20 1. For the first \$1,353,750, matching shall be on the
21 basis of 75 cents in state matching for each dollar of private
22 funds.

23 2. For additional funds, matching shall be provided on
24 the same basis as is authorized in s. 1011.94.

25 Section 194. Section 1004.46, Florida Statutes, is
26 created to read:

27 1004.46 Multidisciplinary Center for Affordable
28 Housing.--

29 (1) The Multidisciplinary Center for Affordable
30 Housing is established within the School of Building
31 Construction of the College of Architecture of the University

1 of Florida with the collaboration of other related disciplines
2 such as agriculture, business administration, engineering,
3 law, and medicine. The center shall work in conjunction with
4 other state universities. The Multidisciplinary Center for
5 Affordable Housing shall:

6 (a) Conduct research relating to the problems and
7 solutions associated with the availability of affordable
8 housing in the state for families who are below the median
9 income level and widely disseminate the results of such
10 research to appropriate public and private audiences in the
11 state. Such research shall emphasize methods to improve the
12 planning, design, and production of affordable housing,
13 including, but not limited to, the financial, maintenance,
14 management, and regulatory aspects of residential development.

15 (b) Provide public services to local, regional, and
16 state agencies, units of government, and authorities by
17 helping them create regulatory climates that are amenable to
18 the introduction of affordable housing within their
19 jurisdictions.

20 (c) Conduct special research relating to firesafety.

21 (d) Provide a focus for the teaching of new technology
22 and skills relating to affordable housing in the state.

23 (e) Develop a base of informational and financial
24 support from the private sector for the activities of the
25 center.

26 (f) Develop prototypes for both multifamily and
27 single-family units.

28 (g) Establish a research agenda and general work plan
29 in cooperation with the Department of Community Affairs which
30 is the state agency responsible for research and planning for
31

1 affordable housing and for training and technical assistance
2 for providers of affordable housing.

3 (h) Submit a report to the Governor, the President of
4 the Senate, and the Speaker of the House of Representatives by
5 January 1 of each year. The annual report shall include
6 information relating to the activities of the center,
7 including collaborative efforts with public and private
8 entities, affordable housing models, and any other findings
9 and recommendations related to the production of safe, decent,
10 and affordable housing.

11 (2) The Director of the Multidisciplinary Center for
12 Affordable Housing shall be appointed by the Dean of the
13 College of Architecture of the University of Florida.

14 Section 195. Section 1004.47, Florida Statutes, is
15 created to read:

16 1004.47 Research activities relating to solid and
17 hazardous waste management.--Research, training, and service
18 activities related to solid and hazardous waste management
19 conducted by state universities shall be coordinated by the
20 State Board of Education. Proposals for research contracts and
21 grants; public service assignments; and responses to requests
22 for information and technical assistance by state and local
23 government, business, and industry shall be addressed by a
24 formal Type I Center process involving an advisory board of
25 university personnel appointed by the Commissioner of
26 Education and chaired and directed by an individual appointed
27 by the Commissioner of Education. The State Board of Education
28 shall consult with the Department of Environmental Protection
29 in developing the research programs and provide the department
30 with a copy of the proposed research program for review and
31 comment before the research is undertaken. Research contracts

1 shall be awarded to independent nonprofit colleges and
2 universities within the state which are accredited by the
3 Southern Association of Colleges and Schools on the same basis
4 as those research contracts awarded to the state universities.

5 Research activities shall include, but are not limited to, the
6 following areas:

7 (1) Methods and processes for recycling solid and
8 hazardous waste.

9 (2) Methods of treatment for detoxifying hazardous
10 waste.

11 (3) Technologies for disposing of solid and hazardous
12 waste.

13 Section 196. Section 1004.48, Florida Statutes, is
14 created to read:

15 1004.48 Research protocols to determine most
16 appropriate pollutant dispersal agents.--The Center for Solid
17 and Hazardous Waste Management shall coordinate the research
18 protocols for projects to determine the most appropriate
19 dispersal agents that can be used in an environmentally safe
20 manner in Florida waters as part of a pollutant cleanup
21 activity. Such research shall be used by the Department of
22 Environmental Protection in approving the use of such agents
23 by pollutant spill cleanup contractors and others who may be
24 required to use such agents in containing and cleaning up
25 pollutant spills in the waters of the state.

26 Section 197. Section 1004.49, Florida Statutes, is
27 created to read:

28 1004.49 Florida LAKEWATCH Program.--The Florida
29 LAKEWATCH Program is hereby created within the Department of
30 Fisheries and Aquaculture of the Institute of Food and
31 Agricultural Sciences at the University of Florida. The

1 purpose of the program is to provide public education and
2 training with respect to the water quality of Florida's lakes.

3 The Department of Fisheries and Aquaculture may, in
4 implementing the LAKEWATCH program:

5 (1) Train, supervise, and coordinate volunteers to
6 collect water quality data from Florida's lakes.

7 (2) Compile the data collected by volunteers.

8 (3) Disseminate information to the public about the
9 LAKEWATCH program.

10 (4) Provide or loan equipment to volunteers in the
11 program.

12 (5) Perform other functions as may be necessary or
13 beneficial in coordinating the LAKEWATCH program.

14
15 Data collected and compiled shall be used to establish trends
16 and provide general background information and shall in no
17 instance be used in a regulatory proceeding.

18 Section 198. Section 1004.50, Florida Statutes, is
19 created to read:

20 1004.50 Institute on Urban Policy and Commerce.--

21 (1) There is created the Institute on Urban Policy and
22 Commerce as a Type I Institute at Florida Agricultural and
23 Mechanical University to improve the quality of life in urban
24 communities through research, teaching, and outreach
25 activities.

26 (2) The major purposes of the institute are to pursue
27 basic and applied research on urban policy issues confronting
28 the inner-city areas and neighborhoods in the state; to
29 influence the equitable allocation and stewardship of federal,
30 state, and local financial resources; to train a new
31 generation of civic leaders and university students interested

1 in approaches to community planning and design; to assist with
2 the planning, development, and capacity building of urban area
3 nonprofit organizations and government agencies; to develop
4 and maintain a database relating to inner-city areas; and to
5 support the community development efforts of inner-city areas,
6 neighborhood-based organizations, and municipal agencies.

7 (3) The institute shall research and recommend
8 strategies concerning critical issues facing the underserved
9 population in urban communities, including, but not limited
10 to, transportation and physical infrastructure; affordable
11 housing; tourism and commerce; environmental restoration; job
12 development and retention; child care; public health; lifelong
13 learning; family intervention; public safety; and community
14 relations.

15 (4) The institute may establish regional urban centers
16 to be located in the inner cities of St. Petersburg, Tampa,
17 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
18 Miami, Daytona Beach, and Pensacola to assist urban
19 communities on critical economic, social, and educational
20 problems affecting the underserved population.

21 (5) Before January 1 of each year, the institute shall
22 submit a report of its critical findings and recommendations
23 for the prior year to the President of the Senate, the Speaker
24 of the House of Representatives, and the appropriate
25 committees of the Legislature. The report shall be titled "The
26 State of Unmet Needs in Florida's Urban Communities" and shall
27 include, but is not limited to, a recommended list of
28 resources that could be made available for revitalizing urban
29 communities; significant accomplishments and activities of the
30 institute; and recommendations concerning the expansion,
31 improvement, or termination of the institute.

1 (6) The Governor shall submit an annual report to the
2 Legislature on the unmet needs in the state's urban
3 communities.

4 Section 199. Section 1004.51, Florida Statutes, is
5 created to read:

6 1004.51 Community and Faith-based Organizations
7 Initiative; Community and Library Technology Access
8 Partnership.--

9 (1) CREATION.--There is created the Community and
10 Faith-based Organizations Initiative which shall be
11 administered by the Institute on Urban Policy and Commerce at
12 Florida Agricultural and Mechanical University and the
13 Community and Library Technology Access Partnership which
14 shall be administered by the Division of Library and
15 Information Services of the Department of State.

16 (2) INTENT.--The purpose of the initiative is to
17 promote community development in low-income communities
18 through partnerships with not-for-profit community and
19 faith-based organizations. The purpose of the partnership is
20 to encourage public libraries eligible for e-rate discounted
21 telecommunications services to partner with community and
22 faith-based organizations to provide technology access and
23 training to assist other state efforts to close the digital
24 divide.

25 (3) AUTHORIZED ACTIVITIES.--

26 (a) Authorized activities of the initiative.--The
27 Institute on Urban Policy and Commerce at Florida Agricultural
28 and Mechanical University may conduct the following activities
29 as part of the Community and Faith-based Organizations
30 Initiative:

31

1 1. Create and operate training programs to enhance the
2 professional skills of individuals in community and
3 faith-based organizations.

4 2. Create and operate a program to select and place
5 students and recent graduates from business and related
6 professional schools as interns with community and faith-based
7 organizations for a period not to exceed 1 year, and provide
8 stipends for such interns.

9 3. Organize an annual conference for community and
10 faith-based organizations to discuss and share information on
11 best practices regarding issues relevant to the creation,
12 operation, and sustainability of these organizations.

13 4. Provide funding for the development of materials
14 for courses on topics in the area of community development,
15 and for research on economic, operational, and policy issues
16 relating to community development.

17 5. Provide financial assistance to community and
18 faith-based organizations through small grants for
19 partnerships with universities and the operation of programs
20 to build strong communities and future community development
21 leaders. The Institute on Urban Policy and Commerce at Florida
22 Agricultural and Mechanical University shall develop selection
23 criteria for awarding such grants which are based on the goals
24 of the initiative.

25
26 The institute, to the maximum extent possible, shall leverage
27 state funding for the initiative with any federal funding that
28 the institute may receive to support similar community-based
29 activities.

30 (b) Authorized activities of the partnership.--The
31 Division of Library and Information Services of the Department

1 of State may conduct the following activities as part of the
2 Community and Library Technology Access Partnership:

3 1. Provide funding for e-rate eligible public
4 libraries to provide technology access and training to
5 community and faith-based organizations. Funding provided
6 under this subparagraph must be for eligible public libraries
7 in distressed communities in the state. The division shall
8 consult with the Institute on Urban Policy and Commerce to
9 identify such communities and to develop criteria to be used
10 in evaluating funding proposals. The division shall coordinate
11 with the institute to ensure that, to the maximum extent
12 possible, the division and the institute leverage their
13 resources under the programs authorized by this section in
14 order to focus efforts on addressing the most distressed
15 communities in the state. The division shall include a
16 representative of the institute on a review team to evaluate
17 funding proposals under this subparagraph.

18 2. Provide a method of assessment and outcome
19 measurement for e-rate eligible public libraries to assess
20 progress in closing the digital divide and in training for
21 individuals to succeed in the emerging information economy.

22 (4) ELIGIBILITY.--A community or faith-based
23 organization receiving funding or other assistance under the
24 Community and Faith-based Organizations Initiative or the
25 Community Library Technology Access Partnership must be a
26 nonprofit organization holding a current exemption from
27 federal taxation under s. 501(c)(3) or (4) of the Internal
28 Revenue Code. Funding under this section shall not be used for
29 religious or sectarian purposes.

30 Section 200. Section 1004.52, Florida Statutes, is
31 created to read:

1 1004.52 Community computer access grant program.--
 2 (1) The Legislature finds that there is a growing
 3 digital divide in the state, manifested in the fact that many
 4 youths from distressed urban communities do not possess the
 5 degree and ease of access to computers and information
 6 technologies which youths in other communities in the state
 7 possess. This disparity in access to rapidly changing and
 8 commercially significant technologies has a negative impact on
 9 the educational, workforce development, and employment
 10 competitiveness of these needy youths, and thereby impedes the
 11 economic development of the distressed urban communities in
 12 which these youths reside. Although many public libraries
 13 offer users access to computers and are increasingly making
 14 library materials available to the public through electronic
 15 means, many youths from distressed urban communities do not
 16 live near a library that has such technology and do not have
 17 computers to access Internet-based virtual libraries.
 18 Neighborhood organizations, such as churches, are more likely,
 19 however, to be located in closer proximity to the homes of
 20 these youths than are educational institutions or libraries,
 21 and these youths are more likely to gain the desirable
 22 computer access at church-related or other neighborhood
 23 facilities than at other institutions. The Legislature
 24 therefore finds that a public purpose is served in enhancing
 25 the ability of youths from these communities to have access to
 26 computers and the Internet within the neighborhoods in which
 27 they reside.
 28 (2) Subject to legislative appropriation, there is
 29 created the Community High-Technology Investment Partnership
 30 (CHIP) program to assist distressed urban communities in
 31 securing computers for access by youths between the ages of 5

1 years and 18 years who reside in these communities. The
 2 program shall be administered by the Institute on Urban Policy
 3 and Commerce at Florida Agricultural and Mechanical University
 4 pursuant to a performance-based contract with the Division of
 5 Library and Information Services of the Department of State.
 6 The division shall develop performance measures, standards,
 7 and sanctions for the program. Performance measures must
 8 include, but are not limited to: the number of youths
 9 obtaining access to computers purchased under this program;
 10 the number of hours computers are made available to youths;
 11 and the number of hours spent by youths on computers purchased
 12 under this program for educational purposes. The
 13 administrative costs for administration of this program cannot
 14 exceed 10 percent of the amount appropriated to the division
 15 for the program.

16 (3)(a) Under this program, neighborhood facilities,
 17 through their governing bodies, may apply to the institute for
 18 grants to purchase computers that will be available for use by
 19 eligible youths who reside in the immediate vicinity of the
 20 neighborhood facility. For purposes of this program, eligible
 21 neighborhood facilities include, but are not limited to,
 22 facilities operated by:

23 1. Units of local government, including school
 24 districts.

25 2. Nonprofit, faith-based organizations, including
 26 neighborhood churches.

27 3. Nonprofit civic associations or homeowners'
 28 associations.

29 4. Nonprofit organizations, the missions of which
 30 include improving conditions for residents of distressed urban
 31 communities.

1
2 To be eligible for funding under this program, a nonprofit
3 organization or association must hold a current exemption from
4 federal taxation under s. 501(c)(3) or (4) of the Internal
5 Revenue Code.

6 (b) Notwithstanding the eligibility of the
7 organizations identified in paragraph (a), the institute shall
8 give priority consideration for funding under this program to
9 applications submitted by neighborhood churches or by
10 neighborhood-based, nonprofit organizations that have as a
11 principal part of their missions the improvement of conditions
12 for residents of the same neighborhoods in which the
13 organizations are located. The institute also shall give
14 priority consideration to organizations that demonstrate that
15 they have not been awarded community enhancement or similar
16 community support grants from state or local government on a
17 regular basis in the past. The institute shall develop
18 weighted criteria to be used in evaluating applications from
19 such churches or organizations. Funding under this section
20 shall not be used for religious or sectarian purposes.

21 (4) The institute shall develop guidelines governing
22 the administration of this program and shall establish
23 criteria to be used in evaluating an application for funding.
24 At a minimum, the institute must find that:

25 (a) The neighborhood that is to be served by the grant
26 suffers from general economic distress.

27 (b) Eligible youths who reside in the vicinity of the
28 neighborhood facility have difficulty obtaining access to a
29 library or schools that have sufficient computers.

30 (c) The neighborhood facility has developed a detailed
31 plan, as required under subsection (5), for:

1 1. Providing youths who reside in the vicinity of the
2 facility with access to any computer purchased with grant
3 funds, including evening and weekend access when libraries and
4 schools are closed.

5 2. Promoting the maximum participation of neighborhood
6 youths in use of any computers purchased with grant funds.

7 (5) As part of an application for funding, the
8 neighborhood facility must submit a plan that demonstrates:

9 (a) The manner in which eligible youths who reside in
10 the immediate vicinity of the facility will be provided with
11 access to any computer purchased with grant funds, including
12 access during hours when libraries and schools are closed.

13 (b) The existence of safeguards to ensure that any
14 computer purchased with grant funds is reserved for the
15 educational use of eligible youths who reside in the immediate
16 vicinity of the facility and is not used to support the
17 business operations of the neighborhood facility or its
18 governing body.

19 (c) The existence, in the neighborhood facility, of
20 telecommunications infrastructure necessary to guarantee
21 access to the Internet through any computer purchased with
22 grant funds.

23 (6) To the maximum extent possible, funding shall be
24 awarded under this program in a manner designed to ensure the
25 participation of distressed urban communities from regions
26 throughout the state.

27 (7) The maximum amount of a grant which may be awarded
28 to any single neighborhood facility under this program is
29 \$25,000.

30 (8) Before the institute may allocate funds for a
31 grant under this program, the institute and the eligible

1 neighborhood facility must execute a grant agreement that
2 governs the terms and conditions of the grant.

3 (9) The institute, based upon guidance from the State
4 Technology Office and the state's Chief Information Officer,
5 shall establish minimum requirements governing the
6 specifications and capabilities of any computers purchased
7 with funds awarded under this grant program.

8 Section 201. Section 1004.53, Florida Statutes, is
9 created to read:

10 1004.53 Interdisciplinary Center for Brownfield
11 Rehabilitation Assistance.--The Center for Brownfield
12 Rehabilitation Assistance in the Environmental Sciences and
13 Policy Program is established in the College of Arts and
14 Sciences at the University of South Florida with the
15 collaboration of other related disciplines such as business
16 administration, environmental science, and medicine. The
17 center shall work in conjunction with other state
18 universities. The Center for Brownfield Rehabilitation
19 Assistance shall:

20 (1) Conduct research relating to problems and
21 solutions associated with rehabilitation and restoration of
22 brownfield areas as defined in s. 376.79. The research must
23 include identifying innovative solutions to removing
24 contamination from brownfield sites to reduce the threats to
25 drinking water supplies and other potential public health
26 threats from contaminated sites.

27 (2) Provide public service to local, regional, and
28 state agencies, units of government, and authorities by
29 helping them to create workable mechanisms, partnerships with
30 public and private sectors, and other techniques for
31 rehabilitating brownfield areas.

1 (3) Conduct special research relating to risk-based
2 corrective actions for rehabilitation of brownfield areas.

3 (4) Develop a base of informational and financial
4 support from the private sector for the activities of the
5 center.

6 Section 202. Section 1004.54, Florida Statutes, is
7 created to read:

8 1004.54 Learning Development and Evaluation Center.--

9 (1) For the purpose of providing academic support for
10 learning disabled students, the verbal communications
11 laboratory at Florida Agricultural and Mechanical University
12 is established as the Learning Development and Evaluation
13 Center. The university shall provide housing, equipment, and
14 utilities for the center.

15 (2) The primary objective of the center shall be to
16 provide learning disabled students with accessibility to
17 learning by providing a program for building student
18 self-acceptance, self-esteem, and faculty acceptance. The
19 program shall also provide for diagnosing and clarifying the
20 nature of the disability and for identifying strategies that
21 can be used to enhance learning. Services shall include:

22 (a) Problem identification.

23 (b) Diagnostic evaluation, including neurological,
24 psychological, speech, and hearing diagnoses.

25 (c) Training, including tutoring and study.

26 (d) Academic, psychological, social, and career
27 counseling.

28 (e) Followup.

29 (f) Maintenance of academic course requirements with
30 provision for support services to identified students.

31

1 ~~(g) Modifications of methods of reaching course~~
2 ~~requirements which do not detract from the course purpose.~~

3 (3) Participants in the program shall be students with
4 specific learning disabilities who meet eligibility criteria
5 as defined by Rule 6A-6.03018.

6 (4) An outreach component shall be established which
7 shall include:

8 (a) Notifying secondary schools, community colleges,
9 career education centers, and community agencies of the
10 program.

11 (b) Working with community colleges, technical
12 centers, and community agencies to identify students who may
13 benefit from the program.

14 (c) Providing secondary schools, community colleges,
15 technical centers, and community agencies with a description
16 of methods used by the program for identification of students
17 who have learning disabilities.

18 (d) Providing secondary schools, community colleges,
19 technical centers, and community agencies with a description
20 of program services and the support services available.

21 (e) Providing on-campus and off-campus activities for
22 students, administrators, faculty, and staff to enhance
23 learning of the disabled secondary students.

24 (f) Providing training for school district personnel
25 to enable them to develop a better understanding of the needs
26 of learning disabled students.

27 (g) Designing, developing, and implementing, in
28 cooperation with Florida Agricultural and Mechanical
29 University, public school districts, community colleges, and
30 technical centers within the Department of Education, model
31 programs for the learning disabled student.

1 (h) Providing assistance to community colleges and
2 state universities in designing, developing, and evaluating
3 model programs for learning disabled students.

4 (i) Establishing a procedure for the annual review and
5 update of model programs developed for the learning disabled.

6 (j) Providing precollegiate residential experiences.

7 (5) On or before November 1, the president of the
8 university shall submit to the State Board of Education and
9 the Legislature a report on program effectiveness, which
10 report shall include:

11 (a) The number of students participating in the
12 program.

13 (b) An ongoing analysis of overall student performance
14 as a result of participation in the program.

15 (c) A description of the methods used in identifying
16 students with learning disabilities.

17 (d) A description of methods and materials prescribed
18 to meet the specific learning needs of each participant.

19 (e) The number and types of disabilities of students
20 in the program.

21 (f) How the program accomplished its objectives.

22 (g) Procedures used to counsel and advise students
23 that would build self-acceptance and enhance learning.

24 (h) Procedures for promoting faculty acceptance of the
25 program and its participants.

26 (i) A detailed description of each program objective
27 and the results.

28 (j) Projections of future participation by learning
29 disabled students based on enrollment, queries, and program
30 results.

31

1 (k) The number of postsecondary and secondary students
2 participating in the program and the type of service provided.

3 (6) Funding of this program shall be provided for in
4 the General Appropriations Act.

5 Section 203. Section 1004.55, Florida Statutes, is
6 created to read:

7 1004.55 Regional autism centers.--

8 (1) Six regional autism centers are established to
9 provide nonresidential resource and training services for
10 persons of all ages and of all levels of intellectual
11 functioning who have autism, as defined in s. 393.063; who
12 have a pervasive developmental disorder that is not otherwise
13 specified; who have an autistic-like disability; who have a
14 dual sensory impairment; or who have a sensory impairment with
15 other handicapping conditions. Each center shall be
16 operationally and fiscally independent and shall provide
17 services within its geographical region of the state. Each
18 center shall coordinate services within and between state and
19 local agencies and school districts but may not duplicate
20 services provided by those agencies or school districts. The
21 respective locations and service areas of the centers are:

22 (a) The Department of Communication Disorders at
23 Florida State University, which serves Bay, Calhoun, Escambia,
24 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,
25 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
26 Walton, and Washington Counties.

27 (b) The College of Medicine at the University of
28 Florida, which serves Alachua, Bradford, Citrus, Columbia,
29 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,
30 Putnam, Suwannee, and Union Counties.

31

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

1 (3) To promote statewide planning and coordination, a
2 conference must be held annually for staff from each of the
3 five centers and representatives from each center's
4 constituency board. The purpose of the conference is to
5 facilitate coordination, networking, cross-training, and
6 feedback among the staffs and constituency boards of the
7 centers.

8 (4) Each center shall provide:

9 (a) A staff that has expertise in autism and
10 autistic-like behaviors and in sensory impairments.

11 (b) Individual and direct family assistance in the
12 home, community, and school. A center's assistance should not
13 supplant other responsibilities of state and local agencies,
14 and each school district is responsible for providing an
15 appropriate education program for clients of a center who are
16 school age.

17 (c) Technical assistance and consultation services,
18 including specific intervention and assistance for a client of
19 the center, the client's family, and the school district, and
20 any other services that are appropriate.

21 (d) Professional training programs that include
22 developing, providing, and evaluating preservice and inservice
23 training in state-of-the-art practices for personnel who work
24 with the populations served by the centers and their families.

25 (e) Public education programs to increase awareness of
26 the public about autism, autistic-related disabilities of
27 communication and behavior, dual sensory impairments, and
28 sensory impairments with other handicapping conditions.

29 (5) The State Board of Education, in cooperation with
30 the regional autism centers, shall adopt the necessary rules
31 to carry out the purposes of this section.

1 Section 204. Section 1004.56, Florida Statutes, is
2 created to read:

3 1004.56 Florida Museum of Natural History;
4 functions.--

5 (1) The functions of the Florida Museum of Natural
6 History, located at the University of Florida, are to make
7 scientific investigations toward the sustained development of
8 natural resources and a greater appreciation of human cultural
9 heritage, including, but not limited to, biological surveys,
10 ecological studies, environmental impact assessments, in-depth
11 archaeological research, and ethnological analyses, and to
12 collect and maintain a depository of biological,
13 archaeological, and ethnographic specimens and materials in
14 sufficient numbers and quantities to provide within the state
15 and region a base for research on the variety, evolution, and
16 conservation of wild species; the composition, distribution,
17 importance, and functioning of natural ecosystems; and the
18 distribution of prehistoric and historic archaeological sites
19 and an understanding of the aboriginal and early European
20 cultures that occupied them. State institutions, departments,
21 and agencies may deposit type collections from archaeological
22 sites in the museum, and it shall be the duty of each state
23 institution, department, and agency to cooperate by depositing
24 in the museum voucher and type biological specimens collected
25 as part of the normal research and monitoring duties of its
26 staff and to transfer to the museum those biological specimens
27 and collections in its possession but not actively being
28 curated or used in the research or teaching of that
29 institution, department, or agency. The Florida Museum of
30 Natural History is empowered to accept, preserve, maintain, or
31 dispose of these specimens and materials in a manner which

1 makes each collection and its accompanying data available for
 2 research and use by the staff of the museum and by cooperating
 3 institutions, departments, agencies, and qualified independent
 4 researchers. The biological, archaeological, and ethnographic
 5 collections shall belong to the state with the title vested in
 6 the Florida Museum of Natural History, except as provided in
 7 s. 267.12(3). In collecting or otherwise acquiring these
 8 collections, the museum shall comply with pertinent state
 9 wildlife, archaeological, and agricultural laws and rules.
 10 However, all collecting, quarantine, and accreditation permits
 11 issued by other institutions, departments, and agencies shall
 12 be granted routinely for said museum research study or
 13 collecting effort on state lands or within state jurisdiction
 14 which does not pose a significant threat to the survival of
 15 endangered wild species, habitats, or ecosystems. In
 16 addition, the museum shall develop exhibitions and conduct
 17 programs which illustrate, interpret, and explain the natural
 18 history of the state and region and shall maintain a library
 19 of publications pertaining to the work as herein provided.
 20 The exhibitions, collections, and library of the museum shall
 21 be open, free to the public, under suitable rules to be
 22 promulgated by the director of the museum and approved by the
 23 University of Florida.

24 (2) Any gifts, transfers, bequests, or other
 25 conveyances made to the Florida State Museum are deemed to
 26 have been made to the Florida Museum of Natural History.

27 Section 205. Section 1004.57, Florida Statutes, is
 28 created to read:

29 1004.57 Vertebrate paleontological sites and remains;
 30 legislative intent and state policy.--

31

1 (1) It is the declared intention of the Legislature
2 that vertebrate paleontological sites be protected and
3 preserved and that, pursuant thereto, vertebrate
4 paleontological field investigation activities, including, but
5 not limited to, collection, excavation, salvage, restoration,
6 and cataloging of fossils, be discouraged except when such
7 activities are carried on in accordance with both the
8 provisions and the spirit of this act. However, it is not the
9 intention of the Legislature that the provisions of this act
10 impede mining or quarrying for rock, gravel, fill, phosphate,
11 and other minerals, or the construction of canals or similar
12 excavations, when such activities are permitted by law.
13 Rather, it is the intent of the Legislature that mine and
14 heavy equipment operators be encouraged to cooperate with the
15 state in preserving its vertebrate paleontological heritage
16 and vertebrate fossils by notifying the Florida Museum of
17 Natural History whenever vertebrate fossils are discovered
18 during mining or digging operations and by allowing such
19 fossils to be properly salvaged and that persons having
20 knowledge of vertebrate paleontological sites be encouraged to
21 communicate such information to the museum.

22 (2) It is hereby declared to be the public policy of
23 this state to protect and preserve vertebrate paleontological
24 sites containing vertebrate fossils, including bones, teeth,
25 natural casts, molds, impressions, and other remains of
26 prehistoric fauna, and to provide for the collection,
27 acquisition, and study of the vertebrate fossils of the state
28 which offer documentation of the diversity of life on this
29 planet.

30 (3) It is further declared to be the public policy of
31 the state that all vertebrate fossils found on state-owned

1 lands, including submerged lands and uplands, belong to the
2 state with title to the fossils vested in the Florida Museum
3 of Natural History for the purpose of administration of this
4 section and ss. 1004.575-1004.577.

5 Section 206. Section 1004.575, Florida Statutes, is
6 created to read:

7 1004.575 Program of vertebrate paleontology within
8 Florida Museum of Natural History.--There is established
9 within the Florida Museum of Natural History a program of
10 vertebrate paleontology, which program has the following
11 responsibilities:

12 (1) Encouraging the study of the vertebrate fossils
13 and vertebrate paleontological heritage of the state and
14 providing exhibits and other educational materials on the
15 vertebrate fauna to the universities and schools of the state.

16 (2) Developing a statewide plan, to be submitted to
17 the director of the Florida Museum of Natural History, for
18 preserving the vertebrate paleontological resources of the
19 state in a manner which is consistent with the state policies
20 in s. 1004.57 and which will not unduly hamper development in
21 this state, including mining and excavating operations.

22 (3) Locating, surveying, acquiring, collecting,
23 salvaging, conserving, and restoring vertebrate fossils;
24 conducting research on the history and systematics of the
25 fossil fauna of the state; and maintaining the official state
26 depository of vertebrate fossils.

27 (4) Locating, surveying, acquiring, excavating, and
28 operating vertebrate paleontological sites and properties
29 containing vertebrate fossils, which sites and properties have
30 great significance to the scientific study of such vertebrate
31

1 fossils or to public representation of the faunal heritage of
2 the state.

3 (5) Enlisting the aid of professional vertebrate
4 paleontologists, mine and quarry operators, heavy digging
5 equipment operators, and qualified amateurs in carrying out
6 the provisions of subsections (1)-(4), and authorizing their
7 active support and cooperation by issuing permits to them as
8 provided in s. 1004.576.

9 (6) Cooperating and coordinating activities with the
10 Department of Environmental Protection under the provisions of
11 ss. 375.021 and 375.031 and the Department of State under
12 chapter 267 in the acquisition, preservation, and operation of
13 significant vertebrate paleontological sites and properties of
14 great and continuing scientific value, so that such sites and
15 properties may be utilized to conserve the faunal heritage of
16 this state and to promote an appreciation of that heritage.

17 (7) Designating areas as "state vertebrate
18 paleontological sites" pursuant to the provisions of this
19 section, which areas are of great and continuing significance
20 to the scientific study and public understanding of the faunal
21 history of the state. However, no privately owned site or
22 grouping of sites shall be so designated without the express
23 written consent of the private owner of the site or group of
24 sites. Upon designation of a state vertebrate paleontological
25 site, the owners and occupants of such site shall be given
26 written notification of such designation by the program. Once
27 such site has been so designated, no person may conduct
28 paleontological field investigation activities on the site
29 without first securing a permit for such activities as
30 provided in s. 1004.576.

31

1 (8) Arranging for the disposition of the vertebrate
2 fossils by accredited institutions and for the temporary or
3 permanent loan of such fossils for the purpose of further
4 scientific study, interpretative display, and curatorial
5 responsibilities by such institutions.

6 Section 207. Section 1004.576, Florida Statutes, is
7 created to read:

8 1004.576 Destruction, purchase, and sale of vertebrate
9 fossils prohibited, exceptions; field investigation permits
10 required; penalty for violation.--

11 (1) The destruction, defacement, purchase, and sale of
12 vertebrate fossils found on or under land owned or leased by
13 the state and on land in state-designated vertebrate
14 paleontological sites are prohibited, except that the Florida
15 Museum of Natural History may sell vertebrate fossils and may
16 adopt rules defining "nonessential vertebrate fossils" and
17 prescribing the conditions under which such fossils may be
18 sold or otherwise disposed of by a person holding a permit
19 issued by the Florida Museum of Natural History. Field
20 investigations of vertebrate fossils, including, but not
21 limited to, the systematic collection, acquisition,
22 excavation, salvage, exhumation, or restoration of such
23 fossils, are prohibited on all lands owned or leased by the
24 state and on lands in state-designated vertebrate
25 paleontological sites, unless such activities are conducted
26 under the authority of permits issued by the Florida Museum of
27 Natural History. A permit may be granted by the Florida
28 Museum of Natural History upon application for the permit
29 accompanied by an application fee not to exceed \$5. The
30 privileges authorized pursuant to the grant of a permit as
31

1 provided in this subsection may not be assigned or sublet to
2 any other party.

3 (2) Any person who, in violation of this section,
4 engages in any of the activities described in subsection (1)
5 without first having obtained a permit to engage in such
6 activity commits a misdemeanor, punishable by a fine not to
7 exceed \$500 or by imprisonment in the county jail for a period
8 not to exceed 6 months, or both; and, in addition, he or she
9 shall forfeit to the state all specimens, objects, and
10 materials collected and excavated in violation of this
11 section, together with all photographs and records relating to
12 such materials.

13 (3) The Florida Museum of Natural History may
14 institute a civil action in the appropriate circuit court for
15 recovery of any unlawfully taken vertebrate fossil. The
16 fossil shall be forfeited to the state if the Florida Museum
17 of Natural History shows by the greater weight of the evidence
18 that the fossil has been taken from a particular site within
19 this state and that the person found in possession of the
20 fossil is not authorized by law to possess such fossil.

21 Section 208. Section 1004.577, Florida Statutes, is
22 created to read:

23 1004.577 Certain rights of mine or quarry operators
24 and dragline or heavy equipment operators preserved.--Nothing
25 in ss. 1004.57-1004.576 shall infringe upon the right of a
26 legitimate mine or quarry operator to extract rock, gravel,
27 fill, phosphate, or other minerals or infringe upon the right
28 of a legitimate operator of draglines or similar heavy
29 dredging, trenching, or digging equipment to construct
30 drainage canals or other excavations because of the actual or
31 potential destruction of vertebrate fossils.

1 Section 209. Section 1004.58, Florida Statutes, is
2 created to read:

3 1004.58 Leadership Board for Applied Research and
4 Public Service.--

5 (1) There is created the Leadership Board for Applied
6 Research and Public Service to be staffed by the Institute of
7 Science and Public Affairs at Florida State University. The
8 purpose of the board is to focus, coordinate, and maximize
9 university resources on current issues and events affecting
10 Florida's residents and elected officials. Emphasis shall be
11 placed on being responsive to and providing accurate, timely,
12 useful, and relevant information to decisionmakers in state
13 and local governments. The board shall set forth a process to
14 provide comprehensive guidance and advice for improving the
15 types and quality of services to be delivered by the state
16 universities. Specifically, the board shall better identify
17 and define the missions and roles of existing institutes and
18 centers at each state university, work to eliminate
19 duplication and confusion over conflicting roles and missions,
20 involve more students in learning with applied research and
21 public service activities, and be organizationally separate
22 from academic departments. The board shall meet at least
23 quarterly. The board may create internal management councils
24 that may include working institute and center directors. The
25 board is responsible for, but is not limited to:

26 (a) Providing strategic direction, planning, and
27 accompanying decisions that support a coordinated applied
28 public service and research approach in the state.

29 (b) Addressing state university policy matters and
30 making recommendations to the State Board of Education as they
31 relate to applied public service and research.

1 (c) Serving as a clearinghouse for services requested
2 by public officials.

3 (d) Providing support for funding and fiscal
4 initiatives involving applied public service and research.

5 (2) Membership of the board shall be:

6 (a) The Commissioner of Education, or the
7 commissioner's designee, who shall serve as chair.

8 (b) The director of the Office of Planning and
9 Budgeting of the Executive Office of the Governor.

10 (c) The secretary of the Department of Management
11 Services.

12 (d) The director of Economic and Demographic Research.

13 (e) The director of the Office of Program Policy
14 Analysis and Government Accountability.

15 (f) The President of the Florida League of Cities.

16 (g) The President for the Florida Association of
17 Counties.

18 (h) The President of the Florida School Board
19 Association.

20 (i) Five additional university president members,
21 designated by the commissioner, to rotate annually.

22 (3) The board shall prepare a report for the State
23 Board of Education to be submitted to the Governor and the
24 Legislature by January 1 of each year which summarizes the
25 work and recommendations of the board in meeting its purpose
26 and mission.

27 Section 210. Section 1004.59, Florida Statutes, is
28 created to read:

29 1004.59 Florida Conflict Resolution Consortium.--It is
30 the intent of the Legislature to reduce the public and private
31 costs of litigation; resolve public disputes, including those

1 related to growth management issues, more quickly and
2 effectively; and improve intergovernmental communications,
3 cooperation, and consensus building. The Legislature hereby
4 formally establishes the Florida Conflict Resolution
5 Consortium as a statewide center based at Florida State
6 University, or at another campus as may be designated by the
7 Commissioner of Education. The purpose of the consortium is
8 to serve as a neutral resource to assist citizens and public
9 and private interests in Florida to seek cost-effective
10 solutions to public disputes and problems through the use of
11 alternative dispute resolution and consensus building.

12 Section 211. Section 1004.60, Florida Statutes, is
13 created to read:

14 1004.60 Research of Rosewood incident.--State
15 universities shall continue the research of the Rosewood
16 incident and the history of race relations in Florida and
17 develop materials for the educational instruction of these
18 events.

19 Section 212. Section 1004.61, Florida Statutes, is
20 created to read:

21 1004.61 Partnerships to develop child protection
22 workers.--The Department of Children and Family Services is
23 directed to form partnerships with the schools of social work
24 of the state universities in order to encourage the
25 development of graduates trained to work in child protection.
26 The department shall give hiring preferences for child
27 protection jobs to graduates who have earned bachelor's and
28 master's degrees from these programs with a concentration in
29 child protection. The partnership between the Department of
30 Children and Family Services and the schools of social work
31 shall include, but not be limited to, modifying existing

1 graduate and undergraduate social work curricula, providing
2 field placements for students into child protection
3 internships in the department, and collaborating in the design
4 and delivery of advanced levels of social work practice.

5 Section 213. Section 1004.62, Florida Statutes, is
6 created to read:

7 1004.62 Incentives for urban or socially and
8 economically disadvantaged area internships.--The Legislature
9 establishes incentives for urban or socially and economically
10 disadvantaged area internships to give university students the
11 opportunity to study the social, economic, educational, and
12 political life of inner cities in metropolitan or socially and
13 economically disadvantaged areas of the state. The incentives
14 are for internships that are open to students in all
15 disciplines, including business, education, physical science,
16 social science, the liberal arts, and the fine arts.
17 Incentives may be given to any state university. Incentives
18 must be for one semester's duration, or more, in which an
19 intern may earn up to 12 hours of credit for the internship.
20 Student interns must work in teams to address a specific urban
21 or socially and economically disadvantaged area social problem
22 or carry out an urban or socially and economically
23 disadvantaged area social program. The results of each team's
24 work must be published in a report and distributed to the
25 colleges of education at each state university.

26 Section 214. Part III of chapter 1004, Florida
27 Statutes, shall be entitled "Community Colleges" and shall
28 consist of ss. 1004.65-1004.81.

29 Section 215. Part III.a. of chapter 1004, Florida
30 Statutes, shall be entitled "General Provisions" and shall
31 consist of ss. 1004.65-1004.726.

1 Section 216. Section 1004.65, Florida Statutes, is
2 created to read:

3 1004.65 Community colleges; definition, mission, and
4 responsibilities.--

5 (1) Community colleges shall consist of all public
6 educational institutions operated by community college
7 district boards of trustees under statutory authority and
8 rules of the State Board of Education.

9 (2) Each community college district authorized by law
10 and the Department of Education is an independent, separate,
11 legal entity created for the operation of a community college.

12 (3) A community college may provide adult education
13 services, including adult basic education, adult general
14 education, adult secondary education, and general educational
15 development test instruction.

16 (4) The community colleges are locally based and
17 governed entities with statutory and funding ties to state
18 government. As such, the community colleges' mission reflects
19 a commitment to be responsive to local educational needs and
20 challenges. In achieving this mission, the community colleges
21 strive to maintain sufficient local authority and flexibility
22 while preserving appropriate legal accountability to the
23 state.

24 (5) As comprehensive institutions, the community
25 colleges shall provide high-quality, affordable education and
26 training opportunities, shall foster a climate of excellence,
27 and shall provide opportunities to all while combining high
28 standards with an open-door admission policy. The community
29 colleges shall, as open-access institutions, serve all who can
30 benefit, without regard to age, race, gender, creed, or ethnic
31 or economic background, while emphasizing the achievement of

1 social and educational equity so that all can be prepared for
2 full participation in society.

3 (6) The primary mission and responsibility of
4 community colleges is responding to community needs for
5 postsecondary academic education and technical degree
6 education. This mission and responsibility includes being
7 responsible for:

8 (a) Providing lower level undergraduate instruction
9 and awarding associate degrees.

10 (b) Preparing students directly for vocations
11 requiring less than baccalaureate degrees. This may include
12 preparing for job entry, supplementing of skills and
13 knowledge, and responding to needs in new areas of technology.
14 Career and technical education in the community college shall
15 consist of technical certificates, credit courses leading to
16 associate in science degrees and associate in applied science
17 degrees, and other programs in fields requiring substantial
18 academic work, background, or qualifications. A community
19 college may offer career and technical education programs in
20 fields having lesser academic or technical requirements.

21 (c) Providing student development services, including
22 assessment, student tracking, support for disabled students,
23 advisement, counseling, financial aid, career development, and
24 remedial and tutorial services, to ensure student success.

25 (d) Promoting economic development for the state
26 within each community college district through the provision
27 of special programs, including, but not limited to, the:

- 28 1. Enterprise Florida-related programs.
- 29 2. Technology transfer centers.
- 30 3. Economic development centers.
- 31 4. Workforce literacy programs.

1 (e) Providing dual enrollment instruction.

2 (7) A separate and secondary role for community
3 colleges includes:

4 (a) Providing upper level instruction and awarding
5 baccalaureate degrees as specifically authorized by law.

6 (b) The offering of programs in:

7 1. Community services that are not directly related to
8 academic or occupational advancement.

9 2. Adult general education.

10 3. Recreational and leisure services.

11 (8) Funding for community colleges shall reflect their
12 mission as follows:

13 (a) Postsecondary academic and career and technical
14 education programs and adult general education programs shall
15 have first priority in community college funding.

16 (b) Community service programs shall be presented to
17 the Legislature with rationale for state funding. The
18 Legislature may identify priority areas for use of these
19 funds.

20 (9) Community colleges are authorized to offer such
21 programs and courses as are necessary to fulfill their mission
22 and are authorized to grant associate in arts degrees,
23 associate in science degrees, associate in applied science
24 degrees, certificates, awards, and diplomas. Each community
25 college is also authorized to make provisions for the general
26 educational development test. Each community college may
27 provide access to baccalaureate degrees in accordance with
28 law.

29 Section 217. Section 1004.66, Florida Statutes, is
30 created to read:

31

1 1004.66 "Community college" and "junior college" used
2 interchangeably.--Whenever the terms "community college" and
3 "junior college" appear in the Florida Statutes in reference
4 to a tax-supported institution, they shall be construed
5 identically.

6 Section 218. Section 1004.67, Florida Statutes, is
7 created to read:

8 1004.67 Community colleges; legislative intent.--It is
9 the legislative intent that community colleges, constituted as
10 political subdivisions of the state, continue to be operated
11 by community college boards of trustees as provided in s.
12 1001.63 and that no department, bureau, division, agency, or
13 subdivision of the state exercise any responsibility and
14 authority to operate any community college of the state except
15 as specifically provided by law or rules of the State Board of
16 Education.

17 Section 219. Section 1004.68, Florida Statutes, is
18 created to read:

19 1004.68 Community college; degrees and certificates;
20 tests for certain skills.--

21 (1) Each community college board of trustees shall
22 adopt rules establishing student performance standards for the
23 award of degrees and certificates.

24 (2) Each community college board of trustees shall
25 require the use of scores on tests for college-level
26 communication and computation skills provided in s.
27 1008.345(8) as a condition for graduation with an associate in
28 arts degree.

29 Section 220. Section 1004.70, Florida Statutes, is
30 created to read:

31

1 1004.70 Community college direct-support
2 organizations.--

3 (1) DEFINITIONS.--For the purposes of this section:

4 (a) "Community college direct-support organization"
5 means an organization that is:

6 1. A Florida corporation not for profit, incorporated
7 under the provisions of chapter 617 and approved by the
8 Department of State.

9 2. Organized and operated exclusively to receive,
10 hold, invest, and administer property and to make expenditures
11 to, or for the benefit of, a community college in this state.

12 3. An organization that the community college board of
13 trustees, after review, has certified to be operating in a
14 manner consistent with the goals of the community college and
15 in the best interest of the state. Any organization that is
16 denied certification by the board of trustees may not use the
17 name of the community college that it serves.

18 (b) "Personal services" includes full-time or
19 part-time personnel as well as payroll processing.

20 (2) BOARD OF DIRECTORS.--The chair of the board of
21 trustees shall appoint a representative to the board of
22 directors and the executive committee of each direct-support
23 organization established under this section, including those
24 established before July 1, 1998. The president of the
25 community college for which the direct-support organization is
26 established, or the president's designee, shall also serve on
27 the board of directors and the executive committee of the
28 direct-support organization, including any direct-support
29 organization established before July 1, 1998.

30 (3) USE OF PROPERTY.--
31

1 (a) The board of trustees is authorized to permit the
2 use of property, facilities, and personal services at any
3 community college by any community college direct-support
4 organization, subject to the provisions of this section.

5 (b) The board of trustees is authorized to prescribe
6 by rule any condition with which a community college
7 direct-support organization must comply in order to use
8 property, facilities, or personal services at any community
9 college.

10 (c) The board of trustees may not permit the use of
11 property, facilities, or personal services at any community
12 college by any community college direct-support organization
13 that does not provide equal employment opportunities to all
14 persons regardless of race, color, national origin, gender,
15 age, or religion.

16 (4) ACTIVITIES; RESTRICTIONS.--

17 (a) A direct-support organization may, at the request
18 of the board of trustees, provide residency opportunities on
19 or near campus for students.

20 (b) A direct-support organization that constructs
21 facilities for use by a community college or its students must
22 comply with all requirements of law relating to the
23 construction of facilities by a community college, including
24 requirements for competitive bidding.

25 (c) Any transaction or agreement between one
26 direct-support organization and another direct-support
27 organization or between a direct-support organization and a
28 center of technology innovation designated under s. 1004.77
29 must be approved by the board of trustees.

30 (d) A community college direct-support organization is
31 prohibited from giving, either directly or indirectly, any

1 gift to a political committee or committee of continuous
2 existence as defined in s. 106.011 for any purpose other than
3 those certified by a majority roll call vote of the governing
4 board of the direct-support organization at a regularly
5 scheduled meeting as being directly related to the educational
6 mission of the community college.

7 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
8 organization shall submit to the board of trustees its federal
9 Internal Revenue Service Application for Recognition of
10 Exemption form (Form 1023) and its federal Internal Revenue
11 Service Return of Organization Exempt from Income Tax form
12 (Form 990).

13 (6) ANNUAL AUDIT.--Each direct-support organization
14 shall provide for an annual financial audit in accordance with
15 rules adopted by the Auditor General pursuant to s. 11.45(8).
16 The annual audit report must be submitted, within 9 months
17 after the end of the fiscal year, to the Auditor General, the
18 State Board of Education, and the board of trustees for
19 review. The board of trustees, the Auditor General, and the
20 Office of Program Policy Analysis and Government
21 Accountability may require and receive from the organization
22 or from its independent auditor any detail or supplemental
23 data 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, any information necessary for the
28 auditor's report, any information related to the expenditure
29 of funds, and any supplemental data requested by the board of
30 trustees, the Auditor General, and the Office of Program
31

1 Policy Analysis and Government Accountability, shall be
2 confidential and exempt from the provisions of s. 119.07(1).

3 Section 221. Section 1004.71, Florida Statutes, is
4 created to read:

5 1004.71 Statewide community college direct-support
6 organizations.--

7 (1) DEFINITIONS.--For the purposes of this section:

8 (a) "Statewide community college direct-support
9 organization" means an organization that is:

10 1. A Florida corporation not for profit, incorporated
11 under the provisions of chapter 617 and approved by the
12 Department of State.

13 2. Organized and operated exclusively to receive,
14 hold, invest, and administer property and to make expenditures
15 to, or for the benefit of, the community colleges in this
16 state.

17 3. An organization that the State Board of Education,
18 after review, has certified to be operating in a manner
19 consistent with the goals of the community colleges and in the
20 best interest of the state.

21 (b) "Personal services" includes full-time or
22 part-time personnel as well as payroll processing.

23 (2) BOARD OF DIRECTORS.--The chair of the State Board
24 of Education may appoint a representative to the board of
25 directors and the executive committee of any statewide,
26 direct-support organization established under this section or
27 s. 1004.70. The chair of the State Board of Education, or the
28 chair's designee, shall also serve on the board of directors
29 and the executive committee of any direct-support organization
30 established to benefit the community colleges of Florida.

31 (3) USE OF PROPERTY.--

1 (a) The State Board of Education may permit the use of
2 property, facilities, and personal services of the Department
3 of Education by any statewide community college direct-support
4 organization, subject to the provisions of this section.

5 (b) The State Board of Education may prescribe by rule
6 any condition with which a statewide community college
7 direct-support organization must comply in order to use
8 property, facilities, or personal services of the Department
9 of Education.

10 (c) The State Board of Education may not permit the
11 use of property, facilities, or personal services of the
12 Department of Education by any statewide community college
13 direct-support organization that does not provide equal
14 employment opportunities to all persons regardless of race,
15 color, national origin, gender, age, or religion.

16 (4) RESTRICTIONS.--

17 (a) A statewide, direct-support organization may not
18 use public funds to acquire, construct, maintain, or operate
19 any facilities.

20 (b) Any transaction or agreement between a statewide,
21 direct-support organization and any other direct-support
22 organization or between a statewide, direct-support
23 organization and a center of technology innovation designated
24 under s. 1004.77 must be approved by the State Board of
25 Education.

26 (c) A statewide community college direct-support
27 organization is prohibited from giving, either directly or
28 indirectly, any gift to a political committee or committee of
29 continuous existence as defined in s. 106.011 for any purpose
30 other than those certified by a majority roll call vote of the
31 governing board of the direct-support organization at a

1 regularly scheduled meeting as being directly related to the
2 educational mission of the State Board of Education.

3 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
4 organization shall submit to the State Board of Education its
5 federal Internal Revenue Service Application for Recognition
6 of Exemption form (Form 1023) and its federal Internal Revenue
7 Service Return of Organization Exempt from Income Tax form
8 (Form 990).

9 (6) ANNUAL AUDIT.--A statewide community college
10 direct-support organization shall provide for an annual
11 financial audit in accordance with s. 1004.70. The identity of
12 a donor or prospective donor who desires to remain anonymous
13 and all information identifying such donor or prospective
14 donor are confidential and exempt from the provisions of s.
15 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
16 anonymity shall be maintained in the auditor's report.

17 Section 222. Section 1004.725, Florida Statutes, is
18 created to read:

19 1004.725 Expenditures for self-insurance services;
20 special account.--

21 (1) The community college boards of trustees, singly
22 or collectively, are authorized to contract with an
23 administrator or service company approved by the Department of
24 Insurance pursuant to chapter 626 to provide self-insurance
25 services, including, but not limited to, the evaluation,
26 settlement, and payment of self-insurance claims on behalf of
27 the board of trustees or a consortium of boards of trustees.

28 (2) Pursuant to such a contract, a board of trustees
29 may advance moneys to the administrator or service company to
30 be deposited in a special account for paying claims against
31 the board of trustees under its self-insurance program. The

1 special account shall be maintained in a designated depository
2 as provided by s. 136.01. The board of trustees may replenish
3 such account as often as necessary upon the presentation by
4 the administrator or service company of documentation for
5 claims paid in an amount equal to the amount of the requested
6 reimbursement. Any contract for disbursement of funds from the
7 special account shall ensure that the payments are subject to
8 proper disbursement controls and accounting procedures.

9 Section 223. Section 1004.726, Florida Statutes, is
10 created to read:

11 1004.726 Trademarks, copyrights, or patents.--Each
12 community college board of trustees may develop and produce
13 work products relating to educational endeavors that are
14 subject to trademark, copyright, or patent statutes. To this
15 end, the board of trustees shall consider the relative
16 contribution by the personnel employed in the development of
17 such work products and shall enter into binding agreements
18 with such personnel, organizations, corporations, or
19 government entities, which agreements shall establish the
20 percentage of ownership of such trademarks, copyrights, or
21 patents. Any other law to the contrary notwithstanding, the
22 board of trustees may in its own name:

23 (1) Perform all things necessary to secure letters of
24 patent, copyrights, and trademarks on any such work products
25 and enforce its rights therein.

26 (2) License, lease, assign, or otherwise give written
27 consent to any person, firm, or corporation for the
28 manufacture or use of its work products on a royalty basis or
29 for such other consideration as the board of trustees deems
30 proper.

31

1 (3) Take any action necessary, including legal action,
2 to protect its work products against improper or unlawful use
3 of infringement.

4 (4) Enforce the collection of any sums due the board
5 of trustees for the manufacture or use of its work products by
6 any other party.

7 (5) Sell any of its work products and execute all
8 instruments necessary to consummate any such sale.

9 (6) Do all other acts necessary and proper for the
10 execution of powers and duties provided by this section.

11 Section 224. Part III.b. of chapter 1004, Florida
12 Statutes, shall be entitled "Special Programs; Centers" and
13 shall consist of ss. 1004.73-1004.81.

14 Section 225. Section 1004.73, Florida Statutes, is
15 created to read:

16 1004.73 St. Petersburg College.--

17 (1) LEGISLATIVE INTENT.--The Legislature intends to
18 create an innovative means to increase access to baccalaureate
19 degree level education in populous counties that are
20 underserved by public baccalaureate degree granting
21 institutions. This education is intended to address the
22 state's workforce needs, especially the need for teachers,
23 nurses, and business managers in agencies and firms that
24 require expertise in technology.

25 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
26 Petersburg College shall immediately seek accreditation from
27 the Southern Association of Colleges and Schools as a
28 baccalaureate degree granting college.

29 (a) The primary mission of St. Petersburg College is
30 to provide high-quality undergraduate education at an
31 affordable price for students and the state. The purpose is to

1 promote economic development by preparing people for
2 occupations that require a bachelor's degree and are in demand
3 by existing or emerging public and private employers in this
4 state.

5 (b) St. Petersburg College shall maintain the mission
6 and policies of a Florida community college, including the
7 open-door admissions policy and the authority to offer all
8 programs consistent with a community college's authority.

9 (c) St. Petersburg College shall maintain the
10 distinction between the college and its university center. St.
11 Petersburg College is limited to community college programs
12 and to selected baccalaureate degree level programs that meet
13 community needs and are authorized as provided by this
14 section. The University Center may make available more diverse
15 program offerings, but those programs are offered by a
16 participating college or university and are not to be
17 classified or funded as programs of St. Petersburg College.

18 (d) The academic policies of the upper-division
19 program at St. Petersburg College must be in accordance with
20 policies of the State Board of Education.

21 (e) Sections 1013.39 and 1013.82 apply to St.
22 Petersburg College.

23 (3) STUDENTS; FEES.--

24 (a) St. Petersburg College shall maintain separate
25 records for students who are enrolled in courses classified in
26 the upper division and lower division of a baccalaureate
27 program, according to the statewide course numbering system. A
28 student shall be reported as a community college student for
29 enrollment in a lower-division course and as a baccalaureate
30 degree program student for enrollment in an upper-division
31 course.

1 (b) The Board of Trustees of St. Petersburg College
2 shall establish the level of tuition and other authorized
3 student fees consistent with law and proviso in the General
4 Appropriations Act.

5 1. For each credit hour of enrollment in a certificate
6 level course or lower-division level college credit course,
7 tuition and fees must be within the range authorized in law
8 and rule for a community college student at that level.

9 2. For each credit hour of enrollment in an
10 upper-division level course, matriculation and tuition fees
11 must be in an amount established by the Board of Trustees of
12 St. Petersburg College. However, fees for upper-division
13 students must reflect the fact that the college does not incur
14 the costs of major research programs. Therefore, the board of
15 trustees shall establish fees for upper-division students
16 within a range that is lower than the fees established for
17 students at a state university but higher than the fees for
18 community college students.

19 3. Other mandatory fees and local fees must be at the
20 same level for all lower-division students. For upper-division
21 students, other mandatory fees and local fees must be at a
22 level less than fees established for University of South
23 Florida students, regardless of program enrollment or level.
24 However, students in workforce development education courses
25 maintain the authorized fee exemptions described in s. 1009.25
26 and may be exempt from local fees imposed by the board of
27 trustees, at the board's discretion.

28 (4) DEGREES.--

29 (a) In addition to the certificates, diplomas, and
30 degrees authorized in s. 1004.65, St. Petersburg College may
31 offer selected baccalaureate degrees. Initially, the college

1 may offer programs that lead to a baccalaureate degree in the
2 following fields:

3 1. Bachelor of Science in Nursing. This program must
4 be designed to articulate with the associate in science degree
5 in nursing. St. Petersburg College shall continue to offer the
6 associate in science degree in nursing.

7 2. Bachelor of Arts and Bachelor of Science in
8 Elementary Education.

9 3. Bachelor of Arts and Bachelor of Science in Special
10 Education.

11 4. Bachelor of Arts and Bachelor of Science in
12 Secondary Education.

13 5. Bachelor of Applied Science in fields selected by
14 the Board of Trustees of St. Petersburg College. The board of
15 trustees shall base the selection on an analysis of workforce
16 needs and opportunities in the following counties: Pinellas,
17 Pasco, Hernando, and other counties approved by the Department
18 of Education. For each program selected, St. Petersburg
19 College must offer a related associate in science or associate
20 in applied science degree program, and the baccalaureate
21 degree level program must be designed to articulate fully with
22 at least one associate in science degree program. The college
23 is encouraged to develop articulation agreements for
24 enrollment of graduates of related associate in applied
25 science degree programs.

26 (b) St. Petersburg College may offer courses that
27 enable teachers to qualify for certification and
28 recertification as required by law or rule.

29 (c) St. Petersburg College may offer programs to
30 provide opportunities for a person who holds a baccalaureate
31

1 degree, but is not certified to teach, to obtain any
2 additional courses required for teacher certification.

3 (d) Master's degree level programs and doctoral
4 programs may be provided by agreement with a college or
5 university participating in the University Center of St.
6 Petersburg College.

7 (e) For those students living outside Pinellas County,
8 St. Petersburg College shall recruit for the upper division
9 only those students who have earned an associate degree. In
10 recruiting upper-division students in Pasco and Hernando
11 Counties, St. Petersburg College shall work cooperatively with
12 Pasco-Hernando Community College and shall seek to offer
13 courses and programs at Pasco-Hernando Community College when
14 feasible. The nursing programs, in particular, must be
15 conducted cooperatively, and programs at St. Petersburg
16 College shall not conflict with Pasco-Hernando Community
17 College's and the University of South Florida's cooperative
18 nursing program.

19 (5) BOARDS.--

20 (a) The Board of Trustees of St. Petersburg College
21 serves as the college's governing board. The Governor shall
22 appoint members as provided in s. 1001.61, and the board has
23 the duties and authorities granted in ss. 1001.63 and 1001.64
24 and by rules of the State Board of Education.

25 (b) The Board of Trustees of St. Petersburg College
26 may authorize direct-support organizations as authorized in
27 ss. 1004.28 and 1004.70.

28 (c) The Board of Trustees of St. Petersburg College
29 may continue to award degrees, diplomas, and certificates as
30 authorized for St. Petersburg Junior College, and in the name
31

1 of St. Petersburg Junior College, until St. Petersburg College
2 receives its accreditation.

3 (d) A coordinating board shall assist the board of
4 trustees in its deliberations concerning issues that affect
5 the upper division of St. Petersburg College. The coordinating
6 board consists of the President of the University of South
7 Florida, the President of St. Petersburg College, the
8 President of Pasco-Hernando Community College, and the chairs
9 of the boards of trustees of those institutions.

10 (e) Beginning 4 years after the college receives
11 accreditation to offer baccalaureate degrees, the Board of
12 Trustees of St. Petersburg College may determine additional
13 programs to be offered, with the approval of the coordinating
14 board. The determination must consider community needs and
15 economic opportunities.

16 (f) The coordinating board shall meet at the request
17 of the President of the University of South Florida or the
18 President of St. Petersburg College.

19 (g) If the coordinating board cannot decide an issue
20 of importance to the programs designed for upper-division
21 students, the State Board of Education shall resolve the
22 issue.

23 (6) EMPLOYEES.--

24 (a) Employment at St. Petersburg College is governed
25 by the same laws that govern community colleges, except that
26 upper-division faculty are eligible for continuing contracts
27 upon the completion of the fifth year of teaching.

28 (b) Employee records for all personnel shall be
29 maintained as required by s. 1012.81.

30 (7) FACILITIES.--St. Petersburg College may request
31 funding from the Public Education Capital Outlay and Debt

1 Service Trust Fund as a community college and as a university.
2 The municipalities in Pinellas County, the Board of County
3 Commissioners of Pinellas County, and all other governmental
4 entities are authorized to cooperate with the Board of
5 Trustees of St. Petersburg College in establishing this
6 institution. The acquisition and donation of lands, buildings,
7 and equipment for the use of St. Petersburg College are
8 authorized as a public purpose. The Board of County
9 Commissioners of Pinellas County and all municipalities in
10 Pinellas County may exercise the power of eminent domain to
11 acquire lands, buildings, and equipment for the use of St.
12 Petersburg College, regardless of whether such lands,
13 buildings, and equipment are located in a community
14 redevelopment area.

15 (8) STATE FUNDING.--

16 (a) The Legislature intends to fund St. Petersburg
17 College as a community college for its workforce development
18 education programs and for its lower-division level college
19 credit courses and programs.

20 (b) The Legislature intends to fund St. Petersburg
21 College as a baccalaureate degree level institution for its
22 upper-division level courses and programs.

23 Section 226. Section 1004.74, Florida Statutes, is
24 created to read:

25 1004.74 Florida School of the Arts.--

26 (1) As the state strives to achieve excellence in all
27 aspects of public education, it is the intent of the
28 Legislature that specific attention be given to the needs of
29 artistically talented high school and college students. It is
30 further intended that such students who are occupationally
31 oriented to the arts be provided with the means for achieving

1 both an academic education and artistic training appropriate
2 to their gifts.

3 (2) There is created the Florida School of the Arts.
4 The school shall offer a program of academic and artistic
5 studies in the visual and performing arts, which program shall
6 be available to talented high school and college students in
7 the state.

8 (3) The Florida School of the Arts is assigned to the
9 District Board of Trustees of the St. Johns River Community
10 College for purposes of administration and governance; but the
11 Florida School of the Arts, within appropriations and
12 limitations established annually by the Legislature, shall
13 serve as a professional school on a statewide basis for all
14 qualified students.

15 (4) The Council for the Florida School of the Arts
16 shall be established to advise the community college district
17 board of trustees on matters pertaining to the operation of
18 the school. The council shall consist of nine members,
19 appointed by the Commissioner of Education for 4-year terms. A
20 member may serve three terms and may serve until replaced.

21 Section 227. Section 1004.75, Florida Statutes, is
22 created to read:

23 1004.75 Training school consolidation pilot
24 projects.--

25 (1) ESTABLISHMENT.--To consolidate and more
26 efficiently use state and taxpayer resources by combining
27 training programs, pilot training centers are established to
28 provide public criminal justice training in Leon and St. Johns
29 Counties. The following pilot training centers are
30 established:

31

1 (a) The Pat Thomas Center at Tallahassee Community
2 College.

3 (b) The Criminal Justice Academy at St. Johns River
4 Community College.

5 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
6 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,
7 or any other provision of law to the contrary, criminal
8 justice training programs in the pilot counties will transfer
9 to community colleges, effective July 1, 1999, at which time
10 responsibility for the provision of basic recruit, advanced,
11 career development, and continuing training courses and
12 programs offered in public criminal justice training programs
13 and for the operation of existing public criminal justice
14 training programs will be shifted from the school district to
15 the community college in whose service area the public
16 criminal justice training program is located. Certification of
17 the program granted by the Criminal Justice Standards and
18 Training Commission will be transferred to the respective
19 community college and the college must continue to meet the
20 requirements of the commission.

21 (3) FACILITIES.--

22 (a) Criminal justice training program educational
23 facilities, educational plants, and related equipment as
24 defined in s. 1013.01(6) and (7) which are owned by the state
25 and paid for with only state funds shall be transferred to the
26 community college, except that, if such an educational
27 facility or educational plant or part of such facility or
28 plant is used for other purposes in addition to public
29 criminal justice training, the Criminal Justice Standards and
30 Training Commission shall mediate the transfer or a suitable
31 multiuse arrangement.

1 (b) Criminal justice training program educational
 2 facilities, educational plants, and related equipment as
 3 defined in s. 1013.01(6) and (7) which are owned by the school
 4 district and paid for in whole or in part with local tax funds
 5 shall be leased to the community college. However, if such an
 6 educational facility or educational plant, or part of such
 7 facility or plant, is used for other purposes in addition to
 8 public criminal justice training, the Criminal Justice
 9 Standards and Training Commission shall mediate a suitable
 10 lease agreement. If a school district and a community college
 11 cannot agree on the terms and conditions of the lease
 12 agreement, the Criminal Justice Standards and Training
 13 Commission shall finalize the agreement and report its
 14 decision to the Legislature. The Department of Education,
 15 Office of Educational Facilities, shall conduct an analysis,
 16 by December 31, 1999, to determine the amount of local tax
 17 contribution used in the construction of a
 18 school-district-owned criminal justice training program,
 19 educational facility, or educational plant affected by the
 20 transfer. This analysis shall be used to establish a purchase
 21 price for the facility or plant. The community college board
 22 of trustees may make a legislative budget request through the
 23 State Board of Education to purchase the facility or plant, or
 24 it may continue to lease the facility or plant.

25 (4) PROGRAM REQUIREMENTS.--Each pilot training center
 26 will be regional in nature, as defined by the Criminal Justice
 27 Standards and Training Commission. Each community college with
 28 responsibility for a public criminal justice training program
 29 must:

30
 31

1 (a) Establish a pilot training center advisory
2 committee made up of professionals from the field of each
3 training program included in the pilot project.

4 (b) Provide certificate and noncredit options for
5 students and training components of the pilot training center
6 that so require.

7 (c) Develop an articulation agreement with state
8 universities to facilitate the transfer of graduates of a
9 community college degree training program to the upper
10 division of a state university with a corresponding program.

11 (5) STAFFING.--The community college board of trustees
12 may provide for school district public criminal justice
13 training staff employed in full-time budgeted positions to be
14 transferred into the community college personnel system at the
15 same rate of salary. Retirement and leave provisions will be
16 transferred according to law.

17 (6) FUNDING.--The Department of Education shall shift
18 funds generated by students in the pilot training centers
19 established by this section, including workforce development
20 recurring and nonrecurring funds, from the appropriate school
21 district to the respective community college. The community
22 college shall qualify for future facilities funding upon
23 transfer of the facility.

24 (a) Consistent with s. 1011.62(7), school districts
25 that transfer programs will receive an amount equal to 15
26 percent of the funding generated for the program under the
27 FEFP in 1996-1997.

28 (b) Reflecting the lower program costs in community
29 colleges, notwithstanding the funding generated in paragraph
30 (a), community colleges will receive 90 percent of the funding
31

1 generated for the program under the FEFP in 1996-1997. The
2 school district will retain the remaining 10 percent.

3 (c) Notwithstanding ss. 1011.80(5)(a) and
4 1009.22(3)(a), or any other provision of law to the contrary,
5 fees for continuing workforce education for public law
6 enforcement officers at these pilot centers shall not exceed
7 25 percent of the cost of the course, and state funding shall
8 not under any circumstances exceed 50 percent of the cost of
9 the course.

10 Section 228. Section 1004.76, Florida Statutes, is
11 created to read:

12 1004.76 Florida Martin Luther King, Jr., Institute for
13 Nonviolence.--

14 (1) As used in this section:

15 (a) "Board" means the advisory board of the institute.

16 (b) "Institute" means the Florida Martin Luther King,
17 Jr., Institute for Nonviolence.

18 (2) There is hereby created the Florida Martin Luther
19 King, Jr., Institute for Nonviolence to be established at
20 Miami-Dade Community College. The institute shall have an
21 advisory board consisting of 13 members as follows: the
22 Attorney General, the Commissioner of Education, and 11
23 members to be appointed by the Governor, such members to
24 represent the population of the state based on its ethnic,
25 gender, and socioeconomic diversity. Of the members appointed
26 by the Governor, one shall be a member of the Senate appointed
27 by the Governor on the recommendation of the President of the
28 Senate; one shall be a member of the Senate appointed by the
29 Governor on the recommendation of the minority leader; one
30 shall be a member of the House of Representatives appointed by
31 the Governor on the recommendation of the Speaker of the House

1 of Representatives; one shall be a member of the House of
 2 Representatives appointed by the Governor on the
 3 recommendation of the minority leader; and seven shall be
 4 members appointed by the Governor, no more than three of whom
 5 shall be members of the same political party. The following
 6 groups shall be represented by the seven members: the Florida
 7 Sheriffs Association; the Florida Association of Counties; the
 8 Florida League of Cities; state universities human services
 9 agencies; community relations or human relations councils; and
 10 youth. A chairperson shall be elected by the members and
 11 shall serve for a term of 3 years. Members of the board shall
 12 serve the following terms of office which shall be staggered:

13 (a) A member of the Legislature appointed to the board
 14 shall serve for a single term not to exceed 5 years and shall
 15 serve as a member only while he or she is a member of the
 16 Legislature.

17 (b) Of the seven members who are not members of the
 18 Legislature, three shall serve for terms of 4 years, two shall
 19 serve for terms of 3 years, and one shall serve for a term of
 20 1 year. Thereafter, each member, except for a member
 21 appointed to fill an unexpired term, shall serve for a 5-year
 22 term. No member shall serve on the board for more than 10
 23 years.

24
 25 In the event of a vacancy occurring in the office of a member
 26 of the board by death, resignation, or otherwise, the Governor
 27 shall appoint a successor to serve for the balance of the
 28 unexpired term.

29 (3)(a) The board shall provide for the holding of
 30 regular and special meetings. A majority of the members shall
 31 constitute a quorum for the transaction of any business, and

1 the acts of a majority of the members present at a meeting at
2 which a quorum is present shall be deemed to be the acts of
3 the board.

4 (b) An executive director shall be appointed by the
5 board and shall be the chief administrative and operational
6 officer of the board. The executive director shall direct and
7 supervise administrative affairs and the general management of
8 the board. The executive director may contract with or employ
9 legal and technical experts and such other employees,
10 permanent and temporary, as shall be authorized by the board.

11 (c) Members of the board shall serve without
12 compensation, but shall be reimbursed for per diem and travel
13 expenses in accordance with s. 112.061.

14 (4) The institute shall have the following powers and
15 duties:

16 (a) To conduct training, provide symposia, and develop
17 continuing education and programs to promote skills in
18 nonviolent conflict resolution for persons in government,
19 private enterprise, community groups, and voluntary
20 associations.

21 (b) To enter into formal and informal relationships
22 with other public or private institutions for purposes of
23 fulfilling the goals of the institute and to ensure geographic
24 dispersion of services to all regions of the state.

25 (c) To establish a clearinghouse to provide materials,
26 including publications, handbooks, training manuals, and
27 audiovisual materials, on the programs, studies, research,
28 training, and educational opportunities of the institute.

29 (d) To adopt, amend, and alter bylaws not inconsistent
30 with the laws of the state.

31

1 (e) To charge and collect subscription and other
2 participation costs and fees for its services, including
3 publications and courses of study.

4 (f) To receive and accept from any federal, state, or
5 local agency grants, or advances for, or in aid of, the
6 purposes of this act and to receive and accept contributions
7 from any source of either money, property, labor, or other
8 things of value, to be held, used, and applied for said
9 purposes.

10 (g) To do any and all lawful acts and things necessary
11 or desirable to carry out the objectives and purposes of this
12 act.

13 (5) The institute may establish fellowships through
14 the awarding of financial assistance to individuals and
15 organizations to enable them to pursue scholarly inquiry and
16 study other appropriate forms of strategies for peace and
17 nonviolent conflict resolution.

18 Section 229. Section 1004.77, Florida Statutes, is
19 created to read:

20 1004.77 Centers of technology innovation.--

21 (1) The State Board of Education may designate centers
22 of technology innovation at single community colleges,
23 consortia of community colleges, or consortia of community
24 colleges with other educational institutions. The state board
25 shall adopt rules necessary to implement the provisions of
26 this section. The state board shall cooperate with the
27 Workforce Florida, Inc., in the designation of the centers as
28 it relates to the centers of applied technology.

29 (2) Centers shall be designated when a community
30 college or consortia provides evidence that it has developed
31 expertise in one or more specialized technologies. To be

1 designated, the community college or consortia must provide
2 benefits to the state, which may include, but are not limited
3 to:
4 (a) Curriculum development.
5 (b) Faculty development.
6 (c) Research, testing, and technology transfer.
7 (d) Instructional equipment and materials
8 identification and development.
9 (e) Partnerships with industries dependent upon
10 staying current in the related technologies and in the
11 development of workforce capabilities.
12 (f) Partnerships with industries needing to convert
13 their existing technology base to other technologies in order
14 to continue conducting business in Florida, including
15 converting defense-related technologies to other technologies.
16 (3) Centers may provide services to their service area
17 and receive funding through:
18 (a) Serving as a technology transfer center, as
19 created in s. 1004.78.
20 (b) Serving as an incubator facility for small
21 business concerns, as created in s. 1004.79.
22 (c) Serving as an economic development center, as
23 created in s. 1004.80.
24 (4) Centers may provide instruction, as follows:
25 (a) To students enrolled in the community college,
26 especially for purposes of providing training for technicians
27 in areas that support the employers involved in the technology
28 specialization.
29 (b) To students enrolled at the undergraduate and
30 graduate level in a university, college, or community college
31

1 which is a member of the designated consortia. Such enrollment
2 shall be funded by the enrolling institution.

3 (c) To employees in the service area needing training
4 and retraining in the technology of specialization, which may
5 include, but is not limited to, the retraining necessary to
6 convert defense-related technologies to other technologies.

7 (d) To secondary school students and teachers where
8 such instruction will stimulate interest in further education.

9 (5) The State Board of Education shall give priority
10 in the designation of centers to those community colleges that
11 specialize in technology in environmental areas and in areas
12 related to target industries of Enterprise Florida. Priority
13 in designation shall also be given to community colleges that
14 develop new and improved manufacturing techniques and related
15 business practices.

16 (6) Centers, including the facilities of the center,
17 may be made available to the public agencies of the state, the
18 counties and cities of the service area, and the employers of
19 the state and service area. Centers may also be used for
20 applied research in the area of specialization.

21 (7) Each center shall have a board of directors with
22 at least five members who shall be appointed by the district
23 board of trustees. The board of directors is responsible for
24 overseeing the operation of the center, approval of the annual
25 budget, and setting policy to guide the director in the
26 operation of the center. The board of directors shall consist
27 of at least the following:

28 (a) The director of the center.

29 (b) The vice president of academic affairs, or the
30 equivalent, of the community college.

31

1 (c) The vice president of business affairs, or the
2 equivalent, of the community college.

3 (d) Two members designated by the president of the
4 community college.

5 (8) Each center shall establish a schedule of fees or
6 rates to be charged to all who use the facilities of the
7 center. In addition, each center may negotiate user contracts
8 with governmental users, industrial users, researchers, public
9 or private educational institutions, or individuals for use of
10 the facilities. It is the intent of the Legislature that the
11 centers of technology innovation established pursuant to this
12 act shall not seek any additional state funding. Centers may
13 solicit and accept grants and donations, including, but not
14 limited to, federal and state grants to assist companies in
15 converting defense-related technologies to other technologies.

16 (9) The State Board of Education may award grants to
17 designated centers for the purposes of this section. Grants
18 awarded shall be in accordance with rules established by the
19 State Board of Education, which rules shall require an annual
20 report.

21 Section 230. Section 1004.78, Florida Statutes, is
22 created to read:

23 1004.78 Technology transfer centers at community
24 colleges.--

25 (1) Each community college may establish a technology
26 transfer center for the purpose of providing institutional
27 support to local business and industry and governmental
28 agencies in the application of new research in technology.
29 The primary responsibilities of such centers may include:
30 identifying technology research developed by universities,
31 research institutions, businesses, industries, the United

1 States Armed Forces, and other state or federal governmental
 2 agencies; determining and demonstrating the application of
 3 technologies; training workers to integrate advanced equipment
 4 and production processes; and determining for business and
 5 industry the feasibility and efficiency of accommodating
 6 advanced technologies.

7 (2) The community college board of trustees shall set
 8 such policies to regulate the activities of the technology
 9 transfer center as it may consider necessary to effectuate the
 10 purposes of this section and to administer the programs of the
 11 center in a manner which assures efficiency and effectiveness,
 12 producing the maximum benefit for the educational programs and
 13 maximum service to the state. To this end, materials that
 14 relate to methods of manufacture or production, potential
 15 trade secrets, potentially patentable material, actual trade
 16 secrets, business transactions, or proprietary information
 17 received, generated, ascertained, or discovered during the
 18 course of activities conducted within the community colleges
 19 shall be confidential and exempt from the provisions of s.
 20 119.07(1), except that a community college shall make
 21 available upon request the title and description of a project,
 22 the name of the investigator, and the amount and source of
 23 funding provided for such project.

24 (3) A technology transfer center created under the
 25 provisions of this section shall be under the supervision of
 26 the board of trustees of that community college, which is
 27 authorized to appoint a director; to employ full-time and
 28 part-time staff, research personnel, and professional
 29 services; to employ on a part-time basis personnel of the
 30 community college; and to employ temporary employees whose
 31 salaries are paid entirely from the permanent technology

1 transfer fund or from that fund in combination with other
 2 nonstate sources, with such positions being exempt from the
 3 requirements of the Florida Statutes relating to salaries,
 4 except that no such appointment shall be made for a total
 5 period of longer than 1 year.

6 (4) The board of trustees of the community college in
 7 which a technology transfer center is created, or its
 8 designee, may negotiate, enter into, and execute contracts;
 9 solicit and accept grants and donations; and fix and collect
 10 fees, other payments, and donations that may accrue by reason
 11 thereof for technology transfer activities. The board of
 12 trustees or its designee may negotiate, enter into, and
 13 execute contracts on a cost-reimbursement basis and may
 14 provide temporary financing of such costs prior to
 15 reimbursement from moneys on deposit in the technology
 16 transfer fund, except as may be prohibited elsewhere by law.

17 (5) A technology transfer center shall be financed
 18 from the Academic Improvement Program or from moneys of a
 19 community college which are on deposit or received for use in
 20 the activities conducted in the center. Such moneys shall be
 21 deposited by the community college in a permanent technology
 22 transfer fund in a depository or depositories approved for the
 23 deposit of state funds and shall be accounted for and
 24 disbursed subject to regular audit by the Auditor General.

25 (6) The fund balance in any existing research trust
 26 fund of a community college at the time a technology transfer
 27 center is created shall be transferred to a permanent
 28 technology transfer fund established for the community
 29 college, and thereafter the fund balance of the technology
 30 transfer fund at the end of any fiscal period may be used
 31 during any succeeding period pursuant to this section.

1 (7) Moneys deposited in the permanent technology
2 transfer fund of a community college shall be disbursed in
3 accordance with the terms of the contract, grant, or donation
4 under which they are received. Moneys received for overhead
5 or indirect costs and other moneys not required for the
6 payment of direct costs shall be applied to the cost of
7 operating the technology transfer center.

8 (8) All purchases of a technology transfer center
9 shall be made in accordance with the policies and procedures
10 of the community college.

11 (9) The community college board of trustees may
12 authorize the construction, alteration, or remodeling of
13 buildings when the funds used are derived entirely from the
14 technology transfer fund of a community college or from that
15 fund in combination with other nonstate sources, provided that
16 such construction, alteration, or remodeling is for use
17 exclusively by the center. It also may authorize the
18 acquisition of real property when the cost is entirely from
19 said funds. Title to all real property shall vest in the
20 board of trustees.

21 (10) The State Board of Education may award grants to
22 community colleges, or consortia of public and private
23 colleges and universities and other public and private
24 entities, for the purpose of supporting the objectives of this
25 section. Grants awarded pursuant to this subsection shall be
26 in accordance with rules of the State Board of Education.
27 Such rules shall include the following provisions:

28 (a) The number of centers established with state funds
29 provided expressly for the purpose of technology transfer
30 shall be limited, but shall be geographically located to
31 maximize public access to center resources and services.

1 (b) Grants to centers funded with state revenues
2 appropriated specifically for technology transfer activities
3 shall be reviewed and approved by the State Board of Education
4 using proposal solicitation, evaluation, and selection
5 procedures established by the state board in consultation with
6 Enterprise Florida, Inc. Such procedures may include
7 designation of specific areas or applications of technology as
8 priorities for the receipt of funding.

9 (c) Priority for the receipt of state funds
10 appropriated specifically for the purpose of technology
11 transfer shall be given to grant proposals developed jointly
12 by community colleges and public and private colleges and
13 universities.

14 (11) Each technology transfer center established under
15 the provisions of this section shall establish a technology
16 transfer center advisory committee. Each committee shall
17 include representatives of a university or universities
18 conducting research in the area of specialty of the center.
19 Other members shall be determined by the community college
20 board of trustees.

21 Section 231. Section 1004.79, Florida Statutes, is
22 created to read:

23 1004.79 Incubator facilities for small business
24 concerns.--

25 (1) Each community college established pursuant to s.
26 1004.02(2) may provide incubator facilities to eligible small
27 business concerns. As used in this section, "small business
28 concern" shall be defined as an independently owned and
29 operated business concern incorporated in Florida which is not
30 an affiliate or a subsidiary of a business dominant in its
31 field of operation, and which employs 25 or fewer full-time

1 employees. "Incubator facility" shall be defined as a facility
2 in which small business concerns share common space,
3 equipment, and support personnel and through which such
4 concerns have access to professional consultants for advice
5 related to the technical and business aspects of conducting a
6 commercial enterprise. The community college board of trustees
7 shall authorize concerns for inclusion in the incubator
8 facility.

9 (2) Each community college that provides an incubator
10 facility shall provide the following:

11 (a) Management and maintenance of the incubator
12 facility.

13 (b) Secretarial and other support personnel,
14 equipment, and utilities.

15 (c) Mechanisms to assist with the acquisition of
16 technical, management, and entrepreneurial expertise to
17 resident and other local small business concerns.

18 (3) The incubator facility and any improvements to the
19 facility shall be owned or leased by the community college.
20 The community college may charge residents of the facility all
21 or part of the cost for facilities, utilities, and support
22 personnel and equipment. No small business concern shall
23 reside in the incubator facility for more than 5 calendar
24 years. The state shall not be liable for any act or failure
25 to act of any small business concern residing in an incubator
26 facility pursuant to this section or of any such concern
27 benefiting from the incubator facilities program.

28 (4) Community colleges are encouraged to establish
29 incubator facilities through which emerging small businesses
30 supportive of spaceport endeavors and other high-technology
31 enterprises may be served.

1 (5) Community colleges are encouraged to establish
2 incubator facilities through which emerging small businesses
3 supportive of development of content and technology for
4 digital broadband media and digital broadcasting may be
5 served.

6 Section 232. Section 1004.80, Florida Statutes, is
7 created to read:

8 1004.80 Economic development centers.--

9 (1) Community colleges may establish economic
10 development centers for the purpose of serving as liaisons
11 between community colleges and the business sector. The
12 responsibilities of each center shall include:

13 (a) Promoting the economic well-being of businesses
14 and industries.

15 (b) Coordinating, with chambers of commerce,
16 government agencies, district school boards, and other
17 organizations, efforts to provide educational programs which
18 promote economic development, including, but not limited to,
19 business incubators, industrial development and research
20 parks, industry recruitment efforts, publication of business
21 research and resource guides, and sponsorship of workshops,
22 conferences, seminars, and consultation services.

23 (2) The board of trustees of a community college in
24 which an economic development center is created, or its
25 designee, may negotiate, enter into, and execute contracts;
26 solicit and accept grants and donations; and fix and collect
27 fees, other payments, and donations that may accrue by reason
28 of activities of the center and its staff.

29 (3) Economic development centers shall operate under
30 policies and procedures established by the community college
31 board of trustees.

1 (4) The State Board of Education may award grants to
2 economic development centers for the purposes of this section.
3 Grants awarded pursuant to this subsection shall be in
4 accordance with rules established by the State Board of
5 Education.

6 Section 233. Section 1004.81, Florida Statutes, is
7 created to read:

8 1004.81 Establishment of child development training
9 centers at community colleges.--

10 (1) The Legislature recognizes the importance of
11 preschool developmental education and the need for adult
12 students with limited economic resources to have access to
13 high-quality, affordable child care at variable hours for
14 their children. It is therefore the intent of the Legislature
15 that community colleges provide high-quality, affordable child
16 care to the children of adult students enrolled in community
17 colleges. The primary purpose of these child development
18 training centers is to provide affordable child care for
19 children of adult students, particularly those who demonstrate
20 financial need, as well as for employees and staff of the
21 institution. Further, the child development training centers
22 are intended to provide both preschool instruction to the
23 children and clinical experiences for prospective child care
24 and early childhood instructional and administrative
25 personnel. A secondary mission of the centers shall be to
26 provide instruction in parenting skills for the clients of the
27 center as well as for the community.

28 (2) In consultation with the student government
29 association or a recognized student group representing the
30 student body, a community college board of trustees may
31 establish a child development training center in accordance

1 with this section. Each child development training center
 2 shall be a child care center established to provide child care
 3 during the day and at variable hours, including evenings and
 4 weekends, for the children of students. Emphasis should be
 5 placed on serving students who demonstrate financial need as
 6 defined by the board of trustees. At least 50 percent of the
 7 child care slots must be made available to students, and
 8 financially needy students, as defined by the board of
 9 trustees, shall receive child care slots first. The center may
 10 serve the children of staff, employees, and faculty; however,
 11 a designated number of child care slots shall not be allocated
 12 for employees. Whenever possible, the center shall be located
 13 on the campus of the community college. However, the board may
 14 elect to provide child care services for students through
 15 alternative mechanisms, which may include contracting with
 16 private providers.

17 (3) There shall be a board of directors of each child
 18 development training center, consisting of the president or
 19 his or her designee, the student government president or his
 20 or her designee, the chair of the department participating in
 21 the center or his or her designee, and one parent for each 25
 22 children enrolled in the center, elected by the parents of the
 23 children enrolled in the center. There shall be a director of
 24 each center, selected by the board of directors of the center.
 25 The director shall be an ex officio, nonvoting member of the
 26 board. The board of trustees shall establish local policies
 27 and perform local oversight and operational guidance for the
 28 center.

29 (4) Each center may charge fees for the care and
 30 services it provides. Each board of trustees shall establish
 31 mechanisms to facilitate access to center services for

1 students with financial need, which shall include a sliding
2 fee scale and other methods adopted by the board of trustees
3 to reduce or defray payment of fees for students. The board of
4 trustees is authorized to seek and receive grants and other
5 resources to support the operation of the child development
6 center.

7 (5) In addition to revenues derived from child care
8 fees charged to parents and other external resources, each
9 child development training center may be funded by a portion
10 of funds from the student activity and service fee authorized
11 by s. 1009.23(7) and the capital improvement fee authorized by
12 s. 1009.23(11). Community colleges are authorized to transfer
13 funds as necessary from the community college's general fund
14 to support the operation of the child development training
15 center.

16 (6) This section does not preclude the continuation of
17 or in any way affect child care centers operated by community
18 colleges that were established by the district board of
19 trustees prior to July 1, 1994.

20 Section 234. Part IV of chapter 1004, Florida
21 Statutes, shall be entitled "Workforce Development Education"
22 and shall consist of ss. 1004.91-1004.98.

23 Section 235. Section 1004.91, Florida Statutes, is
24 created to read:

25 1004.91 Vocational-preparatory instruction.--

26 (1) The State Board of Education shall adopt, by rule,
27 standards of basic skill mastery for certificate technical
28 education programs. Each school district and community college
29 that conducts programs that confer technical credit shall
30 provide vocational-preparatory instruction through which
31

1 students receive the basic skills instruction required
2 pursuant to this section.

3 (2) Students who enroll in a program offered for
4 technical credit of 450 hours or more shall complete an
5 entry-level examination within the first 6 weeks of admission
6 into the program. The State Board of Education shall
7 designate examinations that are currently in existence, the
8 results of which are comparable across institutions, to assess
9 student mastery of basic skills. Any student found to lack the
10 required level of basic skills for such program shall be
11 referred to vocational-preparatory instruction or adult basic
12 education for a structured program of basic skills
13 instruction. Such instruction may include English for speakers
14 of other languages. A student may not receive a technical
15 certificate of completion without first demonstrating the
16 basic skills required in the state curriculum frameworks for
17 the program.

18 (3) An adult student with a disability may be exempted
19 from the provisions of this section. A student who possesses a
20 college degree at the associate in applied science level or
21 higher is exempt from this section. A student who has
22 completed or who is exempt from the college-level
23 communication and computation skills examination pursuant to
24 s. 1008.29, or who is exempt from the college entry-level
25 examination pursuant to s. 1008.29 is exempt from the
26 provisions of this section. Students who have passed a state,
27 national or industry licensure exam are exempt from this
28 section.

29 Section 236. Section 1004.92, Florida Statutes, is
30 created to read:

31

1 1004.92 Purpose and responsibilities for career and
2 technical education.--

3 (1) The purpose of career and technical education is
4 to enable students who complete career and technical programs
5 to attain and sustain employment and realize economic
6 self-sufficiency. The purpose of this section is to identify
7 issues related to career and technical education for which
8 school boards and community college boards of trustees are
9 accountable. It is the intent of the Legislature that the
10 standards articulated in subsection (2) be considered in the
11 development of accountability standards for public schools
12 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for
13 community colleges pursuant to s. 1008.45.

14 (2) School board, superintendent, and technical
15 center, and community college board of trustees and president,
16 accountability for career and technical education programs
17 includes, but is not limited to:

18 1. Student demonstration of the academic skills
19 necessary to enter an occupation.

20 2. Student preparation to enter an occupation in an
21 entry-level position or continue postsecondary study.

22 3. Career and technical program articulation with
23 other corresponding postsecondary programs and job training
24 experiences.

25 4. Employer satisfaction with the performance of
26 students who complete career and technical education or reach
27 occupational completion points.

28 5. Student completion, placement, and retention rates
29 pursuant to s. 1008.43.

30 (c) Department of Education accountability for career
31 and technical education includes, but is not limited to:

1 1. The provision of timely, accurate technical
2 assistance to school districts and community colleges.

3 2. The provision of timely, accurate information to
4 the State Board of Education, the Legislature, and the public.

5 3. The development of policies, rules, and procedures
6 that facilitate institutional attainment of the accountability
7 standards and coordinate the efforts of all divisions within
8 the department.

9 4. The development of program standards and
10 industry-driven benchmarks for career and technical, adult,
11 and community education programs, which must be updated every
12 3 years. The standards must include technical, academic, and
13 workplace skills; viability of distance learning for
14 instruction; and work/learn cycles that are responsive to
15 business and industry.

16 5. Overseeing school district and community college
17 compliance with the provisions of this chapter.

18 6. Ensuring that the educational outcomes for the
19 technical component of career and technical programs and are
20 uniform and designed to provide a graduate who is capable of
21 entering the workforce on an equally competitive basis
22 regardless of the institution of choice.

23 (3) Each technical center operated by a district
24 school board shall establish a center advisory council
25 pursuant to s. 1001.452. The center advisory council shall
26 assist in the preparation and evaluation of center improvement
27 plans required pursuant to s. 1001.42(16) and may provide
28 assistance, upon the request of the center director, in the
29 preparation of the center's annual budget and plan as required
30 by s. 1008.385(1).

31

1 Section 237. Section 1004.93, Florida Statutes, is
2 created to read:

3 1004.93 Adult general education.--

4 (1)(a) The intent of this section is to encourage the
5 provision of educational services that will enable adults to
6 acquire:

7 1. The basic skills necessary to attain basic and
8 functional literacy.

9 2. A high school diploma or successfully complete the
10 general educational development test.

11 3. An educational foundation that will enable them to
12 become more employable, productive, and self-sufficient
13 citizens.

14 (b) It is further intended that educational
15 opportunities be available for adults who have earned a
16 diploma or high school equivalency diploma but who lack the
17 basic skills necessary to function effectively in everyday
18 situations, to enter the job market, or to enter technical
19 certificate instruction.

20 (2) The adult education program must provide academic
21 services to students in the following priority:

22 (a) Students who demonstrate skills at less than a
23 fifth grade level, as measured by tests approved for this
24 purpose by the State Board of Education, and who are studying
25 to achieve basic literacy.

26 (b) Students who demonstrate skills at the fifth grade
27 level or higher, but below the ninth grade level, as measured
28 by tests approved for this purpose by the State Board of
29 Education, and who are studying to achieve functional
30 literacy.

31

1 (c) Students who are earning credit required for a
2 high school diploma or who are preparing for the general
3 educational development test.

4 (d) Students who have earned high school diplomas and
5 require specific improvement in order to:

6 1. Obtain or maintain employment or benefit from
7 certificate technical education programs;

8 2. Pursue a postsecondary degree; or

9 3. Develop competence in the English language to
10 qualify for employment.

11 (e) Students who enroll in lifelong learning courses
12 or activities that seek to address community social and
13 economic issues that consist of health and human relations,
14 government, parenting, consumer economics, and senior
15 citizens.

16 (f) Students who enroll in courses that relate to the
17 recreational or leisure pursuits of the students. The cost of
18 courses conducted pursuant to this paragraph shall be borne by
19 the enrollees.

20 (3)(a) Each district school board or community college
21 board of trustees shall negotiate with the regional workforce
22 board for basic and functional literacy skills assessments for
23 participants in the welfare transition employment and training
24 programs. Such assessments shall be conducted at a site
25 mutually acceptable to the district school board or community
26 college board of trustees and the regional workforce board.

27 (b) State employees who are employed in local or
28 regional offices of state agencies shall inform clients of the
29 availability of adult basic and secondary programs in the
30 region. The identities of clients who do not possess high
31 school diplomas or who demonstrate skills below the level of

1 functional literacy shall be conveyed, with their consent, to
2 the local school district or community college, or both.

3 (c) To the extent funds are available, the Department
4 of Children and Family Services shall provide for day care and
5 transportation services to clients who enroll in adult basic
6 education programs.

7 (4)(a) Adult general education shall be evaluated and
8 funded as provided in s. 1011.80.

9 (b) Fees adult basic instruction are to be charged in
10 accordance with chapter 1009.

11 (c) The State Board of Education shall define, by
12 rule, the levels and courses of instruction to be funded
13 through the college-preparatory program. The state board shall
14 coordinate the establishment of costs for college-preparatory
15 courses, the establishment of statewide standards that define
16 required levels of competence, acceptable rates of student
17 progress, and the maximum amount of time to be allowed for
18 completion of college-preparatory instruction.

19 College-preparatory instruction is part of an associate in
20 arts degree program and may not be funded as an adult and
21 technical education program.

22 (d) Expenditures for college-preparatory and lifelong
23 learning students shall be reported separately. Allocations
24 for college-preparatory courses shall be based on proportional
25 full-time equivalent enrollment. Program review results shall
26 be included in the determination of subsequent allocations. A
27 student shall be funded to enroll in the same
28 college-preparatory class within a skill area only twice,
29 after which time the student shall pay 100 percent of the full
30 cost of instruction to support the continuous enrollment of
31 that student in the same class; however, students who withdraw

1 or fail a class due to extenuating circumstances may be
 2 granted an exception only once for each class, provided
 3 approval is granted according to policy established by the
 4 board of trustees. Each community college shall have the
 5 authority to review and reduce payment for increased fees due
 6 to continued enrollment in a college-preparatory class on an
 7 individual basis contingent upon the student's financial
 8 hardship, pursuant to definitions and fee levels established
 9 by the State Board of Education. College-preparatory and
 10 lifelong learning courses do not generate credit toward an
 11 associate or baccalaureate degree.

12 (e) A district school board or a community college
 13 board of trustees may negotiate a contract with the regional
 14 workforce board for specialized services for participants in
 15 the welfare transition program, beyond what is routinely
 16 provided for the general public, to be funded by the regional
 17 workforce board.

18 (5) If students who have been determined to be adults
 19 with disabilities are enrolled in workforce development
 20 programs, the funding formula must provide additional
 21 incentives for their achievement of performance outputs and
 22 outcomes.

23 (6) The commissioner shall recommend the level of
 24 funding for public school and community college adult
 25 education within the legislative budget request and make other
 26 recommendations and reports considered necessary or required
 27 by rules of the State Board of Education.

28 (7) Buildings, land, equipment, and other property
 29 owned by a district school board or community college board of
 30 trustees may be used for the conduct of the adult education
 31 program. Buildings, land, equipment, and other property owned

1 or leased by cooperating public or private agencies,
2 organizations, or institutions may also be used for the
3 purposes of this section.

4 (8) The State Board of Education may adopt rules
5 necessary for the implementation of this section.

6 Section 238. Section 1004.94, Florida Statutes, is
7 created to read:

8 1004.94 Adult literacy.--

9 (1)(a) An adult, individualized literacy instruction
10 program is created for adults who possess literacy skills
11 below the ninth grade level. The purpose of the program is to
12 provide self-paced, competency-based, individualized tutorial
13 instruction. The commissioner shall administer this section in
14 coordination with community college boards of trustees, local
15 school boards, and the Division of Library and Information
16 Services of the Department of State.

17 (b) Local adult, individualized literacy instruction
18 programs may be coordinated with local public library systems
19 and with public or private nonprofit agencies, organizations,
20 or institutions. A local public library system and a public
21 or private nonprofit agency, organization, or institution may
22 use funds appropriated for the purposes of this section to
23 hire program coordinators. Such coordinators shall offer
24 training activities to volunteer tutors and oversee the
25 operation of local literacy programs. A local public library
26 system and a public or private nonprofit agency, organization,
27 or institution may also purchase student instructional
28 materials and modules that instruct tutors in the teaching of
29 basic and functional literacy and English for speakers of
30 other languages. To the extent funds are appropriated,
31 cooperating local library systems shall purchase, and make

1 available for loan, reading materials of high interest and
2 with a vocabulary appropriate for use by students who possess
3 literacy skills below the ninth grade level and students of
4 English for speakers of other languages.

5 (2)(a) The adult literacy program is intended to
6 increase adult literacy as prescribed in the agency functional
7 plan of the Department of Education. The commissioner shall
8 establish guidelines for the purpose of determining
9 achievement of this goal.

10 (b) Each participating local sponsor shall submit an
11 annual report to the commissioner which must contain
12 information to demonstrate the extent to which there has been
13 progress toward increasing the percentage of adults within the
14 service area who possess literacy skills.

15 (c) Based on the information provided from the local
16 reports, the commissioner shall develop an annual status
17 report on literacy and adult education.

18 (3) Funds appropriated for the purposes of this
19 section shall be allocated as grants for implementing adult
20 literacy programs. Such funds may not be used to supplant
21 funds used for activities that would otherwise be conducted in
22 the absence of literacy funding. A grant awarded pursuant to
23 this section may not exceed \$50,000. Priority for the use of
24 such funds shall be given to paying expenses related to the
25 instruction of volunteer tutors, including materials and the
26 salary of the program coordinator. Local sponsors may also
27 accept funds from private sources for the purposes of this
28 section.

29 (4)(a) The commissioner shall submit a state adult
30 literacy plan to the State Board of Education to serve as a
31 reference for district school boards and community colleges

1 boards of trustees to increase adult literacy in their service
2 areas as prescribed in the agency functional plan of the
3 Department of Education. The plan must include, at a minimum:

4 1. Policies and objectives for adult literacy
5 programs, including evaluative criteria.

6 2. Strategies for coordinating adult literacy
7 activities with programs and services provided by other state
8 and local nonprofit agencies, as well as strategies for
9 maximizing other funding, resources, and expertise.

10 3. Procedures for identifying, recruiting, and
11 retaining adults who possess literacy skills below the ninth
12 grade level.

13 4. Sources of relevant demographic information and
14 methods of projecting the number of adults who possess
15 literacy skills below the ninth grade level.

16 5. Acceptable methods of demonstrating compliance with
17 the provisions of this section.

18 6. Guidelines for the development and implementation
19 of local adult literacy plans. At a minimum, such guidelines
20 must address:

21 a. The recruitment and preparation of volunteer
22 tutors.

23 b. Interagency and intraagency cooperation and
24 coordination, especially with public libraries and other
25 sponsors of literacy programs.

26 c. Desirable learning environments, including class
27 size.

28 d. Program evaluation standards.

29 e. Methods for identifying, recruiting, and retaining
30 adults in literacy programs.

31

1 f. Adult literacy through family literacy and
2 workforce literacy programs.

3 (b) Every 3 years, the district school board or
4 community college board of trustees shall develop and maintain
5 a local adult literacy plan.

6 Section 239. Section 1004.95, Florida Statutes, is
7 created to read:

8 1004.95 Adult literacy centers.--

9 (1) The Commissioner of Education shall select
10 community colleges and public school districts to establish
11 and operate adult literacy centers to complement existing
12 public and private instructional adult literacy programs. The
13 centers shall identify, contact, counsel, and refer persons
14 considered to be lacking basic or functional literacy skills
15 or competencies related to prose, document, and quantitative
16 literacy skills to the appropriate private and public
17 agencies, including human service agencies. The centers may
18 not duplicate or supplant the existing services provided by
19 public and private agencies operating within the district.

20 (2) In selecting program participants, the
21 Commissioner of Education shall, at a minimum, consider the
22 extent to which:

23 (a) Cooperative arrangements with other state and
24 local agreements and innovative approaches will be used for
25 carrying out the role of the center;

26 (b) Similar services are provided within the service
27 delivery area;

28 (c) The program objectives may be accomplished within
29 the budget request;

30 (d) Provisions are made for monitoring program
31 performance; and

1 (e) Fiscal controls and fund accounting procedures
2 exist to ensure proper use of, and accounting for, the program
3 funds.

4 (3) The activities and funding of center operations
5 shall be reported in a separate and distinct manner.

6 (4) The State Board of Education shall develop rules
7 for implementing this section, including criteria for
8 evaluating the performance of the centers, and shall submit an
9 evaluation report of the centers to the Legislature on or
10 before February 1 of each year.

11 Section 240. Section 1004.96, Florida Statutes, is
12 created to read:

13 1004.96 Community education.--

14 (1) Pursuant to this section and State Board of
15 Education rule, each school board and the Board of Trustees
16 for the Florida School for the Deaf and Blind may apply to the
17 Department of Education for a community education grant. An
18 applicant shall include in the grant application a description
19 of the community education program and process through which
20 the program is developed.

21 (2) The department shall give priority to applications
22 that include:

23 (a) Centers that serve the most students within
24 available resources.

25 (b) Programs for which funds are matched by the
26 Federal Government or other nonstate sources and which are
27 appropriate within the context of community education.

28 (c) Programs that provide before-school and
29 after-school activities for children.

30 Section 241. Section 1004.97, Florida Statutes, is
31 created to read:

1 1004.97 Florida Literacy Corps.--

2 (1) It is the intent of the Legislature that eligible
3 postsecondary students be offered an opportunity to perform
4 public service by serving as volunteer tutors for adults who
5 do not possess basic or functional literacy skills.

6 (2) There is created a Florida Literacy Corps to be
7 administered by the Department of Education pursuant to this
8 section and rules of the State Board of Education.
9 Participating students earn college credit for tutoring adults
10 who do not possess basic or functional literacy skills
11 pursuant to an agreement between the institution in which the
12 student is enrolled and the district school board, community
13 college board of trustees, public library, or nonprofit
14 organization offering literacy instruction to adults pursuant
15 to s. 1004.94. The district school board, community college
16 board of trustees, public library, or nonprofit organization
17 is solely responsible for providing literacy programs and
18 instructing participating postsecondary students.

19 (3) In order to be eligible to participate in the
20 Florida Literacy Corps, a student must:

21 (a) Be enrolled in an eligible state university or
22 community college at least half time and be in good standing,
23 as defined by the institution.

24 (b) Have completed at least 12 semester hours of
25 college-level coursework that applies toward an associate in
26 arts or baccalaureate degree.

27 (c) Have attained a passing score on one of the
28 postsecondary entry-level examinations approved pursuant to
29 State Board of Education rule, be exempt from the
30 administration of such examination, or have successfully
31 completed any required college-preparatory instruction.

1 (4) In order to be eligible to participate in the
2 Florida Literacy Corps, a state university or community
3 college must:

4 (a) Establish one or more undergraduate or graduate
5 courses, or both, in which participating students may earn a
6 maximum of 3 credit hours per semester, and a maximum of 6
7 credit hours over two or more semesters, by tutoring adults
8 who do not possess basic or functional literacy skills. The
9 institution shall establish such courses in the common course
10 designation and numbering system. The courses must require
11 students to complete instruction for prospective tutors, tutor
12 adults for at least 25 hours per semester for each hour of
13 credit awarded, and satisfy any other requirements imposed by
14 the institution.

15 (b) Submit a proposal to the Department of Education
16 for review and approval. The proposal must include, but is not
17 limited to:

18 1. Identification of the school district, community
19 college, public library, or nonprofit organization with which
20 participating students will be working.

21 2. Demonstration of the need for literacy tutors by
22 the school district, community college, public library, or
23 nonprofit organization.

24 3. Demonstration of commitment by the public school,
25 community college, public library, or nonprofit organization
26 to provide instruction for tutors.

27 4. Description of the literacy program.

28 5. Demonstration of student interest in program
29 participation.

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1 6. Designation of one or more faculty to conduct the
2 Florida Literacy Corps course and identification of the
3 qualifications of such faculty.

4 (5) From funds appropriated for the purposes of this
5 section, the department shall allocate an amount for each
6 approved proposal based on the number of students approved for
7 enrollment and subsequently enrolled in Florida Literacy Corps
8 courses.

9 (6) Each participating state university and community
10 college shall submit an annual report to the Commissioner of
11 Education which includes, but is not limited to:

12 (a) The number of hours of tutoring conducted by
13 participating students.

14 (b) The number of students enrolled in the courses.

15 (c) The number of students who successfully complete
16 the courses.

17 (d) An evaluation of the tutors' effectiveness as
18 judged by the participating school district, community
19 college, public library, or nonprofit organization. The
20 department shall develop a common evaluation form for this
21 purpose.

22 (e) The number of full-time equivalent enrollments
23 generated by the participating students.

24 (7) The department shall compile the annual reports
25 into a single, annual programmatic report to be submitted to
26 the State Board of Education by December 1 of each year.

27 Section 242. Section 1004.98, Florida Statutes, is
28 created to read:

29 1004.98 Workforce literacy programs.--

30 (1) The workforce literacy program is established
31 within the community colleges and school districts to ensure

1 the existence of sufficient numbers of employees who possess
2 the skills necessary to perform in entry-level occupations and
3 to adapt to technological advances in the workplace.
4 Workforce literacy programs are intended to support economic
5 development by increasing adult literacy and producing an
6 educated workforce.

7 (2) Each community college and school district may
8 conduct courses and programs through which adults gain the
9 communication and computation skills necessary to complete a
10 career and technical program, to gain or maintain entry-level
11 employment, or to upgrade employment. Courses may not be
12 conducted until the community college or school district
13 identifies current and prospective employees who do not
14 possess the skills necessary to enter career and technical
15 programs or to obtain or maintain employment.

16 (3) A community college or school district may be
17 eligible to fund a workforce literacy program pursuant to the
18 provisions of s. 1004.94.

19 Section 243. Chapter 1005, Florida Statutes, shall be
20 entitled "Nonpublic Postsecondary Education" and shall consist
21 of ss. 1005.01-1005.39.

22 Section 244. Part I of chapter 1005, Florida Statutes,
23 shall be entitled "General Provisions" and shall consist of
24 ss. 1005.01-1005.06.

25 Section 245. Section 1005.01, Florida Statutes, is
26 created to read:

27 1005.01 Purpose.--

28 (1) The Legislature encourages privately supported
29 higher education and intends to aid in protecting the health,
30 education, and welfare of persons who receive educational
31 services from independent postsecondary educational

1 institutions in this state; to aid in protecting employers and
 2 others who depend upon people whose educational credentials
 3 are from independent postsecondary educational institutions in
 4 this state; and to aid in protecting independent postsecondary
 5 educational institutions that currently operate or intend to
 6 begin operating in this state. The Legislature finds that both
 7 individuals and independent postsecondary educational
 8 institutions benefit from a state system that assures that all
 9 institutions satisfactorily meet minimum educational
 10 standards. The Legislature further recognizes the role of
 11 federally recognized accrediting associations in setting
 12 standards for independent postsecondary educational
 13 institutions and encourages the use of recognized
 14 accreditation standards as general guidelines for the
 15 licensure of independent postsecondary educational
 16 institutions.

17 (2) The Legislature recognizes that a degree, diploma,
 18 or other educational credential serves several purposes.
 19 Employers rely upon a person's educational credentials in
 20 judging that person's qualifications for employment. Educators
 21 rely upon a person's educational credentials to assess the
 22 adequacy of that person's preparation for the pursuit of
 23 further education. Therefore, the Legislature intends that the
 24 provisions of this chapter aid in protecting the integrity of
 25 degrees, diplomas, and other educational credentials offered
 26 by independent postsecondary educational institutions by
 27 providing for the evaluation of minimum educational
 28 requirements.

29 (3) The Legislature intends to prohibit the granting
 30 of false or misleading educational credentials and to prohibit
 31 misleading literature, advertising, solicitation, or

1 representations by independent postsecondary educational
2 institutions or their agents.

3 Section 246. Section 1005.02, Florida Statutes, is
4 created to read:

5 1005.02 Definitions.--As used in this chapter, the
6 term:

7 (1) "Accreditation" means accredited status awarded to
8 an institution by an accrediting agency or association that is
9 recognized by the United States Department of Education and
10 that has standards comparable to the minimum standards
11 required to operate an educational institution at that level
12 in this state.

13 (2) "Agent" means a person who is employed by an
14 independent postsecondary educational institution under the
15 jurisdiction of the Commission for Independent Education, or
16 by an out-of-state independent postsecondary educational
17 institution, and who secures an application or accepts payment
18 of fees from prospective students for the institution at any
19 place other than the legal place of business of the
20 institution.

21 (3) "Avocational" means a course or program the
22 objective of which is not occupational but is only for
23 personal enrichment or enjoyment. To be classified as
24 avocational, a program must:

25 (a) Prior to enrollment, provide to each enrollee, and
26 maintain a record copy of, a written statement that includes
27 the following or substantially similar language: "This program
28 is not designed or intended to qualify its participants and
29 graduates for employment. It is intended solely for the
30 avocation, personal enrichment, and enjoyment of its
31 participants."

1 (b) Not make any other verbal or written statement
2 that negates the required written statement by stating or
3 implying that people who enroll in or complete the program
4 have a more substantial likelihood of obtaining employment in
5 the field to which the training pertains than people who do
6 not.

7 (4) "College" or "university" means any incorporated
8 postsecondary educational entity, and its additional
9 locations, offering a substantially complete program that
10 confers or offers to confer at least an associate degree
11 requiring at least 15 semester hours or the equivalent of
12 general education, or that furnishes or offers to furnish
13 instruction leading toward, or prerequisite to, college
14 credit. The terms include any college-credit-granting
15 independent educational institution that is chartered in this
16 state and any center or branch campus within this state of an
17 out-of-state institution at the college-credit level.

18 (5) "Commission" means the Commission for Independent
19 Education.

20 (6) "Contract training" means instruction or training
21 provided through a written contract with an independent
22 contractor whose fees and any other charges are entirely paid
23 by a company, trade or professional association, or group of
24 employers to provide the instruction exclusively to bona fide
25 employees of the entity that engaged the contractor. The term
26 applies only when those receiving training are selected by
27 their employer and are not recruited by the contractor.

28 (7) "Degree" means any educational credential that is
29 generally taken to signify satisfactory completion of the
30 requirements of an undergraduate, graduate, academic,
31 educational, or professional program of study or any honorary

1 credential conferred for meritorious recognition. At the
2 undergraduate level, an institution may not award a degree for
3 a program unless it includes a general education component as
4 established by rule and at least 60 semester hours or 90
5 quarter hours of study or the equivalent.

6 (8) "Diploma" means a credential that is not a degree
7 but is any of the following: a certificate, transcript,
8 report, document, or title; a designation, mark, or
9 appellation; or a series of letters, numbers, or words that
10 generally are taken to signify satisfactory completion of the
11 requirements of an educational, technical, or career program
12 of study or training or course of study.

13 (9) "Examination preparation course" means a course or
14 program that does not offer to confer a diploma, that is
15 offered by a person or entity that discloses in all
16 advertising that the course or program is for test
17 preparation, and that does not include any expression or
18 implication in writing or orally regarding salaries, job
19 placement, or career advancement.

20 (10) "Governmental" means an institution provided,
21 operated, and supported by a federal, state, or county
22 government or any of its political subdivisions.

23 (11) "Independent postsecondary educational
24 institution" means any postsecondary educational institution
25 that operates in this state or makes application to operate in
26 this state, and is not provided, operated, and supported by
27 the State of Florida, its political subdivisions, or the
28 Federal Government.

29 (12) "In-service, continuing education, or
30 professional development" means training provided by:
31

1 (a) A trade or professional association or a group of
2 employers in the same or related business who offer training
3 and provide only professional-development programs to bona
4 fide employees or contractors of an employer who is a member
5 of the association or employers who qualify for membership;

6 (b) A labor union or group of labor unions that offer
7 training to and trains only those persons who are dues-paying
8 members of the participating labor union;

9 (c) An independent contractor engaged by the labor
10 union or group of labor unions, by written contract, to
11 provide the training on its behalf exclusively to those who
12 are selected by the labor union or group of labor unions that
13 engaged the contractor and who are dues-paying members of that
14 union; or

15 (d) A person or entity offering only
16 continuing-education programs to persons who engage in an
17 occupation or profession whose practitioners are subject to
18 licensure, certification, or registration by a state agency
19 that recognizes the programs for continuing-education purposes
20 and provides a written statement of the recognition.

21 (13) "License" means a certificate signifying that an
22 independent postsecondary educational institution meets
23 standards prescribed in statute or rule and is permitted to
24 operate in this state.

25 (14) "Operating in this state" means any of the
26 following:

27 (a) Maintaining for any purpose related to offering a
28 degree, diploma, or credit a physical location in this state,
29 a mailing address in this state, a telephone or facsimile
30 number in this state, or a mail forwarding service or
31

1 telephone answering or relay service in this state or
2 advertising any such presence; or

3 (b) By any means or device, facilitating in this state
4 any part of a scheme to offer a degree, diploma, or credit, or
5 any activity connected with the administration, promotion,
6 recruitment, placement, instruction, fee collection or
7 receipt, or any other function of a purported independent
8 postsecondary educational institution, other than periodic and
9 customary contact with the institution's own alumni.

10 (15) "Out-of-state college" or "out-of-state school"
11 means any independent postsecondary educational institution
12 where the place of instruction, the legal place of residence,
13 or the place of evaluation of instruction or work by
14 correspondence or distance education is not within the legal
15 boundaries of this state.

16 (16) "School" means any nonpublic postsecondary
17 noncollegiate educational institution, association,
18 corporation, person, partnership, or organization of any type
19 which:

20 (a) Offers to provide or provides any complete, or
21 substantially complete, postsecondary program of instruction
22 through the student's personal attendance; in the presence of
23 an instructor; in a classroom, clinical, or other practicum
24 setting; or through correspondence or other distance
25 education;

26 (b) Represents, directly or by implication, that the
27 instruction will qualify the student for employment in an
28 occupation for which a degree is not required in order to
29 practice in this state;

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1 (c) Receives remuneration from the student or any
2 other source based on the enrollment of a student or the
3 number of students enrolled; or

4 (d) Offers to award or awards a diploma, regardless of
5 whether it conducts instruction or receives remuneration.

6 Section 247. Section 1005.03, Florida Statutes, is
7 created to read:

8 1005.03 Designation "college" or "university".--

9 (1) The use of the designation "college" or
10 "university" in combination with any series of letters,
11 numbers, or words is restricted in this state to colleges or
12 universities as defined in s. 1005.02 that offer degrees as
13 defined in s. 1005.02 and fall into at least one of the
14 following categories:

15 (a) A Florida public college.

16 (b) A Florida or out-of-state college that has been in
17 active operation and using the designation "college" or
18 "university" since April 1, 1970.

19 (c) A college for which the commission has issued a
20 license pursuant to the provisions of this chapter.

21 (d) A college that is under the jurisdiction of the
22 Division of Colleges and Universities of the Department of
23 Education, whose students are eligible for the William L.
24 Boyd, IV, Florida Resident Access Grant, and that is a
25 nonprofit independent college or university located and
26 chartered in this state and accredited by the Commission on
27 Colleges of the Southern Association of Colleges and Schools
28 to grant baccalaureate degrees.

29 (e) A college that meets the description of either s.
30 1005.06(1)(e) or s. 1005.06(1)(f).

31

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 248. 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

1 be obtained by contacting the Commission for Independent
2 Education, Department of Education, Tallahassee.

3 Section 249. Section 1005.05, Florida Statutes, is
4 created to read:

5 1005.05 Certificate and diploma programs.--No
6 nonpublic college shall continue to conduct or begin to
7 conduct any diploma program as defined in s. 1005.02, unless
8 the college applies for and obtains approval for such program.
9 Colleges under the jurisdiction of the Commission for
10 Independent Education shall apply to the commission. Colleges
11 that are not under the jurisdiction of the commission shall
12 apply to the Department of Education.

13 Section 250. Section 1005.06, Florida Statutes, is
14 created to read:

15 1005.06 Institutions not under the jurisdiction or
16 purview of the commission.--

17 (1) Except as otherwise provided in law, the following
18 institutions are not under the jurisdiction or purview of the
19 commission and are not required to obtain licensure:

20 (a) Any postsecondary educational institution
21 provided, operated, or supported by this state, its political
22 subdivisions, or the Federal Government.

23 (b) Any college, school, or course licensed or
24 approved for establishment and operation under part I of
25 chapter 464, chapter 466, or chapter 475, or any other chapter
26 of the Florida Statutes requiring licensing or approval as
27 defined in this chapter.

28 (c) Any institution that is under the jurisdiction of
29 the Division of Colleges and Universities of the Department of
30 Education, whose students are eligible for the William L.
31 Boyd, IV, Florida Resident Access Grant, and that is a

1 nonprofit independent college or university located and
2 chartered in this state and accredited by the Commission on
3 Colleges of the Southern Association of Colleges and Schools
4 to grant baccalaureate degrees.

5 (d) Any institution that offers only avocational
6 programs or courses, examination preparation programs or
7 courses, contract training programs or courses, continuing
8 education, or professional development programs or courses.

9 (e) Any institution that was exempt from licensure in
10 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as
11 it maintains these qualifying criteria: the institution is
12 incorporated in this state, the institution's credits or
13 degrees are accepted for credit by at least three colleges
14 that are fully accredited by an agency recognized by the
15 United States Department of Education, the institution was
16 exempt under that category prior to July 1, 1982, and the
17 institution does not enroll any students who receive state or
18 federal financial aid for education. Such an institution shall
19 notify the commission and apply for licensure if it no longer
20 meets these criteria.

21 (f) A religious college may operate without
22 governmental oversight if the college annually verifies by
23 sworn affidavit to the commission that:

24 1. The name of the institution includes a religious
25 modifier or the name of a religious patriarch, saint, person,
26 or symbol of the church.

27 2. The institution offers only educational programs
28 that prepare students for religious vocations as ministers,
29 professionals, or laypersons in the categories of ministry,
30 counseling, theology, education, administration, music, fine
31 arts, media communications, or social work.

1 3. The titles of degrees issued by the institution
2 cannot be confused with secular degree titles. For this
3 purpose, each degree title must include a religious modifier
4 that immediately precedes, or is included within, any of the
5 following degrees: Associate of Arts, Associate of Science,
6 Bachelor of Arts, Bachelor of Science, Master of Arts, Master
7 of Science, Doctor of Philosophy, and Doctor of Education. The
8 religious modifier must be placed on the title line of the
9 degree, on the transcript, and whenever the title of the
10 degree appears in official school documents or publications.

11 4. The duration of all degree programs offered by the
12 institution is consistent with the standards of the
13 commission.

14 5. The institution's consumer practices are consistent
15 with those required by s. 1005.04.

16
17 The commission may provide such a religious institution a
18 letter stating that the institution has met the requirements
19 of state law and is not subject to governmental oversight.

20 (g) Any institution that is regulated by the Federal
21 Aviation Administration, another agency of the Federal
22 Government, or an agency of the state whose regulatory laws
23 are similar in nature and purpose to those of the commission
24 and require minimum educational standards, for at least
25 curriculum, instructors, and academic progress and provide
26 protection against fraudulent, deceptive, and substandard
27 education practices.

28 (2) The Department of Education may contract with the
29 Commission on Independent Education to provide services for
30 independent postsecondary educational institutions not under
31 the jurisdiction of the commission relating to licensure of

1 postsecondary technical certificate and diploma programs that
2 such institutions may wish to offer and preliminary review of
3 programs such institutions may wish to offer which are beyond
4 the scope of the institutions's current accreditation status.
5 Upon completion of its review, the commission shall forward
6 its recommendation to the department for final action. The
7 department shall assess the institution seeking such services
8 the cost to the commission of providing such services.
9 Revenues collected pursuant to this provision shall be
10 deposited in the Institutional Assessment Trust Fund.

11 Section 251. Part II of chapter 1005, Florida
12 Statutes, shall be entitled "Commission for Independent
13 Education" and shall consist of ss. 1005.21-1005.22.

14 Section 252. Section 1005.21, Florida Statutes, is
15 created to read:

16 1005.21 Commission for Independent Education.--

17 (1) There is established in the Department of
18 Education the Commission for Independent Education. The
19 department shall serve as the administrative agent of the
20 commission by providing services, including payroll,
21 procurement, and legal counsel. The commission shall exercise
22 independently all powers, duties, and functions prescribed by
23 law. The commission shall authorize the granting of diplomas
24 and degrees by any independent postsecondary educational
25 institution under its jurisdiction.

26 (2) The Commission for Independent Education shall
27 consist of seven members who are residents of this state. The
28 commission shall function in matters concerning independent
29 postsecondary educational institutions in consumer protection,
30 program improvement, and licensure for institutions under its
31 purview. The Governor shall appoint the members of the

1 commission who are subject to confirmation by the Senate. The
2 membership of the commission shall consist of:

3 (a) Two representatives of independent colleges or
4 universities licensed by the commission.

5 (b) Two representatives of independent,
6 nondegree-granting schools licensed by the commission.

7 (c) One member from a public school district or
8 community college who is an administrator of career and
9 technical education.

10 (d) One representative of a college that meets the
11 criteria of s. 1005.06(1)(f).

12 (e) One lay member who is not affiliated with an
13 independent postsecondary educational institution.

14 (3) The members of the commission shall be appointed
15 to 3-year terms and until their successors are appointed and
16 qualified. If a vacancy on the commission occurs before the
17 expiration of a term, the Governor shall appoint a successor
18 to serve the unexpired portion of the term.

19 (4) The commission shall meet at least four times each
20 fiscal year.

21 (5) Members of the commission are entitled to
22 reimbursement for travel and per diem expenses, as provided in
23 s. 112.061, while performing their duties.

24 (6) Each member is accountable to the Governor for the
25 proper performance of the duties of his or her office. The
26 Governor may remove from office any member for cause.

27 Section 253. Section 1005.22, Florida Statutes, is
28 created to read:

29 1005.22 Powers and duties of commission.--

30 (1) The commission shall:

31

1 (a) Hold meetings as necessary to administer its
2 duties.

3 (b) Annually select a chairperson and a vice
4 chairperson, appoint and review an executive director, and
5 authorize the executive director to appoint employees of the
6 commission.

7 (c) Adopt and use an official seal in the
8 authentication of its acts.

9 (d) Make rules for its own governance.

10 (e) Administer the provisions of this chapter. To this
11 end, the commission has the following administrative powers
12 and responsibilities:

13 1. The commission shall adopt rules pursuant to ss.
14 120.536(1) and 120.54 for the operation and establishment of
15 independent postsecondary educational institutions. The
16 commission shall submit the rules to the State Board of
17 Education for approval or disapproval. If the state board does
18 not act on a rule within 60 days after receiving it, the rule
19 shall be filed immediately with the Department of State.

20 2. The commission shall submit an annual budget to the
21 State Board of Education.

22 3. The commission shall transmit all fees, donations,
23 and other receipts of money to the Institutional Assessment
24 Trust Fund.

25 4. The commission shall expend funds as necessary to
26 assist in the application and enforcement of its powers and
27 duties. The Chief Financial Officer shall pay out all moneys
28 and funds as directed under this chapter upon vouchers
29 approved by the Department of Education for all lawful
30 purposes necessary to administering this chapter. The
31 commission shall make annual reports to the State Board of

1 Education showing in detail amounts received and all
2 expenditures. The commission shall include in its annual
3 report to the State Board of Education a statement of its
4 major activities during the period covered by the report.

5 (f) Maintain a record of its proceedings.

6 (g) Cooperate with other state and federal agencies
7 and other nongovernmental agencies in administering its
8 duties.

9 (h) Cause to be investigated criminal justice
10 information, as defined in s. 943.045, for each owner,
11 administrator, and agent employed by an institution applying
12 for licensure from the commission.

13 (i) Serve as a central agency for collecting and
14 distributing current information regarding institutions
15 licensed by the commission.

16 (j) Inform independent postsecondary educational
17 institutions of laws adopted by the Legislature and rules
18 adopted by the State Board of Education and the commission and
19 of their responsibility to follow those laws and rules.

20 (k) Establish and publicize the procedures for
21 receiving and responding to complaints from students, faculty,
22 and others concerning institutions or programs under the
23 purview of the commission, and keep records of such complaints
24 in order to determine the frequency and nature of complaints
25 with respect to specific institutions of higher education.

26 (l) Provide annually to the Office of Student
27 Financial Assistance of the Department of Education
28 information and documentation that can be used to determine an
29 institution's eligibility to participate in state student
30 financial assistance programs.

31

1 (m) Coordinate and convey annual reports to the
2 Commissioner of Education relating to campus crime statistics,
3 the assessment of physical plant safety, and the antihazing
4 policies of nonpublic postsecondary educational institutions
5 eligible to receive state-funded student assistance, as
6 required by law.

7 (n) Identify and report to the Office of Student
8 Financial Assistance the accrediting associations recognized
9 by the United States Department of Education which have
10 standards that are comparable to the minimum standards
11 required to operate an institution at that level in this
12 state.

13 (o) Assure that an institution is not required to
14 operate without a current license because of the schedule of
15 commission meetings or application procedures, if the
16 institution has met the commission's requirements for
17 licensure or license renewal.

18 (2) The commission may:

19 (a) Sue or be sued.

20 (b) Enter into contracts with the Federal Government,
21 with other departments of the state, or with individuals.

22 (c) Receive bequests and gifts, subject to any
23 restrictions upon which the commission and the donor agree.

24 (d) Appoint standing or special committees to assist
25 it in carrying out its responsibilities. Committees may
26 include members who are not commission members or
27 representatives of licensed postsecondary institutions.

28 (e) Advise the Governor, the Legislature, the State
29 Board of Education, the Council for Education Policy Research
30 and Improvement, and the Commissioner of Education on issues
31 relating to private postsecondary education.

1 (f) Delegate to the chairperson of the commission the
2 responsibility for signing final orders.

3 (g) Assist independent postsecondary educational
4 institutions in formulating articulation agreements with
5 public and other independent institutions.

6 (h) Establish and operate additional offices in the
7 central and southern part of the state if the concentration of
8 licensed institutions renders such an office economically
9 feasible.

10 (i) Establish and administer the Student Protection
11 Fund pursuant to s. 1005.37.

12 Section 254. Part III of chapter 1005, Florida
13 Statutes, shall be entitled "Licensure of Nonpublic
14 Postsecondary Educational Institutions" and shall consist of
15 ss. 1005.31-1005.39.

16 Section 255. Section 1005.31, Florida Statutes, is
17 created to read:

18 1005.31 Licensure of institutions.--

19 (1) Each college or school operating within this state
20 must obtain licensure from the commission unless the
21 institution is not under the commission's purview or
22 jurisdiction as provided in s. 1005.06.

23 (2) The commission shall develop minimum standards by
24 which to evaluate institutions for licensure. These standards
25 must include at least the institution's name, financial
26 stability, purpose, administrative organization, admissions
27 and recruitment, educational programs and curricula,
28 retention, completion, career placement, faculty, learning
29 resources, student personnel services, physical plant and
30 facilities, publications, and disclosure statements about the
31 status of the institution with respect to professional

1 certification and licensure. The commission may adopt rules to
2 ensure that institutions licensed under this section meet
3 these standards in ways that are appropriate to achieve the
4 stated intent of this chapter, including provisions for
5 nontraditional or distance education programs and delivery.

6 (3) The commission shall recognize an institution
7 based on the institution's highest educational offering and
8 shall adopt rules for licensure that include reporting
9 requirements for each level of licensure.

10 (4) Approved-applicant status shall be extended to all
11 institutions that have submitted a complete application, as
12 defined in rule, for provisional licensure and paid all
13 attendant fees. In granting approved-applicant status, the
14 commission shall provide to commission staff and the
15 institution a list of specific omissions or deficiencies.
16 Institutions granted approved-applicant status may not
17 advertise, offer programs of study, collect tuition or fees,
18 or engage in any other activities not specifically approved by
19 the commission. If the commission, or the commission staff if
20 specifically directed by the commission, determines that the
21 omissions or deficiencies have been provided for or corrected,
22 the institution may be awarded a provisional license.

23 (5) Provisional licensure shall be granted to an
24 applicant for initial licensure for a period not to exceed 1
25 year when the commission determines that the applicant is in
26 substantial compliance with the standards for licensure. A
27 provisional license granted for initial licensure may be
28 extended for up to 1 additional year. A licensed institution
29 that has undergone a substantive change, as defined by rule,
30 must be granted a provisional license for a period of time
31 determined by the commission, after which period the

1 institution may apply for a different status. A provisional
2 license may include conditions required by the commission, and
3 all conditions must be met before the institution may receive
4 a different licensure status.

5 (6) An annual license shall be granted to an
6 institution holding a provisional license, or seeking a
7 renewal of an annual license, upon demonstrating full
8 compliance with licensure standards. An annual license may be
9 extended for up to 1 year if the institution meets the
10 requirements set by rule for such an extension.

11 (7) An institution may not conduct a program unless
12 specific authority is granted in its license.

13 (8) A license granted by the commission is not
14 transferable to another institution or to another agent, and
15 an institution's license does not transfer when the
16 institution's ownership changes.

17 (a) A licensed institution must notify the commission
18 prior to a change of ownership or control. The commission
19 shall adopt procedures for interim executive approval of a
20 change of ownership or control if the next scheduled meeting
21 of the commission occurs after the scheduled date of the
22 change of ownership or control.

23 (b) The commission may adopt rules governing changes
24 of ownership or control.

25 (9) An independent postsecondary educational
26 institution or any person acting on behalf of such an
27 institution may not publish any advertisement soliciting
28 students or offering a credential before the institution is
29 duly licensed by the commission or while the institution is
30 under an injunction against operating, soliciting students, or
31 offering an educational credential.

1 (10) The commission shall establish minimum standards
2 for the approval of agents. The commission may adopt rules to
3 ensure that licensed agents meet these standards and uphold
4 the intent of this chapter. An agent may not solicit
5 prospective students in this state for enrollment in any
6 independent postsecondary educational institution under the
7 commission's purview or in any out-of-state independent
8 postsecondary educational institution unless the agent has
9 received a license as prescribed by the commission.

10 (11) A student of a foreign medical school may not
11 engage in a clinical clerkship in this state unless the
12 foreign medical school has received a license, in the case of
13 a core clerkship or an ongoing regular program of clerkships,
14 or has received individual approval, in the case of an
15 occasional elective clerkship. The commission may adopt rules
16 to administer this subsection.

17 (12) The granting of a license is not an
18 accreditation.

19 (13) As a condition of licensure, an independent
20 college or university must provide the commission with a copy
21 of its antihazing policy.

22 Section 256. Section 1005.32, Florida Statutes, is
23 created to read:

24 1005.32 Licensure by means of accreditation.--

25 (1) An independent postsecondary educational
26 institution that meets the following criteria may apply for a
27 license by means of accreditation from the commission:

28 (a) The institution has operated legally in this state
29 for at least 5 consecutive years.

30 (b) The institution holds institutional accreditation
31 by an accrediting agency evaluated and approved by the

1 commission as having standards substantially equivalent to the
2 commission's licensure standards.

3 (c) The institution has no unresolved complaints or
4 actions in the past 12 months.

5 (d) The institution meets minimum requirements for
6 financial responsibility as determined by the commission.

7 (e) The institution is a Florida corporation.

8 (2) An institution that was exempt from licensure in
9 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain
10 an exemption until the commission issues it a license by means
11 of accreditation as provided in this section.

12 (3) The commission may not require an institution
13 granted a license by means of accreditation to submit reports
14 that differ from the reports required by its accrediting
15 association, except that each institution must file with the
16 commission an annual audit and follow the commission's
17 requirements for orderly closing, including provisions for
18 trainout or refunds and arranging for the proper disposition
19 of student and institutional records.

20 (4) An institution granted a license by means of
21 accreditation must apply for and receive another level of
22 licensure before the institution may offer courses or programs
23 that exceed the scope or level of its accreditation.

24 (5) Institutions granted a license by means of
25 accreditation must comply with the standards of fair consumer
26 practices as established in rule by the commission.

27 (6) A license by means of accreditation is valid for
28 the same period as the qualifying grant of accreditation.

29 (7) A license by means of accreditation may be denied,
30 placed on probation, or revoked for repeated failure to comply
31 with the requirements of this section. The commission shall

1 adopt rules for these actions. Revocation or denial of a
2 license by means of accreditation requires that the
3 institution immediately obtain an annual license.

4 Section 257. Section 1005.33, Florida Statutes, is
5 created to read:

6 1005.33 License period and renewal.--

7 (1) As required by rule, the commission shall
8 periodically review each license to determine if the
9 institution is in compliance with this chapter and should have
10 its license renewed. The commission may extend an annual or
11 provisional license if a good-faith effort has been made by
12 the institution and agent. The commission shall determine what
13 constitutes compliance or a good-faith effort and may adopt
14 rules to administer this section.

15 (2) A licensed independent postsecondary educational
16 institution that seeks to expand or modify its programs or
17 degrees to be conferred or to add new locations must seek
18 prior approval from the commission. The commission shall adopt
19 rules for the approval of modified or additional programs,
20 degrees, and locations.

21 (3) On the effective date of this act, an institution
22 that, in 2002, held the status of "Permission to Operate"
23 under s. 246.093, Florida Statutes 2001, has 90 days to seek
24 and obtain licensure from the commission. Ninety days after
25 this act takes effect, that status no longer authorizes an
26 institution to operate in Florida.

27 Section 258. Section 1005.34, Florida Statutes, is
28 created to read:

29 1005.34 Fair consumer practices; condition of
30 operation.--The commission shall adopt rules to ensure the
31

1 protection of students, including rules establishing fair
2 consumer practices pursuant to s. 1005.04.

3 (1) The commission may not grant or renew a license
4 unless the institution seeking the action provides the
5 commission with a sworn statement of compliance with rules
6 regarding fair consumer practices.

7 (2) The commission may examine any complaint against
8 an institution under its jurisdiction and, if the institution
9 is found to be routinely handling these matters correctly, the
10 complaint shall be considered closed. Complaints under this
11 subsection against accredited institutions, if not resolved,
12 shall be forwarded to the accrediting agency for any
13 appropriate action. The institution shall notify the
14 commission of any and all actions taken by the accrediting
15 agency in response to the complaint.

16 (3) Failure to comply with this section is cause for
17 denial or revocation of a license.

18 Section 259. Section 1005.35, Florida Statutes, is
19 created to read:

20 1005.35 Fees.--

21 (1) The Commission for Independent Education shall
22 annually establish a fee schedule to generate, from fees, the
23 amount of revenue appropriated for its operation.

24 (2) The commission shall include, as a part of its
25 legislative budget request, a proposed fee schedule to
26 generate the appropriated fee revenue required in the General
27 Appropriations Act. The commission may adjust the fee amounts
28 to generate the fee revenue required in the General
29 Appropriations Act but may not add fee categories without the
30 Legislature's approval. The fee schedule proposed in the
31

1 legislative budget request takes effect unless the Legislature
2 requires changes.

3 (3) The commission shall charge each licensed
4 institution a base fee to cover the cost of routine services,
5 such as data collection and dissemination. The base fee may be
6 higher for institutions with a large enrollment but may not
7 exceed one-half of 1 percent of the amount appropriated for
8 the commission.

9 (4) The commission shall assess workload fees to
10 institutions for specific services that relate to:

11 (a) Licensure.

12 (b) Annual reviews.

13 (c) Special reviews.

14 (d) Site visits.

15 (e) Resolution of complaints.

16 (f) Approval to use the term "college" or
17 "university."

18 (g) Participation in the Student Protection Fund
19 established pursuant to s. 1005.37.

20 (h) Other workload activities as allowed by law.

21 (5) The commission may assess late fees for an
22 institution's failure to timely submit required materials.

23 (6) All fees shall be submitted through the Department
24 of Education to the Chief Financial Officer, to be deposited
25 in the Institutional Assessment Trust Fund.

26 (7) All fees authorized in this section are
27 administrative fees and are not refundable unless paid in
28 error. The commission may deduct from an institution's future
29 fee collection any unintentional overpayment.

30 Section 260. Section 1005.36, Florida Statutes, is
31 created to read:

1 1005.36 Institutional closings.--

2 (1) The Legislature intends to protect students and
3 the independent sector of postsecondary education from the
4 detriment caused by licensed institutions that cease operation
5 without providing for the proper completion of student
6 training or for the appropriate refund of student fees. To
7 serve this intention, the Commission for Independent Education
8 may prevent the operation in this state of a licensed
9 independent postsecondary educational institution by an owner
10 who has unlawfully closed another institution and the
11 commission may exercise control over student records upon
12 closure of a licensed institution if the institution does not
13 provide an orderly closure.

14 (2) At least 30 days prior to closing an institution,
15 its owners, directors, or administrators shall notify the
16 commission in writing of the closure of the institution. The
17 owners, directors, and administrators must organize an orderly
18 closure of the institution, which means at least providing for
19 the completion of training of its students. The commission
20 must approve any such plan. An owner, director, or
21 administrator who fails to notify the commission at least 30
22 days prior to the institution's closure, or who fails to
23 organize the orderly closure of the institution and the
24 trainout of the students, commits a misdemeanor of the second
25 degree, punishable as provided in s. 775.082 or s. 775.083.

26 (3) If the commission finds that an institution has
27 ceased operating without providing for the proper access to
28 student records, the commission may require the institution to
29 convey all student records to the commission office or to
30 another location designated by the commission or its staff.
31 The commission shall make copies of records available to

1 bankruptcy trustees upon request and to the student or those
2 designated by the student. Confidentiality of the records
3 shall be maintained to the extent required by law. The
4 commission may seek civil penalties not to exceed \$10,000 from
5 any owner, director, or administrator of an institution who
6 knowingly destroys, abandons, or fails to convey or provide
7 for the safekeeping of institutional and student records. The
8 commission may use moneys in the Student Protection Fund to
9 facilitate the retrieval or safekeeping of records from an
10 institution that has closed.

11 (4) The commission may refer matters it deems
12 appropriate to the Department of Legal Affairs or the state
13 attorney for investigation and prosecution.

14 Section 261. Section 1005.37, Florida Statutes, is
15 created to read:

16 1005.37 Student Protection Fund.--

17 (1) The commission shall establish and administer a
18 statewide, fee-supported financial program through which funds
19 will be available to complete the training of a student who
20 enrolls in a nonpublic school that terminates a program or
21 ceases operation before the student has completed his or her
22 program of study. The financial program is named the Student
23 Protection Fund.

24 (2) The commission is authorized to assess a fee from
25 the schools within its jurisdiction for such purpose. The
26 commission shall assess a licensed school an additional fee
27 for its eligibility for the Student Protection Fund.

28 (3) If a licensed school terminates a program before
29 all students complete it, the commission shall also assess
30 that school a fee adequate to pay the full cost to the Student
31 Protection Fund of completing the training of students.

1 (4) The fund shall consist entirely of fees assessed
2 to licensed schools and shall not be funded under any
3 circumstances by public funds, nor shall the commission make
4 payments or be obligated to make payments in excess of the
5 assessments actually received from licensed schools and
6 deposited in the Institutional Assessment Trust Fund to the
7 credit of the Student Protection Fund.

8 (5) At each commission meeting, the commission shall
9 consider the need for and shall make required assessments,
10 shall review the collection status of unpaid assessments and
11 take all necessary steps to collect them, and shall review all
12 moneys in the fund and expenses incurred since the last
13 reporting period. This review must include administrative
14 expenses, moneys received, and payments made to students or to
15 lending institutions.

16 (6) Staff of the commission must immediately inform
17 the commission upon learning of the closing of a licensed
18 school or the termination of a program that could expose the
19 fund to liability.

20 (7) The Student Protection Fund must be actuarially
21 sound, periodically audited, and reviewed to determine if
22 additional fees must be charged to schools eligible to
23 participate in the fund.

24 Section 262. Section 1005.38, Florida Statutes, is
25 created to read:

26 1005.38 Actions against a licensee and other
27 penalties.--

28 (1) The commission may deny, place on probation, or
29 revoke any provisional license, annual license, licence by
30 means of accreditation, agent's license, or other
31 authorization required by this chapter. The commission shall

1 adopt rules for taking these actions. The commission may
2 impose an administrative fine of not more than \$5,000 if an
3 institution is on probation for a period under conditions that
4 require oversight by the commission or its staff. The fine
5 shall be deposited into the Institutional Assessment Trust
6 Fund.

7 (2) The commission may conduct an investigation to
8 determine if an applicant for a new institutional license, or
9 the owners, directors, or administrators of the institution,
10 previously closed an institution, failed to arrange for
11 completion of student training or issue appropriate refunds,
12 or had its license to operate an institution revoked or denied
13 in this state or in another state or jurisdiction.

14 (3) Any person who has been convicted of, or entered a
15 plea of guilty or nolo contendere to, a crime that relates to
16 the unlawful operation or management of an institution is
17 ineligible to own, operate, manage, or be a registered agent
18 for a licensed institution in this state, and may not be a
19 director or an officer in a corporation that owns or operates
20 a licensed institution. Such a person may not operate or serve
21 in a management or supervisory position in a licensed
22 institution.

23 (4) The commission may deny an application for any
24 operating status if the commission determines that the
25 applicant or its owners, officers, directors, or
26 administrators were previously operating an institution in
27 this state or in another state or jurisdiction in a manner
28 contrary to the health, education, or welfare of the public.
29 The commission may consider factors such as the previous
30 denial or revocation of an institutional license; prior
31 criminal or civil administrative proceedings regarding the

1 operation and management of an institution; other types of
 2 criminal proceedings involving fraud, deceit, dishonesty, or
 3 moral turpitude; failure of the institution to be properly
 4 closed, including completing the training or providing for the
 5 trainout of its students; and failure to issue appropriate
 6 refunds. The commission may require an applicant or its
 7 owners, officers, directors, or administrators to provide the
 8 commission with information under oath regarding the prior
 9 operation of an institution and to provide criminal justice
 10 information, the cost of which must be borne by the applicant
 11 in addition to license fees.

12 (5) The commission may obtain an injunction or take
 13 any action it deems necessary against any institution or agent
 14 in violation of this chapter, but such proceedings and orders
 15 do not bar the imposition of any other penalties that may be
 16 imposed for the violation.

17 (6) The commission may conduct disciplinary
 18 proceedings through an investigation of any suspected
 19 violation of this chapter, including a finding of probable
 20 cause and making reports to any law enforcement agency or
 21 regulatory agency.

22 (a) The commission shall notify an institution or
 23 individual of the substance of any complaint that is under
 24 investigation unless the executive director and chairperson of
 25 the board concur that notification would impede the
 26 investigation. The commission may also withhold notification
 27 to a person under investigation for an act that constitutes a
 28 criminal offense.

29 (b) The determination of probable cause shall be made
 30 by a majority vote of the probable-cause panel, the membership
 31 of which shall be provided by rule. After the panel declares a

1 finding of probable cause, the commission may issue an
2 administrative complaint and prosecute such complaint under
3 chapter 120.

4 (c) A privilege against civil liability is granted to
5 any informant or any witness who provides information in good
6 faith for an investigation or proceeding conducted under this
7 section.

8 (7) The commission may issue a cease and desist order
9 in conjunction with an administrative complaint or notice of
10 denial of licensure, if necessary to protect the health,
11 safety, or welfare of students, prospective students, or the
12 public. An unlicensed institution that advertises or causes
13 advertisements to be made public through which students are
14 solicited for enrollment or are offered diplomas or degrees is
15 in violation of this chapter. The commission shall adopt rules
16 that direct the issuance of an injunction against operating,
17 advertising, or offering diplomas or degrees without a
18 license. Each day of operation after a cease and desist letter
19 is delivered constitutes a separate violation for purposes of
20 assessing fines or seeking civil penalties.

21 (a) A cease and desist order may be mandatory or
22 prohibitory in form and may order a postsecondary institution
23 to cease and desist from specified conduct or from failing to
24 engage in specified conduct necessary to achieve the
25 regulatory purposes of this chapter.

26 (b) A cease and desist order may include an order to
27 cease enrollment of students whom the institution cannot
28 adequately serve, to modify curricula or methods of
29 instruction to ensure the education or training of the type
30 and quality represented in the institutional catalog, or to
31 cease from advertising or to publish or broadcast corrective

1 or clarifying advertising to overcome the effects of previous
2 allegedly deceptive or misleading advertising.

3 (c) A cease and desist order takes effect immediately
4 upon issuance and remains in effect until the commission takes
5 final agency action.

6 (d) The commission shall adopt rules to direct
7 procedures by which an affected party is entitled to a formal
8 or informal review of a cease and desist order and may request
9 the commission or the Division of Administrative Hearings to
10 modify or abate a cease and desist order. If a party is
11 aggrieved by a cease and desist order after seeking to have
12 the order abated or modified, the party may seek interlocutory
13 judicial review by the appropriate district court of appeal
14 pursuant to the applicable rules of appellate procedure.

15 (e) In addition to or in lieu of any remedy provided
16 in this section, the commission may seek the imposition of a
17 civil penalty through the circuit court for any violation for
18 which the commission may issue a notice to cease and desist
19 under this section.

20 (8) The commission shall adopt rules to identify
21 grounds for imposing disciplinary actions, which must include
22 at least the following grounds:

23 (a) Attempting to obtain action from the commission by
24 fraudulent misrepresentation, bribery, or through an error of
25 the commission.

26 (b) Action against a license or operation imposed
27 under the authority of another state, territory, or country.

28 (c) Delegating professional responsibilities to a
29 person who is not qualified by training, experience, or
30 licensure to perform the responsibilities.

31 (d) False, deceptive, or misleading advertising.

1 ~~(e) Conspiring to coerce, intimidate, or preclude~~
2 ~~another licensee from lawfully advertising his or her~~
3 ~~services.~~

4 Section 263. Section 1005.39, Florida Statutes, is
5 created to read:

6 1005.39 Continuing education and training for
7 administrators and faculty.--

8 (1) The commission is authorized to ensure that the
9 administrators of licensed institutions are qualified to
10 conduct the operations of their respective positions and to
11 require such administrators and faculty to receive continuing
12 education and training as adopted by rule of the commission.
13 The positions for which the commission may review
14 qualifications and require continuing education and training
15 may include the positions of chief administrator or officer,
16 director of education or training, placement director,
17 admissions director, and financial aid director and faculty
18 members.

19 (2) The training of each administrator and faculty
20 member shall be the type of training necessary to assure
21 compliance with statutes and rules of the commission and the
22 State Board of Education and with those of other state or
23 federal agencies in relation to the responsibilities of the
24 respective positions.

25 (3) The commission shall adopt general qualifications
26 for each of the respective positions and establish guidelines
27 for the minimum amount and type of continuing education and
28 training to be required. The continuing education and training
29 may be provided by the commission, appropriate state or
30 federal agencies, or professional organizations familiar with
31 the requirements of the particular administrative positions.

1 The actual curricula should be left to the discretion of those
2 agencies and organizations.

3 (4) Evidence of the administrator's and faculty
4 member's compliance with the continuing education and training
5 requirements established by the commission may be included in
6 the initial and renewal application forms provided by the
7 commission. Actual records of the continuing education and
8 training received by administrators and faculty shall be
9 maintained at the institution and available for inspection at
10 all times.

11 (5) Qualifications of administrators and faculty in
12 their respective fields, as well as continuing education and
13 training, may be established by the commission as a condition
14 of an application for licensure by a new institution or for
15 renewal of a license.

16 Section 264. Chapter 1006, Florida Statutes, shall be
17 entitled "Support for Learning" and shall consist of ss.
18 1006.02-1006.71.

19 Section 265. Part I of chapter 1006, Florida Statutes,
20 shall be entitled "Public K-12 Education Support for Learning
21 and Student Services" and shall consist of ss.
22 1006.02-1006.27.

23 Section 266. Part I.a. of chapter 1006, Florida
24 Statutes, shall be entitled "Learning Services Generally" and
25 shall consist of ss. 1006.02-1006.04.

26 Section 267. Section 1006.02, Florida Statutes, is
27 created to read:

28 1006.02 Provision of information to students and
29 parents regarding school-to-work transition.--

30 (1) All public K-12 schools shall document the manner
31 in which they have prepared students to enter the workforce,

1 including information regarding the provision of accurate,
 2 timely career and curricular counseling to students. This
 3 information shall include a delineation of available career
 4 opportunities, educational requirements associated with each
 5 career, educational institutions that prepare students to
 6 enter each career, and student financial aid available to
 7 enable students to pursue any postsecondary instruction
 8 required to enter that career. This information shall also
 9 delineate school procedures for identifying individual student
 10 interests and aptitudes which enable students to make informed
 11 decisions about the curriculum that best addresses their
 12 individual interests and aptitudes while preparing them to
 13 enroll in postsecondary education and enter the workforce.
 14 This information shall include recommended high school
 15 coursework that prepares students for success in college-level
 16 work. The information shall be made known to parents and
 17 students annually through inclusion in the school's handbook,
 18 manual, or similar documents or other communications regularly
 19 provided to parents and students.

20 (2) The information required by this section shall
 21 delineate the availability of applied instruction that uses
 22 concrete, real-world examples to elicit demonstrated student
 23 competence comparable to the student performance standards
 24 delineated for corresponding traditional college-preparatory
 25 courses, and shall also delineate the support services
 26 available for students who need assistance to successfully
 27 complete instruction necessary to enroll in postsecondary
 28 education or enter the workforce.

29 (3) The information required by this section shall
 30 delineate the availability of instruction that enables
 31 students to acquire the technical skills associated with

1 specific clusters of occupations as well as employability
2 skills that apply to most occupations, and shall describe and
3 identify the availability of workplace-based learning
4 experiences. Any school that conducts secondary career
5 education programs shall identify any agreements through which
6 each program articulates into corresponding postsecondary
7 programs.

8 (4) Prior to each student's graduation from high
9 school, the school shall assess the student's preparation to
10 enter the workforce, in accordance with the commissioner's
11 identification of the employability skills associated with
12 successful entry into the workforce, and shall provide the
13 student and the student's parent or guardian with the results
14 of this assessment.

15 Section 268. Section 1006.03, Florida Statutes, is
16 created to read:

17 1006.03 Diagnostic and learning resource centers.--

18 (1) The department shall maintain regional diagnostic
19 and learning resource centers for exceptional students, to
20 assist in the provision of medical, physiological,
21 psychological, and educational testing and other services
22 designed to evaluate and diagnose exceptionalities, to make
23 referrals for necessary instruction and services, and to
24 facilitate the provision of instruction and services to
25 exceptional students. The department shall cooperate with the
26 Department of Children and Family Services in identifying
27 service needs and areas.

28 (2) Within its identified service area, each regional
29 center shall:

30 (a) Provide assistance to parents, teachers, and other
31 school personnel and community organizations in locating and

1 identifying exceptional children and planning educational
2 programs for them.

3 (b) Assist in the provision of services for
4 exceptional children, using to the maximum, but not
5 supplanting, the existing facilities and services of each
6 district.

7 (c) Provide orientation meetings at least annually for
8 teachers, principals, supervisors, and community agencies to
9 familiarize them with center facilities and services for
10 exceptional children.

11 (d) Plan, coordinate, and assist in the implementation
12 of inservice training programs, consistent with each
13 district's program of staff development, for the development
14 and updating of attitudes, skills, and instructional practices
15 and procedures necessary to the education of exceptional
16 children.

17 (e) Assist districts in the identification, selection,
18 acquisition, use, and evaluation of media and materials
19 appropriate to the implementation of instructional programs
20 based on individual educational plans for exceptional
21 children.

22 (f) Provide for the dissemination and diffusion of
23 significant information and promising practices derived from
24 educational research, demonstration, and other projects.

25 (g) Assist in the delivery, modification, and
26 integration of instructional technology, including
27 microcomputer applications and adaptive and assistive devices,
28 appropriate to the unique needs of exceptional students.

29 (3) Diagnostic and resource centers may provide
30 testing and evaluation services to private school students and
31 other children who are not enrolled in public schools.

1 (4) Diagnostic and learning resource centers may
2 assist districts in providing testing and evaluation services
3 for infants and preschool children with or at risk of
4 developing disabilities, and may assist districts in providing
5 interdisciplinary training and resources to parents of infants
6 and preschool children with or at risk of developing
7 disabilities and to school readiness programs.

8 Section 269. Section 1006.035, Florida Statutes, is
9 created to read:

10 1006.035 Dropout reentry and mentor project.--

11 (1) There is created a dropout reentry and mentor
12 project to be coordinated on a pilot basis by the Florida
13 Agricultural and Mechanical University National Alumni
14 Association and implemented in Tallahassee, Jacksonville,
15 Daytona Beach, and Miami.

16 (2) The project shall identify 15 black students in
17 each location who have dropped out of high school but were not
18 encountering academic difficulty when they left school.
19 Students chosen to participate may not have a high school
20 diploma, be enrolled in an adult general education program
21 which includes a GED program or an adult high school, or be
22 enrolled in a technical school. Students may be employed but
23 must be able to adjust their work schedules to accommodate
24 classes and project sessions. Priority must be given to
25 students who have dropped out of school within the last 3
26 years.

27 (3) In identifying participants, the following factors
28 must be considered:

29 (a) The student's performance in school before
30 dropping out.

31

1 (b) The student's performance on aptitude and
2 achievement tests.

3 (c) The student's desire to reenter school.

4 (4) In each of the four locations, the project shall
5 identify 15 high-achieving minority students to serve as
6 one-on-one mentors to the students who are being reentered in
7 school. An alumnus of Bethune-Cookman College, Florida
8 Memorial College, Edward Waters College, or Florida
9 Agricultural and Mechanical University shall be assigned to
10 each pair of students. Student mentors and alumni must serve
11 as role models and resource people for the students who are
12 being reentered in school.

13 (5) Selected project participants shall be evaluated
14 and enrolled in a GED program, regular high school, technical
15 school, or alternative school. In conjunction with school
16 guidance personnel, project staff shall design a supplemental
17 program to reinforce basic skills, provide additional
18 counseling, and offer tutorial assistance. Weekly, project
19 staff shall monitor students' attendance, performance,
20 homework, and attitude toward school.

21 (6) The project shall use tests to identify students'
22 interests and academic weaknesses. Based on the test results,
23 an individualized study program shall be developed for each
24 reentry student.

25 (7) The 15 alumni at each location must meet with
26 their assigned reentry students and high achievers, together,
27 at least once per week. All reentry students must meet as a
28 group at least once per week for structured, organized
29 activities that include instruction in test-taking skills,
30 positive attitude, coping, study habits, budgeting time,
31

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 270. 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 271. 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 272. 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

1 (d) The Legislature shall provide sufficient funds in
2 the General Appropriations Act to reimburse participating
3 school districts for the difference between the average
4 federal reimbursement for free and reduced price breakfasts
5 and the average statewide cost for breakfasts.

6 Section 273. Section 1006.0605, Florida Statutes, is
7 created to read:

8 1006.0605 Students' summer nutrition.--

9 (1) Each district school superintendent shall report
10 to the department any activity or initiative that provides
11 access to a food service program during school vacation
12 periods of over 2 weeks to students who are eligible for free
13 or reduced-price meals. The report shall include any
14 developed or implemented plans for how the school district
15 will sponsor, host, or vend the federal Summer Food Service
16 Program.

17 (2) The district school superintendent shall submit
18 the report to the department by February 1, 2004. Prior to
19 submitting the report to the department, the district school
20 superintendent shall report this information to the district
21 school board.

22 (3) By March 1, 2004, the department shall submit to
23 the President of the Senate, the Speaker of the House of
24 Representatives, the chairs of the education committees in the
25 Senate and the House of Representatives, and the State Board
26 of Education a report compiling the school district
27 information.

28 Section 274. Section 1006.061, Florida Statutes, is
29 created to read:

30 1006.061 Child abuse, abandonment, and neglect
31 policy.--Each district school board shall:

1 (1) Post in a prominent place in each school a notice
2 that, pursuant to chapter 39, all employees and agents of the
3 district school board have an affirmative duty to report all
4 actual or suspected cases of child abuse, abandonment, or
5 neglect; have immunity from liability if they report such
6 cases in good faith; and have a duty to comply with child
7 protective investigations and all other provisions of law
8 relating to child abuse, abandonment, and neglect. The notice
9 shall also include the statewide toll-free telephone number of
10 the central abuse hotline.

11 (2) Require the district school superintendent, or the
12 superintendent's designee, at the request of the Department of
13 Children and Family Services, to act as a liaison to the
14 Department of Children and Family Services and the child
15 protection team, as defined in s. 39.01, when in a case of
16 suspected child abuse, abandonment, or neglect or an unlawful
17 sexual offense involving a child the case is referred to such
18 a team; except that this does not relieve or restrict the
19 Department of Children and Family Services from discharging
20 its duty and responsibility under the law to investigate and
21 report every suspected or actual case of child abuse,
22 abandonment, or neglect or unlawful sexual offense involving a
23 child.

24 Section 275. Section 1006.062, Florida Statutes, is
25 created to read:

26 1006.062 Administration of medication and provision of
27 medical services by district school board personnel.--

28 (1) Notwithstanding the provisions of the Nurse
29 Practice Act, part I of chapter 464, district school board
30 personnel may assist students in the administration of
31

1 prescription medication when the following conditions have
2 been met:

3 (a) Each district school board shall include in its
4 approved school health services plan a procedure to provide
5 training, by a registered nurse, a licensed practical nurse, a
6 physician licensed pursuant to chapter 458 or chapter 459, or
7 a physician assistant licensed pursuant to chapter 458 or
8 chapter 459, to the school personnel designated by the school
9 principal to assist students in the administration of
10 prescribed medication. Such training may be provided in
11 collaboration with other school districts, through contract
12 with an education consortium, or by any other arrangement
13 consistent with the intent of this subsection.

14 (b) Each district school board shall adopt policies
15 and procedures governing the administration of prescription
16 medication by district school board personnel. The policies
17 and procedures shall include, but not be limited to, the
18 following provisions:

19 1. For each prescribed medication, the student's
20 parent shall provide to the school principal a written
21 statement which grants to the school principal or the
22 principal's designee permission to assist in the
23 administration of such medication and which explains the
24 necessity for the medication to be provided during the school
25 day, including any occasion when the student is away from
26 school property on official school business. The school
27 principal or the principal's trained designee shall assist the
28 student in the administration of the medication.

29 2. Each prescribed medication to be administered by
30 district school board personnel shall be received, counted,
31 and stored in its original container. When the medication is

1 not in use, it shall be stored in its original container in a
2 secure fashion under lock and key in a location designated by
3 the school principal.

4 (2) There shall be no liability for civil damages as a
5 result of the administration of the medication when the person
6 administering the medication acts as an ordinarily reasonably
7 prudent person would have acted under the same or similar
8 circumstances.

9 (3) Nonmedical district school board personnel shall
10 not be allowed to perform invasive medical services that
11 require special medical knowledge, nursing judgment, and
12 nursing assessment, including, but not limited to:

13 (a) Sterile catheterization.

14 (b) Nasogastric tube feeding.

15 (c) Cleaning and maintaining a tracheostomy and deep
16 suctioning of a tracheostomy.

17 (4) Nonmedical assistive personnel shall be allowed to
18 perform health-related services upon successful completion of
19 child-specific training by a registered nurse or advanced
20 registered nurse practitioner licensed under chapter 464, a
21 physician licensed pursuant to chapter 458 or chapter 459, or
22 a physician assistant licensed pursuant to chapter 458 or
23 chapter 459. All procedures shall be monitored periodically
24 by a nurse, advanced registered nurse practitioner, physician
25 assistant, or physician, including, but not limited to:

26 (a) Intermittent clean catheterization.

27 (b) Gastrostomy tube feeding.

28 (c) Monitoring blood glucose.

29 (d) Administering emergency injectable medication.

30 (5) For all other invasive medical services not listed
31 in this subsection, a registered nurse or advanced registered

1 nurse practitioner licensed under chapter 464, a physician
2 licensed pursuant to chapter 458 or chapter 459, or a
3 physician assistant licensed pursuant to chapter 458 or
4 chapter 459 shall determine if nonmedical district school
5 board personnel shall be allowed to perform such service.

6 (6) Each district school board shall establish
7 emergency procedures in accordance with s. 381.0056(5) for
8 life-threatening emergencies.

9 (7) District school board personnel shall not refer
10 students to or offer students at school facilities
11 contraceptive services without the consent of a parent or
12 legal guardian. To the extent that this paragraph conflicts
13 with any provision of chapter 381, the provisions of chapter
14 381 control.

15 Section 276. Section 1006.063, Florida Statutes, is
16 created to read:

17 1006.063 Eye-protective devices required in certain
18 laboratory courses.--

19 (1) Eye-protective devices shall be worn by students,
20 teachers, and visitors in courses including, but not limited
21 to, chemistry, physics, or chemical-physical laboratories, at
22 any time at which the individual is engaged in or observing an
23 activity or the use of hazardous substances likely to cause
24 injury to the eyes. Activity or the use of hazardous
25 substances likely to cause injury to the eye includes:

26 (a) Heat treatment; tempering or kiln firing of any
27 metal or other materials;

28 (b) Working with caustic or explosive materials; or

29 (c) Working with hot liquids or solids, including
30 chemicals which are flammable, caustic, toxic, or irritating.

31

1 (2) District school boards shall furnish plano safety
2 glasses or devices for students, may provide such glasses to
3 teachers, and shall furnish such equipment for all visitors to
4 such classrooms or laboratories, or may purchase such plano
5 safety glasses or devices in large quantities and sell them at
6 cost to students and teachers, but shall not purchase,
7 furnish, or dispense prescription glasses or lenses.

8 Section 277. Part I.c. of chapter 1006, Florida
9 Statutes, shall be entitled "Student Discipline and School
10 Safety" and shall consist of ss. 1006.07-1006.145.

11 Section 278. Section 1006.07, Florida Statutes, is
12 created to read:

13 1006.07 District school board duties relating to
14 student discipline and school safety.--The district school
15 board shall provide for the proper accounting for all
16 students, for the attendance and control of students at
17 school, and for proper attention to health, safety, and other
18 matters relating to the welfare of students, including:

19 (1) CONTROL OF STUDENTS.--

20 (a) Adopt rules for the control, discipline, in-school
21 suspension, suspension, and expulsion of students and decide
22 all cases recommended for expulsion. Suspension hearings are
23 exempted from the provisions of chapter 120. Expulsion
24 hearings shall be governed by ss. 120.569 and 120.57(2) and
25 are exempt from s. 286.011. However, the student's parent must
26 be given notice of the provisions of s. 286.011 and may elect
27 to have the hearing held in compliance with that section. The
28 district school board may prohibit the use of corporal
29 punishment, if the district school board adopts or has adopted
30 a written program of alternative control or discipline.

1 (b) Require each student at the time of initial
2 registration for school in the school district to note
3 previous school expulsions, arrests resulting in a charge, and
4 juvenile justice actions the student has had, and have the
5 authority as the district school board of a receiving school
6 district to honor the final order of expulsion or dismissal of
7 a student by any in-state or out-of-state public district
8 school board or private school, or lab school, for an act
9 which would have been grounds for expulsion according to the
10 receiving district school board's code of student conduct, in
11 accordance with the following procedures:

12 1. A final order of expulsion shall be recorded in the
13 records of the receiving school district.

14 2. The expelled student applying for admission to the
15 receiving school district shall be advised of the final order
16 of expulsion.

17 3. The district school superintendent of the receiving
18 school district may recommend to the district school board
19 that the final order of expulsion be waived and the student be
20 admitted to the school district, or that the final order of
21 expulsion be honored and the student not be admitted to the
22 school district. If the student is admitted by the district
23 school board, with or without the recommendation of the
24 district school superintendent, the student may be placed in
25 an appropriate educational program at the direction of the
26 district school board.

27 (2) CODE OF STUDENT CONDUCT.--Adopt a code of student
28 conduct for elementary schools and a code of student conduct
29 for middle and high schools and distribute the appropriate
30 code to all teachers, school personnel, students, and parents,
31 at the beginning of every school year. Each code shall be

1 organized and written in language that is understandable to
2 students and parents and shall be discussed at the beginning
3 of every school year in student classes, school advisory
4 council meetings, and parent and teacher association or
5 organization meetings. Each code shall be based on the rules
6 governing student conduct and discipline adopted by the
7 district school board and shall be made available in the
8 student handbook or similar publication. Each code shall
9 include, but is not limited to:

10 (a) Consistent policies and specific grounds for
11 disciplinary action, including in-school suspension,
12 out-of-school suspension, expulsion, and any disciplinary
13 action that may be imposed for the possession or use of
14 alcohol on school property or while attending a school
15 function or for the illegal use, sale, or possession of
16 controlled substances as defined in chapter 893.

17 (b) Procedures to be followed for acts requiring
18 discipline, including corporal punishment.

19 (c) An explanation of the responsibilities and rights
20 of students with regard to attendance, respect for persons and
21 property, knowledge and observation of rules of conduct, the
22 right to learn, free speech and student publications,
23 assembly, privacy, and participation in school programs and
24 activities.

25 (d) Notice that illegal use, possession, or sale of
26 controlled substances, as defined in chapter 893, or
27 possession of electronic telephone pagers, by any student
28 while the student is upon school property or in attendance at
29 a school function is grounds for disciplinary action by the
30 school and may also result in criminal penalties being
31 imposed.

1 (e) Notice that the possession of a firearm or weapon
2 ad defined in chapter 790 by any student while the student is
3 on school property or in attendance at a school function is
4 grounds for disciplinary action and may also result in
5 criminal prosecution.

6 (f) Notice that violence against any district school
7 board personnel by a student is grounds for in-school
8 suspension, out-of-school suspension, expulsion, or imposition
9 of other disciplinary action by the school and may also result
10 in criminal penalties being imposed.

11 (g) Notice that violation of district school board
12 transportation policies, including disruptive behavior on a
13 school bus or at a school bus stop, by a student is grounds
14 for suspension of the student's privilege of riding on a
15 school bus and may be grounds for disciplinary action by the
16 school and may also result in criminal penalties being
17 imposed.

18 (h) Notice that violation of the district school
19 board's sexual harassment policy by a student is grounds for
20 in-school suspension, out-of-school suspension, expulsion, or
21 imposition of other disciplinary action by the school and may
22 also result in criminal penalties being imposed.

23 (i) Policies to be followed for the assignment of
24 violent or disruptive students to an alternative educational
25 program.

26 (j) Notice that any student who is determined to have
27 brought a firearm or weapon, as defined in chapter 790, to
28 school, to any school function, or onto any school-sponsored
29 transportation will be expelled, with or without continuing
30 educational services, from the student's regular school for a
31 period of not less than 1 full year and referred to the

1 criminal justice or juvenile justice system; provided,
 2 however, that nothing herein shall require the district school
 3 board to apply such requirements to a firearm or weapon that
 4 is lawfully stored in a locked vehicle on school property, or
 5 for activities approved and authorized by the district school
 6 board when the board has adopted appropriate safeguards to
 7 ensure student safety. District school boards may assign the
 8 student to a disciplinary program or second chance school for
 9 the purpose of continuing educational services during the
 10 period of expulsion. District school superintendents may
 11 consider the 1-year expulsion requirement on a case-by-case
 12 basis and request the district school board to modify the
 13 requirement by assigning the student to a disciplinary program
 14 or second chance school if it is determined to be in the best
 15 interest of the student and the school system.

16 (k) Notice that any student who is determined to have
 17 made a threat or false report, as defined by ss. 790.162 and
 18 790.163, respectively, involving school or school personnel's
 19 property, school transportation, or a school-sponsored
 20 activity will be expelled, with or without continuing
 21 educational services, from the student's regular school for a
 22 period of not less than 1 full year and referred for criminal
 23 prosecution. District school boards may assign the student to
 24 a disciplinary program or second chance school for the purpose
 25 of continuing educational services during the period of
 26 expulsion. District school superintendents may consider the
 27 1-year expulsion requirement on a case-by-case basis and
 28 request the district school board to modify the requirement by
 29 assigning the student to a disciplinary program or second
 30 chance school if it is determined to be in the best interest
 31 of the student and the school system.

1 (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the
2 district school board, implement a student crime watch program
3 to promote responsibility among students and to assist in the
4 control of criminal behavior within the schools.

5 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--

6 (a) Formulate and prescribe policies and procedures
7 for emergency drills and for actual emergencies, including,
8 but not limited to, fires, natural disasters, and bomb
9 threats, for all the public schools of the district which
10 comprise grades K-12. District school board policies shall
11 include commonly used alarm system responses for specific
12 types of emergencies and verification by each school that
13 drills have been provided as required by law and fire
14 protection codes.

15 (b) The district school board shall establish model
16 emergency management and emergency preparedness procedures for
17 the following life-threatening emergencies:

18 1. Weapon-use and hostage situations.

19 2. Hazardous materials or toxic chemical spills.

20 3. Weather emergencies, including hurricanes,
21 tornadoes, and severe storms.

22 4. Exposure as a result of a manmade emergency.

23 (5) EDUCATIONAL SERVICES IN DETENTION
24 FACILITIES.--Offer educational services to minors who have not
25 graduated from high school and eligible students with
26 disabilities under the age of 22 who have not graduated with a
27 standard diploma or its equivalent who are detained in a
28 county or municipal detention facility as defined in s.
29 951.23. These educational services shall be based upon the
30 estimated length of time the student will be in the facility
31 and the student's current level of functioning. District

1 school superintendents or their designees shall be notified by
2 the county sheriff or chief correctional officer, or his or
3 her designee, upon the assignment of a student under the age
4 of 21 to the facility. A cooperative agreement with the
5 district school board and applicable law enforcement units
6 shall be developed to address the notification requirement and
7 the provision of educational services to these students.

8 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the
9 Safety and Security Best Practices developed by the Office of
10 Program Policy Analysis and Government Accountability to
11 conduct a self-assessment of the school districts' current
12 safety and security practices. Based on these self-assessment
13 findings, the district school superintendent shall provide
14 recommendations to the district school board which identify
15 strategies and activities that the district school board
16 should implement in order to improve school safety and
17 security. Annually each district school board must receive the
18 self-assessment results at a publicly noticed district school
19 board meeting to provide the public an opportunity to hear the
20 district school board members discuss and take action on the
21 report findings. Each district school superintendent shall
22 report the self-assessment results and school board action to
23 the commissioner within 30 days after the district school
24 board meeting.

25 Section 279. Section 1006.08, Florida Statutes, is
26 created to read:

27 1006.08 District school superintendent duties relating
28 to student discipline and school safety.--

29 (1) The district school superintendent shall recommend
30 plans to the district school board for the proper accounting
31 for all students of school age, for the attendance and control

1 of students at school, for the proper attention to health,
 2 safety, and other matters which will best promote the welfare
 3 of students. When the district school superintendent makes a
 4 recommendation for expulsion to the district school board, he
 5 or she shall give written notice to the student and the
 6 student's parent of the recommendation, setting forth the
 7 charges against the student and advising the student and his
 8 or her parent of the student's right to due process as
 9 prescribed by ss. 120.569 and 120.57(2). When district school
 10 board action on a recommendation for the expulsion of a
 11 student is pending, the district school superintendent may
 12 extend the suspension assigned by the principal beyond 10
 13 school days if such suspension period expires before the next
 14 regular or special meeting of the district school board.

15 (2) Notwithstanding the provisions of s. 985.04(4) or
 16 any other provision of law to the contrary, the court shall,
 17 within 48 hours of the finding, notify the appropriate
 18 district school superintendent of the name and address of any
 19 student found to have committed a delinquent act, or who has
 20 had adjudication of a delinquent act withheld which, if
 21 committed by an adult, would be a felony, or the name and
 22 address of any student found guilty of a felony. Notification
 23 shall include the specific delinquent act found to have been
 24 committed or for which adjudication was withheld, or the
 25 specific felony for which the student was found guilty.

26 (3) Except to the extent necessary to protect the
 27 health, safety, and welfare of other students, the information
 28 obtained by the district school superintendent pursuant to
 29 this section may be released only to appropriate school
 30 personnel or as otherwise provided by law.

31

1 Section 280. Section 1006.09, Florida Statutes, is
2 created to read:

3 1006.09 Duties of school principal relating to student
4 discipline and school safety.--

5 (1)(a) Subject to law and to the rules of the State
6 Board of Education and the district school board, the
7 principal in charge of the school or the principal's designee
8 shall develop policies for delegating to any teacher or other
9 member of the instructional staff or to any bus driver
10 transporting students of the school responsibility for the
11 control and direction of students. The principal or the
12 principal's designee shall consider the recommendation for
13 discipline made by a teacher, other member of the
14 instructional staff, or a bus driver when making a decision
15 regarding student referral for discipline.

16 (b) The principal or the principal's designee may
17 suspend a student only in accordance with the rules of the
18 district school board. The principal or the principal's
19 designee shall make a good faith effort to immediately inform
20 a student's parent by telephone of a student's suspension and
21 the reasons for the suspension. Each suspension and the
22 reasons for the suspension shall be reported in writing within
23 24 hours to the student's parent by United States mail. Each
24 suspension and the reasons for the suspension shall also be
25 reported in writing within 24 hours to the district school
26 superintendent. A good faith effort shall be made by the
27 principal or the principal's designee to employ parental
28 assistance or other alternative measures prior to suspension,
29 except in the case of emergency or disruptive conditions which
30 require immediate suspension or in the case of a serious
31 breach of conduct as defined by rules of the district school

1 board. Such rules shall require oral and written notice to the
2 student of the charges and an explanation of the evidence
3 against him or her prior to the suspension. Each student shall
4 be given an opportunity to present his or her side of the
5 story. No student shall be suspended for unexcused tardiness,
6 lateness, absence, or truancy. The principal or the
7 principal's designee may suspend any student transported to or
8 from school at public expense from the privilege of riding on
9 a school bus for violation of district school board
10 transportation policies, which shall include a policy
11 regarding behavior at school bus stops, and the principal or
12 the principal's designee shall give notice in writing to the
13 student's parent and to the district school superintendent
14 within 24 hours. School personnel shall not be held legally
15 responsible for suspensions of students made in good faith.

16 (c) The principal or the principal's designee may
17 recommend to the district school superintendent the expulsion
18 of any student who has committed a serious breach of conduct,
19 including, but not limited to, willful disobedience, open
20 defiance of authority of a member of his or her staff,
21 violence against persons or property, or any other act which
22 substantially disrupts the orderly conduct of the school. A
23 recommendation of expulsion or assignment to a second chance
24 school may also be made for any student found to have
25 intentionally made false accusations that jeopardize the
26 professional reputation, employment, or professional
27 certification of a teacher or other member of the school
28 staff, according to the district school board code of student
29 conduct. Any recommendation of expulsion shall include a
30 detailed report by the principal or the principal's designated

31

1 representative on the alternative measures taken prior to the
2 recommendation of expulsion.

3 (d) The principal or the principal's designee shall
4 include an analysis of suspensions and expulsions in the
5 annual report of school progress.

6 (2) Suspension proceedings, pursuant to rules of the
7 State Board of Education, may be initiated against any
8 enrolled student who is formally charged with a felony, or
9 with a delinquent act which would be a felony if committed by
10 an adult, by a proper prosecuting attorney for an incident
11 which allegedly occurred on property other than public school
12 property, if that incident is shown, in an administrative
13 hearing with notice provided to the parents of the student by
14 the principal of the school pursuant to rules adopted by the
15 State Board of Education and to rules developed pursuant to s.
16 1001.54, to have an adverse impact on the educational program,
17 discipline, or welfare in the school in which the student is
18 enrolled. Any student who is suspended as the result of such
19 proceedings may be suspended from all classes of instruction
20 on public school grounds during regular classroom hours for a
21 period of time, which may exceed 10 days, as determined by the
22 district school superintendent. The suspension shall not
23 affect the delivery of educational services to the student,
24 and the student shall be immediately enrolled in a daytime
25 alternative education program, or an evening alternative
26 education program, where appropriate. If the court determines
27 that the student did commit the felony or delinquent act which
28 would have been a felony if committed by an adult, the
29 district school board may expel the student, provided that
30 expulsion under this subsection shall not affect the delivery
31 of educational services to the student in any residential,

1 nonresidential, alternative, daytime, or evening program
2 outside of the regular school setting. Any student who is
3 subject to discipline or expulsion for unlawful possession or
4 use of any substance controlled under chapter 893 may be
5 entitled to a waiver of the discipline or expulsion:

6 (a) If the student divulges information leading to the
7 arrest and conviction of the person who supplied the
8 controlled substance to him or her, or if the student
9 voluntarily discloses his or her unlawful possession of the
10 controlled substance prior to his or her arrest. Any
11 information divulged which leads to arrest and conviction is
12 not admissible in evidence in a subsequent criminal trial
13 against the student divulging the information.

14 (b) If the student commits himself or herself, or is
15 referred by the court in lieu of sentence, to a state-licensed
16 drug abuse program and successfully completes the program.

17 (3) A student may be disciplined or expelled for
18 unlawful possession or use of any substance controlled under
19 chapter 893 upon the third violation of this provision.

20 (4) When a student has been the victim of a violent
21 crime perpetrated by another student who attends the same
22 school, the school principal shall make full and effective use
23 of the provisions of ss. 1006.09(2) and 1006.13(5). A school
24 principal who fails to comply with this subsection shall be
25 ineligible for any portion of the performance pay policy
26 incentive under s. 1012.22(1)(c). However, if any party
27 responsible for notification fails to properly notify the
28 school, the school principal shall be eligible for the
29 incentive.

1 (5) Any recommendation for the suspension or expulsion
2 of a student with a disability must be made in accordance with
3 rules adopted by the State Board of Education.

4 (6) Each school principal must ensure that
5 standardized forms prescribed by rule of the State Board of
6 Education are used to report data concerning school safety and
7 discipline to the department. The school principal must
8 develop a plan to verify the accuracy of reported incidents.

9 (7) The State Board of Education shall adopt by rule a
10 standardized form to be used by each school principal to
11 report data concerning school safety and discipline.

12 (8) The school principal shall require all school
13 personnel to report to the principal or principal's designee
14 any suspected unlawful use, possession, or sale by a student
15 of any controlled substance, as defined in s. 893.02; any
16 counterfeit controlled substance, as defined in s. 831.31; any
17 alcoholic beverage, as defined in s. 561.01(4); or model glue.
18 School personnel are exempt from civil liability when
19 reporting in good faith to the proper school authority such
20 suspected unlawful use, possession, or sale by a student.
21 Only a principal or principal's designee is authorized to
22 contact a parent or legal guardian of a student regarding this
23 situation. Reports made and verified under this subsection
24 shall be forwarded to an appropriate agency. The principal or
25 principal's designee shall timely notify the student's parent
26 that a verified report made under this subsection with respect
27 to the student has been made and forwarded.

28 (9) A school principal or a school employee designated
29 by the principal, if she or he has reasonable suspicion that a
30 prohibited or illegally possessed substance or object is
31 contained within a student's locker or other storage area, may

1 search the locker or storage area. The district school board
2 shall require and each school principal shall cause to be
3 posted in each public K-12 school, in a place readily seen by
4 students, a notice stating that a student's locker or other
5 storage area is subject to search, upon reasonable suspicion,
6 for prohibited or illegally possessed substances or objects.
7 This subsection does not prohibit the use of metal detectors
8 or specially trained animals in the course of a search for
9 illegally possessed substances or objects.

10 Section 281. Section 1006.10, Florida Statutes, is
11 created to read:

12 1006.10 Authority of school bus drivers and district
13 school boards relating to student discipline and student
14 safety on school buses.--

15 (1) The school bus driver shall require order and good
16 behavior by all students being transported on school buses.

17 (2) The district school board shall require a system
18 of progressive discipline of transported students for actions
19 which are prohibited by the code of student conduct.

20 Disciplinary actions, including suspension of students from
21 riding on district school board owned or contracted school
22 buses, shall be subject to district school board policies and
23 procedures and may be imposed by the principal or the
24 principal's designee. The principal or the principal's
25 designee may delegate any disciplinary authority to school bus
26 drivers except for suspension of students from riding the bus.

27 (3) The school bus driver shall control students
28 during the time students are on the school bus, but shall not
29 have such authority when students are waiting at the school
30 bus stop or when students are en route to or from the school
31 bus stop except when the bus is present at the bus stop.

1 (4) If an emergency should develop due to the conduct
2 of students on the bus, the school bus driver may take such
3 steps as are immediately necessary to protect the students on
4 the bus.

5 (5) School bus drivers shall not be required to
6 operate a bus under conditions in which one or more students
7 pose a clear and present danger to the safety of the driver or
8 other students, or the safety of the bus while in operation.

9 The district school board shall have measures in place
10 designed to protect the school bus driver from threats or
11 physical injury from students.

12 (6) District school boards may use transportation,
13 school safety, or FEFP funds to provide added security for
14 buses transporting disruptive or delinquent students to and
15 from school or other educational activities.

16 (7) In the case of a student having engaged in violent
17 or blatantly unsafe actions while riding the school bus, the
18 district school board shall take corrective measures to
19 ensure, to the extent feasible, that such actions are not
20 repeated prior to reassigning the student to the bus.

21 Section 282. Section 1006.11, Florida Statutes, is
22 created to read:

23 1006.11 Standards for use of reasonable force.--

24 (1) The State Board of Education shall adopt standards
25 for the use of reasonable force by district school board
26 personnel to maintain a safe and orderly learning environment.
27 Such standards shall be distributed to each school in the
28 state and shall provide guidance to district school board
29 personnel in receiving the limitations on liability specified
30 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 283. 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

1 regular instructional program of the school shall be under the
2 direction of the school principal.

3 (2)(a) School safety officers shall be law enforcement
4 officers, as defined in s. 943.10(1), certified under the
5 provisions of chapter 943 and employed by either a law
6 enforcement agency or by the district school board. If the
7 officer is employed by the district school board, the district
8 school board is the employing agency for purposes of chapter
9 943, and must comply with the provisions of that chapter.

10 (b) A district school board may commission one or more
11 school safety officers for the protection and safety of school
12 personnel, property, and students within the school district.
13 The district school superintendent may recommend and the
14 district school board may appoint one or more school safety
15 officers.

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

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

28 Section 284. Section 1006.13, Florida Statutes, is
29 created to read:

30 1006.13 Policy of zero tolerance for crime and
31 victimization.--

1 (1) Each district school board shall adopt a policy of
2 zero tolerance for:

3 (a) Crime and substance abuse, including the reporting
4 of delinquent acts and crimes occurring whenever and wherever
5 students are under the jurisdiction of the district school
6 board.

7 (b) Victimization of students, including taking all
8 steps necessary to protect the victim of any violent crime
9 from any further victimization.

10 (2) The zero tolerance policy shall require students
11 found to have committed one of the following offenses to be
12 expelled, with or without continuing educational services,
13 from the student's regular school for a period of not less
14 than 1 full year, and to be referred to the criminal justice
15 or juvenile justice system.

16 (a) Bringing a firearm or weapon, as defined in
17 chapter 790, to school, to any school function, or onto any
18 school-sponsored transportation; provided, however, that
19 nothing herein shall require the district school board to
20 apply such requirements to a firearm or weapon that is
21 lawfully stored in a locked vehicle on school property, or for
22 activities approved and authorized by the district school
23 board when the board has adopted appropriate safeguards to
24 ensure student safety.

25 (b) Making a threat or false report, as defined by ss.
26 790.162 and 790.163, respectively, involving school or school
27 personnel's property, school transportation, or a
28 school-sponsored activity.

29
30 District school boards may assign the student to a
31 disciplinary program for the purpose of continuing educational

1 services during the period of expulsion. District school
 2 superintendents may consider the 1-year expulsion requirement
 3 on a case-by-case basis and request the district school board
 4 to modify the requirement by assigning the student to a
 5 disciplinary program or second chance school if it is
 6 determined to be in the best interest of the student and the
 7 school system. If a student committing any of the offenses in
 8 this subsection is a student with a disability, the district
 9 school board shall comply with applicable State Board of
 10 Education rules.

11 (3) Each district school board shall enter into
 12 agreements with the county sheriff's office and local police
 13 department specifying guidelines for ensuring that felonies
 14 and violent misdemeanors, whether committed by a student or
 15 adult, and delinquent acts that would be felonies or violent
 16 misdemeanors if committed by an adult, are reported to law
 17 enforcement. Each district school board shall adopt a
 18 cooperative agreement, pursuant to s. 1003.52(13) with the
 19 Department of Juvenile Justice, that specifies guidelines for
 20 ensuring that all no contact orders entered by the court are
 21 reported and enforced and that all steps necessary are taken
 22 to protect the victim of any such crime. Such agreements shall
 23 include the role of school resource officers, if applicable,
 24 in handling reported incidents, special circumstances in which
 25 school officials may handle incidents without filing a report
 26 to law enforcement, and a procedure for ensuring that school
 27 personnel properly report appropriate delinquent acts and
 28 crimes. The school principal shall be responsible for ensuring
 29 that all school personnel are properly informed as to their
 30 responsibilities regarding crime reporting, that appropriate
 31 delinquent acts and crimes are properly reported, and that

1 actions taken in cases with special circumstances are properly
2 taken and documented.

3 (4) Notwithstanding any other provision of law, each
4 district school board shall adopt rules providing that any
5 student found to have committed a violation of s. 784.081(1),
6 (2), or (3) shall be expelled or placed in an alternative
7 school setting or other program, as appropriate. Upon being
8 charged with the offense, the student shall be removed from
9 the classroom immediately and placed in an alternative school
10 setting pending disposition.

11 (5)(a) Notwithstanding any provision of law
12 prohibiting the disclosure of the identity of a minor,
13 whenever any student who is attending public school is
14 adjudicated guilty of or delinquent for, or is found to have
15 committed, regardless of whether adjudication is withheld, or
16 pleads guilty or nolo contendere to, a felony violation of:

17 1. Chapter 782, relating to homicide;

18 2. Chapter 784, relating to assault, battery, and
19 culpable negligence;

20 3. Chapter 787, relating to kidnapping, false
21 imprisonment, luring or enticing a child, and custody
22 offenses;

23 4. Chapter 794, relating to sexual battery;

24 5. Chapter 800, relating to lewdness and indecent
25 exposure;

26 6. Chapter 827, relating to abuse of children;

27 7. Section 812.13, relating to robbery;

28 8. Section 812.131, relating to robbery by sudden
29 snatching;

30 9. Section 812.133, relating to carjacking; or
31

1 10. Section 812.135, relating to home-invasion
 2 robbery,
 3
 4 and, before or at the time of such adjudication, withholding
 5 of adjudication, or plea, the offender was attending a school
 6 attended by the victim or a sibling of the victim of the
 7 offense, the Department of Juvenile Justice shall notify the
 8 appropriate district school board of the adjudication or plea,
 9 the requirements of this paragraph, and whether the offender
 10 is prohibited from attending that school or riding on a school
 11 bus whenever the victim or a sibling of the victim is
 12 attending the same school or riding on the same school bus,
 13 except as provided pursuant to a written disposition order
 14 under s. 985.23(1)(d). Upon receipt of such notice, the
 15 district school board shall take appropriate action to
 16 effectuate the provisions of paragraph (b).

17 (b) Any offender described in paragraph (a), who is
 18 not exempted as provided in paragraph (a), shall not attend
 19 any school attended by the victim or a sibling of the victim
 20 of the offense or ride on a school bus on which the victim or
 21 a sibling of the victim is riding. The offender shall be
 22 permitted by the district school board to attend another
 23 school within the district in which the offender resides,
 24 provided the other school is not attended by the victim or
 25 sibling of the victim of the offense; or the offender may be
 26 permitted by another district school board to attend a school
 27 in that district if the offender is unable to attend any
 28 school in the district in which the offender resides.

29 (c) If the offender is unable to attend any other
 30 school in the district in which the offender resides and is
 31 prohibited from attending school in another school district,

1 the district school board in the school district in which the
2 offender resides shall take every reasonable precaution to
3 keep the offender separated from the victim while on school
4 grounds or on school transportation. The steps to be taken by
5 a district school board to keep the offender separated from
6 the victim shall include, but are not limited to, in-school
7 suspension of the offender and the scheduling of classes,
8 lunch, or other school activities of the victim and the
9 offender so as not to coincide.

10 (d) The offender, or the parents of the offender if
11 the offender is a juvenile, shall be responsible for arranging
12 and paying for transportation associated with or required by
13 the offender's attending another school or that would be
14 required as a consequence of the prohibition against riding on
15 a school bus on which the victim or a sibling of the victim is
16 riding. However, the offender or the parents of the offender
17 shall not be charged for existing modes of transportation that
18 can be used by the offender at no additional cost to the
19 district school board.

20 Section 285. Section 1006.14, Florida Statutes, is
21 created to read:

22 1006.14 Secret societies prohibited in public K-12
23 schools.--

24 (1) It is unlawful for any person, group, or
25 organization to organize or establish a fraternity, sorority,
26 or other secret society whose membership is comprised in whole
27 or in part of students enrolled in any public K-12 school or
28 to go upon any public K-12 school premises for the purpose of
29 soliciting any students to join such an organization.

30 (2) A secret society shall be interpreted to be a
31 fraternity, sorority, or other organization whose active

1 membership is comprised wholly or partly of students enrolled
 2 in public K-12 schools and which perpetuates itself wholly or
 3 partly by taking in additional members from the students
 4 enrolled in public K-12 schools on the basis of the decision
 5 of its membership rather than on the right of any student who
 6 is qualified by the rules of the school to be a member of and
 7 take part in any class or group exercise designated and
 8 classified according to gender, subjects included in the
 9 course of study, or program of school activities fostered and
 10 promoted by the district school board and district school
 11 superintendent or by school principals.

12 (3) This section shall not be construed to prevent the
 13 establishment of an organization fostered and promoted by
 14 school authorities, or approved and accepted by school
 15 authorities, and whose membership is selected on the basis of
 16 good character, good scholarship, leadership ability, and
 17 achievement. Full information regarding the charter,
 18 principles, purposes, and conduct of any such accepted
 19 organization shall be made available to all students and
 20 instructional personnel of the school.

21 (4) This section shall not be construed to relate to
 22 any junior organization or society sponsored by the Police
 23 Athletic League, Knights of Pythias, Oddfellows, Moose,
 24 Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai
 25 B'rith, Young Men's and Young Women's Hebrew Associations,
 26 Young Men's and Young Women's Christian Associations, Kiwanis,
 27 Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation
 28 of Garden Clubs, and Florida Federation of Women's Clubs.

29 (5) It is unlawful for any student enrolled in any
 30 public K-12 school to be a member of, to join or to become a
 31 member of or to pledge himself or herself to become a member

1 of any secret fraternity, sorority, or group wholly or partly
2 formed from the membership of students attending public K-12
3 schools or to take part in the organization or formation of
4 any such fraternity, sorority, or secret society; provided
5 that this does not prevent any student from belonging to any
6 organization fostered and promoted by the school authorities;
7 or approved and accepted by the school authorities and whose
8 membership is selected on the basis of good character, good
9 scholarship, leadership ability, and achievement.

10 (6) The district school board may enforce the
11 provisions of this section and prescribe and enforce such
12 rules as are necessary. District school boards shall enforce
13 the provisions of this section by suspending or, if necessary,
14 expelling any student in any public K-12 school who violates
15 this section.

16 Section 286. Section 1006.141, Florida Statutes, is
17 created to read:

18 1006.141 Statewide school safety hotline.--

19 (1) The department may contract with the Florida
20 Sheriffs Association to establish and operate a statewide
21 toll-free school safety hotline for the purpose of reporting
22 incidents that affect the safety and well-being of the
23 school's population.

24 (2) The toll-free school safety hotline is to be a
25 conduit for any person to anonymously report activity that
26 affects the safety and well-being of the school's population.

27 (3) There may not be an award or monetary benefit for
28 reporting an incident through the toll-free school safety
29 hotline.

30 (4) The toll-free school safety hotline shall be
31 operated in a manner that ensures that a designated school

1 official is notified of a complaint received through the
2 hotline if the complaint concerns that school. A complaint
3 that concerns an actionable offense must be reported to the
4 designated official within a reasonable time after the
5 complaint is made. An actionable offense is an incident that
6 could directly affect the safety or well-being of a person or
7 property within a school.

8 (5) If a toll-free school safety hotline is
9 established by contract with the Florida Sheriffs Association,
10 the Florida Sheriffs Association shall produce a quarterly
11 report that evaluates the incidents that have been reported to
12 the hotline. This information may be used to evaluate future
13 school safety educational needs and the need for prevention
14 programs as the district school board considers necessary.

15 Section 287. Section 1006.145, Florida Statutes, is
16 created to read:

17 1006.145 Disturbing school functions; penalty.--Any
18 person not subject to the rules of a school who creates a
19 disturbance on the property or grounds of any school, who
20 commits any act that interrupts the orderly conduct of a
21 school or any activity thereof commits a misdemeanor of the
22 second degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 Section 288. Part I.d. of chapter 1006, Florida
25 Statutes, shall be entitled "Student Extracurricular
26 Activities and Athletics" and shall consist of ss.
27 1006.15-1006.20.

28 Section 289. Section 1006.15, Florida Statutes, is
29 created to read:

30
31

1 1006.15 Student standards for participation in
2 interscholastic extracurricular student activities;
3 regulation.--

4 (1) This section may be cited as the "Craig Dickinson
5 Act."

6 (2) Interscholastic extracurricular student activities
7 are an important complement to the academic curriculum.

8 Participation in a comprehensive extracurricular and academic
9 program contributes to student development of the social and
10 intellectual skills necessary to become a well-rounded adult.

11 As used in this section, the term "extracurricular" means any
12 school-authorized or education-related activity occurring
13 during or outside the regular instructional school day.

14 (3)(a) To be eligible to participate in
15 interscholastic extracurricular student activities, a student
16 must:

17 1. Maintain a grade point average of 2.0 or above on a
18 4.0 scale, or its equivalent, in the previous semester or a
19 cumulative grade point average of 2.0 or above on a 4.0 scale,
20 or its equivalent, in the courses required by s. 1003.43(1).

21 2. Execute and fulfill the requirements of an academic
22 performance contract between the student, the district school
23 board, the appropriate governing association, and the
24 student's parents, if the student's cumulative grade point
25 average falls below 2.0, or its equivalent, on a 4.0 scale in
26 the courses required by s. 1003.43(1) or, for students who
27 entered the 9th grade prior to the 1997-1998 school year, if
28 the student's cumulative grade point average falls below 2.0
29 on a 4.0 scale, or its equivalent, in the courses required by
30 s. 1003.43(1) that are taken after July 1, 1997. At a minimum,
31 the contract must require that the student attend summer

1 school, or its graded equivalent, between grades 9 and 10 or
2 grades 10 and 11, as necessary.

3 3. Have a cumulative grade point average of 2.0 or
4 above on a 4.0 scale, or its equivalent, in the courses
5 required by s. 1003.43(1) during his or her junior or senior
6 year.

7 4. Maintain satisfactory conduct and, if a student is
8 convicted of, or is found to have committed, a felony or a
9 delinquent act which would have been a felony if committed by
10 an adult, regardless of whether adjudication is withheld, the
11 student's participation in interscholastic extracurricular
12 activities is contingent upon established and published
13 district school board policy.

14 (b) Any student who is exempt from attending a full
15 school day based on rules adopted by the district school board
16 for double session schools or programs, experimental schools,
17 or schools operating under emergency conditions must maintain
18 the grade point average required by this section and pass each
19 class for which he or she is enrolled.

20 (c) An individual home education student is eligible
21 to participate at the public school to which the student would
22 be assigned according to district school board attendance area
23 policies or which the student could choose to attend pursuant
24 to district or interdistrict controlled open enrollment
25 provisions, or may develop an agreement to participate at a
26 private school, in the interscholastic extracurricular
27 activities of that school, provided the following conditions
28 are met:

29 1. The home education student must meet the
30 requirements of the home education program pursuant to s.
31 1002.41.

1 2. During the period of participation at a school, the
2 home education student must demonstrate educational progress
3 as required in paragraph (3)(b) in all subjects taken in the
4 home education program by a method of evaluation agreed upon
5 by the parent and the school principal which may include:
6 review of the student's work by a certified teacher chosen by
7 the parent; grades earned through correspondence; grades
8 earned in courses taken at a community college, university, or
9 trade school; standardized test scores above the 35th
10 percentile; or any other method designated in s. 1002.41.

11 3. The home education student must meet the same
12 residency requirements as other students in the school at
13 which he or she participates.

14 4. The home education student must meet the same
15 standards of acceptance, behavior, and performance as required
16 of other students in extracurricular activities.

17 5. The student must register with the school his or
18 her intent to participate in interscholastic extracurricular
19 activities as a representative of the school before the
20 beginning date of the season for the activity in which he or
21 she wishes to participate. A home education student must be
22 able to participate in curricular activities if that is a
23 requirement for an extracurricular activity.

24 6. A student who transfers from a home education
25 program to a public school before or during the first grading
26 period of the school year is academically eligible to
27 participate in interscholastic extracurricular activities
28 during the first grading period provided the student has a
29 successful evaluation from the previous school year, pursuant
30 to subparagraph (3)(c)2.

31

1 7. Any public school or private school student who has
2 been unable to maintain academic eligibility for participation
3 in interscholastic extracurricular activities is ineligible to
4 participate in such activities as a home education student
5 until the student has successfully completed one grading
6 period in home education pursuant to subparagraph (3)(c)2. to
7 become eligible to participate as a home education student.

8 (d) An individual charter school student pursuant to
9 s. 1002.33 is eligible to participate at the public school to
10 which the student would be assigned according to district
11 school board attendance area policies or which the student
12 could choose to attend, pursuant to district or interdistrict
13 controlled open-enrollment provisions, in any interscholastic
14 extracurricular activity of that school, unless such activity
15 is provided by the student's charter school, if the following
16 conditions are met:

17 1. The charter school student must meet the
18 requirements of the charter school education program as
19 determined by the charter school governing board.

20 2. During the period of participation at a school, the
21 charter school student must demonstrate educational progress
22 as required in paragraph (b).

23 3. The charter school student must meet the same
24 residency requirements as other students in the school at
25 which he or she participates.

26 4. The charter school student must meet the same
27 standards of acceptance, behavior, and performance that are
28 required of other students in extracurricular activities.

29 5. The charter school student must register with the
30 school his or her intent to participate in interscholastic
31 extracurricular activities as a representative of the school

1 before the beginning date of the season for the activity in
2 which he or she wishes to participate. A charter school
3 student must be able to participate in curricular activities
4 if that is a requirement for an extracurricular activity.

5 6. A student who transfers from a charter school
6 program to a traditional public school before or during the
7 first grading period of the school year is academically
8 eligible to participate in interscholastic extracurricular
9 activities during the first grading period if the student has
10 a successful evaluation from the previous school year,
11 pursuant to subparagraph 2.

12 7. Any public school or private school student who has
13 been unable to maintain academic eligibility for participation
14 in interscholastic extracurricular activities is ineligible to
15 participate in such activities as a charter school student
16 until the student has successfully completed one grading
17 period in a charter school pursuant to subparagraph 2. to
18 become eligible to participate as a charter school student.

19 (4) The student standards for participation in
20 interscholastic extracurricular activities must be applied
21 beginning with the student's first semester of the 9th grade.
22 Each student must meet such other requirements for
23 participation as may be established by the district school
24 board; however, a district school board may not establish
25 requirements for participation in interscholastic
26 extracurricular activities which make participation in such
27 activities less accessible to home education students than to
28 other students. Except as set forth in paragraph (3)(c),
29 evaluation processes or requirements that are placed on home
30 education student participants may not go beyond those that
31 apply under s. 1002.41 to home education students generally.

1 (5) Any organization or entity that regulates or
2 governs interscholastic extracurricular activities of public
3 schools:

4 (a) Shall permit home education associations to join
5 as member schools.

6 (b) Shall not discriminate against any eligible
7 student based on an educational choice of public, private, or
8 home education.

9 (6) Public schools are prohibited from membership in
10 any organization or entity which regulates or governs
11 interscholastic extracurricular activities and discriminates
12 against eligible students in public, private, or home
13 education.

14 (7) Any insurance provided by district school boards
15 for participants in extracurricular activities shall cover the
16 participating home education student. If there is an
17 additional premium for such coverage, the participating home
18 education student shall pay the premium.

19 Section 290. Section 1006.16, Florida Statutes, is
20 created to read:

21 1006.16 Insuring school students engaged in athletic
22 activities against injury.--Any district school board, school
23 athletic association, or school may formulate, conduct, and
24 purchase a plan or method of insuring, or may self-insure,
25 school students against injury sustained by reason of such
26 students engaging and participating in the athletic activities
27 conducted or sponsored by the district school board,
28 association, or school in which such students are enrolled. A
29 district school board, school athletic association, or school
30 may add a surcharge to the fee charged for admission to
31 athletic events as a means of producing revenue to purchase

1 such insurance or to provide self-insurance. Any district
2 school board may pay for all or part of such plan or method of
3 insurance or self-insurance from available district school
4 board funds.

5 Section 291. Section 1006.17, Florida Statutes, is
6 created to read:

7 1006.17 Sponsorship of athletic activities similar to
8 those for which scholarships offered; rulemaking.--

9 (1) If a district school board sponsors an athletic
10 activity or sport that is similar to a sport for which a state
11 university or public community college offers an athletic
12 scholarship, it must sponsor the athletic activity or sport
13 for which a scholarship is offered. This section does not
14 affect academic requirements for participation or prevent the
15 school districts or community colleges from sponsoring
16 activities in addition to those for which scholarships are
17 provided.

18 (2) If a Florida public community college sponsors an
19 athletic activity or sport that is similar to a sport for
20 which a state university offers an athletic scholarship, it
21 must sponsor the athletic activity or sport for which a
22 scholarship is offered.

23 (3) Two athletic activities or sports that are similar
24 may be offered simultaneously.

25 (4) If the level of participation is insufficient to
26 warrant continuation of an athletic activity or sport, the
27 school may offer an alternative athletic activity or sport.

28 (5) The State Board of Education shall adopt rules to
29 administer this section, including rules that determine which
30 athletic activities are similar to sports for which state
31 universities and community colleges offer scholarships.

1 Section 292. Section 1006.18, Florida Statutes, is
2 created to read:

3 1006.18 Cheerleader safety standards.--The Florida
4 High School Activities Association or successor organization
5 shall adopt statewide uniform safety standards for student
6 cheerleaders and spirit groups that participate in any school
7 activity or extracurricular student activity. The Florida High
8 School Activities Association or successor organization shall
9 adopt the "Official High School Spirit Rules," published by
10 the National Federation of State High School Associations, as
11 the statewide uniform safety standards.

12 Section 293. Section 1006.19, Florida Statutes, is
13 created to read:

14 1006.19 Audit of records of nonprofit corporations and
15 associations handling interscholastic activities.--

16 (1) Each nonprofit association or corporation that
17 operates for the purpose of supervising and controlling
18 interscholastic activities of public high schools and whose
19 membership is composed of duly certified representatives of
20 public high schools, and whose rules and regulations are
21 established by members thereof, shall have an annual financial
22 audit of its accounts and records by an independent certified
23 public accountant retained by it and paid from its funds. The
24 accountant shall furnish a copy of the audit report to the
25 Auditor General for review.

26 (2) Any such nonprofit association or corporation
27 shall keep adequate and complete records of all moneys
28 received by it, including the source and amount, and all
29 moneys spent by it, including salaries, fees, expenses, travel
30 allowances, and all other items of expense. All records of
31

1 any such organization shall be open for inspection by the
2 Auditor General or the Auditor General's employees.

3 Section 294. Section 1006.20, Florida Statutes, is
4 created to read:

5 1006.20 Athletics in public K-12 schools.--

6 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida
7 High School Activities Association is designated as the
8 governing nonprofit organization of athletics in Florida
9 public schools. If the Florida High School Activities
10 Association fails to meet the provisions of this section, the
11 commissioner shall designate a nonprofit organization to
12 govern athletics with the approval of the State Board of
13 Education. The organization is not to be a state agency as
14 defined in s. 120.52. The organization shall be subject to the
15 provisions of s. 1006.19. A private school that wishes to
16 engage in high school athletic competition with a public high
17 school may become a member of the organization. The bylaws of
18 the organization are to be the rules by which high school
19 athletic programs in its member schools, and the students who
20 participate in them, are governed, unless otherwise
21 specifically provided by statute. For the purposes of this
22 section, "high school" includes grades 6 through 12.

23 (2) ADOPTION OF BYLAWS.--

24 (a) The organization shall adopt bylaws that, unless
25 specifically provided by statute, establish eligibility
26 requirements for all students who participate in high school
27 athletic competition in its member schools. The bylaws
28 governing residence and transfer shall allow the student to be
29 eligible in the school in which he or she first enrolls each
30 school year, or makes himself or herself a candidate for an
31 athletic team by engaging in a practice prior to enrolling in

1 any member school. The student shall be eligible in that
 2 school so long as he or she remains enrolled in that school.
 3 Subsequent eligibility shall be determined and enforced
 4 through the organization's bylaws.

5 (b) The organization shall adopt bylaws that
 6 specifically prohibit the recruiting of students for athletic
 7 purposes. The bylaws shall prescribe penalties and an appeals
 8 process for athletic recruiting violations.

9 (c) The organization shall adopt bylaws that require
 10 all students participating in interscholastic athletic
 11 competition or who are candidates for an interscholastic
 12 athletic team to satisfactorily pass a medical evaluation each
 13 year prior to participating in interscholastic athletic
 14 competition or engaging in any practice, tryout, workout, or
 15 other physical activity associated with the student's
 16 candidacy for an interscholastic athletic team. Such medical
 17 evaluation can only be administered by a practitioner licensed
 18 under the provisions of chapter 458, chapter 459, chapter 460,
 19 or s. 464.012, and in good standing with the practitioner's
 20 regulatory board. The bylaws shall establish requirements for
 21 eliciting a student's medical history and performing the
 22 medical evaluation required under this paragraph, which shall
 23 include minimum standards for the physical capabilities
 24 necessary for participation in interscholastic athletic
 25 competition as contained in a uniform preparticipation
 26 physical evaluation form. The evaluation form shall provide a
 27 place for the signature of the practitioner performing the
 28 evaluation with an attestation that each examination procedure
 29 listed on the form was performed by the practitioner or by
 30 someone under the direct supervision of the practitioner. The
 31 form shall also contain a place for the practitioner to

1 indicate if a referral to another practitioner was made in
 2 lieu of completion of a certain examination procedure. The
 3 form shall provide a place for the practitioner to whom the
 4 student was referred to complete the remaining sections and
 5 attest to that portion of the examination. Practitioners
 6 administering medical evaluations pursuant to this subsection
 7 must know the minimum standards established by the
 8 organization and certify that the student meets the standards.
 9 If the practitioner determines that there are any abnormal
 10 findings in the cardiovascular system, the student may not
 11 participate unless a subsequent EKG or other cardiovascular
 12 assessment indicates that the abnormality will not place the
 13 student at risk during such participation. Results of such
 14 medical evaluation must be provided to the school. No student
 15 shall be eligible to participate in any interscholastic
 16 athletic competition or engage in any practice, tryout,
 17 workout, or other physical activity associated with the
 18 student's candidacy for an interscholastic athletic team until
 19 the results of the medical evaluation verifying that the
 20 student has satisfactorily passed the evaluation have been
 21 received and approved by the school.

22 (d) Notwithstanding the provisions of paragraph (c), a
 23 student may participate in interscholastic athletic
 24 competition or be a candidate for an interscholastic athletic
 25 team if the parent of the student objects in writing to the
 26 student undergoing a medical evaluation because such
 27 evaluation is contrary to his or her religious tenets or
 28 practices. However, no person or entity shall be held liable
 29 for any injury or other damages suffered by such student as a
 30 result of his or her participation in athletics unless the
 31

1 injury or damages are caused by unlawful activity, gross
2 negligence, or willful and wanton misconduct.

3 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

4 (a) The organization shall operate as a representative
5 democracy in which the sovereign authority is within its
6 member schools. Except as provided in this section, the
7 organization shall govern its affairs through its bylaws.

8 (b) Each member school, on its annual application for
9 membership, shall name its official representative to the
10 organization. This representative must be either the school
11 principal or his or her designee. That designee must either be
12 an assistant principal or athletic director housed within that
13 same school.

14 (c) The organization's membership shall be divided
15 along existing county lines into four contiguous and compact
16 administrative regions, each containing an equal or nearly
17 equal number of member schools to ensure equitable
18 representation on the organization's board of directors,
19 representative assembly, and committee on appeals.

20 (4) BOARD OF DIRECTORS.--

21 (a) The executive authority of the organization shall
22 be vested in its board of directors. The board of directors
23 shall be composed of 15 persons, as follows:

24 1. Four public member school representatives, one
25 elected from among its public school representative members
26 within each of the four administrative regions.

27 2. Four nonpublic member school representatives, one
28 elected from among its nonpublic school representative members
29 within each of the four administrative regions.

30 3. Two representatives appointed by the commissioner,
31 one appointed from the two northernmost administrative regions

1 and one appointed from the two southernmost administrative
2 regions.

3 4. Two district school superintendents, one elected
4 from the two northernmost administrative regions by the
5 members in those regions and one elected from the two
6 southernmost administrative regions by the members in those
7 regions.

8 5. Two district school board members, one elected from
9 the two northernmost administrative regions by the members in
10 those regions and one elected from the two southernmost
11 administrative regions by the members in those regions.

12 6. The commissioner or his or her designee from the
13 department executive staff.

14 (b) A quorum of the board of directors shall consist
15 of nine members.

16 (c) The board of directors shall elect a president and
17 a vice president from among its members. These officers shall
18 also serve as officers of the organization.

19 (d) Members of the board of directors shall serve
20 terms of 3 years and are eligible to succeed themselves only
21 once. A member of the board of directors, other than the
22 commissioner or his or her designee, may serve a maximum of 6
23 consecutive years. The organization's bylaws shall establish a
24 rotation of terms to ensure that a majority of the members'
25 terms do not expire concurrently.

26 (e) The authority and duties of the board of
27 directors, acting as a body and in accordance with the
28 organization's bylaws, are as follows:

29 1. To act as the incorporated organization's board of
30 directors and to fulfill its obligations as required by the
31 organization's charter and articles of incorporation.

1 2. To establish such guidelines, regulations,
2 policies, and procedures as are authorized by the bylaws.

3 3. To provide an organization commissioner, who shall
4 have the authority to waive the bylaws of the organization in
5 order to comply with statutory changes.

6 4. To levy annual dues and other fees and to set the
7 percentage of contest receipts to be collected by the
8 organization.

9 5. To approve the budget of the organization.

10 6. To organize and conduct statewide interscholastic
11 competitions, which may or may not lead to state
12 championships, and to establish the terms and conditions for
13 these competitions.

14 7. To act as an administrative board in the
15 interpretation of, and final decision on, all questions and
16 appeals arising from the directing of interscholastic
17 athletics of member schools.

18 (5) REPRESENTATIVE ASSEMBLY.--

19 (a) The legislative authority of the organization is
20 vested in its representative assembly.

21 (b) The representative assembly shall be composed of
22 the following:

23 1. An equal number of member school representatives
24 from each of the four administrative regions.

25 2. Four district school superintendents, one elected
26 from each of the four administrative regions by the district
27 school superintendents in their respective administrative
28 regions.

29 3. Four district school board members, one elected
30 from each of the four administrative regions by the district
31

1 school board members in their respective administrative
2 regions.

3 4. The commissioner or his or her designee from the
4 department executive staff.

5 (c) The organization's bylaws shall establish the
6 number of member school representatives to serve in the
7 representative assembly from each of the four administrative
8 regions and shall establish the method for their selection.

9 (d) No member of the board of directors other than the
10 commissioner or his or her designee can serve in the
11 representative assembly.

12 (e) The representative assembly shall elect a
13 chairperson and a vice chairperson from among its members.

14 (f) Elected members of the representative assembly
15 shall serve terms of 2 years and are eligible to succeed
16 themselves for two additional terms. An elected member, other
17 than the commissioner or his or her designee, may serve a
18 maximum of 6 consecutive years in the representative assembly.

19 (g) A quorum of the representative assembly consists
20 of one more than half of its members.

21 (h) The authority of the representative assembly is
22 limited to its sole duty, which is to consider, adopt, or
23 reject any proposed amendments to the organization's bylaws.

24 (i) The representative assembly shall meet as a body
25 annually. A two-thirds majority of the votes cast by members
26 present is required for passage of any proposal.

27 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

28 (a) The organization shall establish, sustain, fund,
29 and provide staff support to a public liaison advisory
30 committee composed of the following:

31 1. The commissioner or his or her designee.

- 1 2. A member public school principal.
- 2 3. A member private school principal.
- 3 4. A member school principal who is a member of a
- 4 racial minority.
- 5 5. An active athletic director.
- 6 6. An active coach, who is employed full time by a
- 7 member school.
- 8 7. A student athlete.
- 9 8. A district school superintendent.
- 10 9. A district school board member.
- 11 10. A member of the Florida House of Representatives.
- 12 11. A member of the Florida Senate.
- 13 12. A parent of a high school student.
- 14 13. A member of a home education association.
- 15 14. A representative of the business community.
- 16 15. A representative of the news media.
- 17 (b) No member of the board of directors, committee on
- 18 appeals, or representative assembly is eligible to serve on
- 19 the public liaison advisory committee.
- 20 (c) The public liaison advisory committee shall elect
- 21 a chairperson and vice chairperson from among its members.
- 22 (d) The authority and duties of the public liaison
- 23 advisory committee are as follows:
- 24 1. To act as a conduit through which the general
- 25 public may have input into the decisionmaking process of the
- 26 organization and to assist the organization in the development
- 27 of procedures regarding the receipt of public input and
- 28 disposition of complaints related to high school athletic and
- 29 competition programs.
- 30 2. To conduct public hearings annually in each of the
- 31 four administrative regions during which interested parties

1 may address issues regarding the effectiveness of the rules,
2 operation, and management of the organization.

3 3. To conduct an annual evaluation of the organization
4 as a whole and present a report of its findings, conclusion,
5 and recommendations to the board of directors, to the
6 commissioner, and to the respective education committees of
7 the Florida Senate and the Florida House of Representatives.
8 The recommendations must delineate policies and procedures
9 that will improve the implementation and oversight of high
10 school athletic programs by the organization.

11 (e) The public liaison advisory committee shall meet
12 four times annually. Additional meetings may be called by the
13 committee chairperson, the organization president, or the
14 organization commissioner.

15 (7) APPEALS.--

16 (a) The organization shall establish a procedure of
17 due process which ensures each student the opportunity to
18 appeal an unfavorable ruling with regard to his or her
19 eligibility to compete. The initial appeal shall be made to a
20 committee on appeals within the administrative region in which
21 the student lives. The organization's bylaws shall establish
22 the number, size, and composition of the committee on appeals.

23 (b) No member of the board of directors is eligible to
24 serve on the committee on appeals.

25 (c) Members of the committee on appeals shall serve
26 terms of 3 years and are eligible to succeed themselves only
27 once. A member of the committee on appeals may serve a maximum
28 of 6 consecutive years. The organization's bylaws shall
29 establish a rotation of terms to ensure that a majority of the
30 members' terms do not expire concurrently.

31

1 (d) The authority and duties of the committee on
2 appeals shall be to consider requests by member schools
3 seeking exceptions to bylaws and regulations, to hear undue
4 hardship eligibility cases filed by member schools on behalf
5 of student athletes, and to hear appeals filed by member
6 schools.

7 (e) A student athlete or member school that receives
8 an unfavorable ruling from a committee on appeals shall be
9 entitled to appeal that decision to the board of directors at
10 its next regularly scheduled meeting or called meeting. The
11 board of directors shall have the authority to uphold,
12 reverse, or amend the decision of the committee on appeals. In
13 all such cases, the decision of the board of directors shall
14 be final.

15 (8) AMENDMENT OF BYLAWS.--Each member school
16 representative, the board of directors acting as a whole or as
17 members acting individually, any advisory committee acting as
18 a whole to be established by the organization, and the
19 organization's commissioner are empowered to propose
20 amendments to the bylaws. Any other individual may propose an
21 amendment by securing the sponsorship of any of the
22 aforementioned individuals or bodies. All proposed amendments
23 must be submitted directly to the representative assembly for
24 its consideration. The representative assembly, while
25 empowered to adopt, reject, or revise proposed amendments, may
26 not, in and of itself, as a body be allowed to propose any
27 amendment for its own consideration.

28 (9) RULES ADOPTION.--The bylaws of the organization
29 shall require member schools to adopt rules for sports, which
30 have been established by a nationally recognized sanctioning
31

1 body, unless waived by at least a two-thirds vote of the board
2 of directors.

3 (10) EXAMINATION; CRITERIA; REPORT.--The board of
4 directors of the Florida High School Activities Association
5 shall undertake an examination of the following:

6 (a) Alternative criteria for establishing
7 administrative regions to include, but not be limited to,
8 population.

9 (b) Procedures to ensure appropriate diversity in the
10 membership of the board of directors.

11 (c) Opportunities to secure corporate financial
12 support for high school athletic programs.

13
14 The board of directors shall submit to the commissioner, the
15 President of the Senate, and the Speaker of the House of
16 Representatives not later than March 1, 2003, a report on the
17 actions taken in the examination of each of the three topics
18 listed in this subsection, the findings, and the actions to be
19 taken to implement the findings and the target date for
20 implementation.

21 Section 295. Part I.e. of chapter 1006, Florida
22 Statutes, shall be entitled "Transportation of Public K-12
23 Students" and shall consist of ss. 1006.21-1006.27.

24 Section 296. Section 1006.21, Florida Statutes, is
25 created to read:

26 1006.21 Duties of district school superintendent and
27 district school board regarding transportation.--

28 (1) The district school superintendent shall ascertain
29 which students should be transported to school or to school
30 activities, determine the most effective arrangement of
31 transportation routes to accommodate these students; recommend

1 such routing to the district school board; recommend plans and
 2 procedures for providing facilities for the economical and
 3 safe transportation of students; recommend such rules and
 4 regulations as may be necessary and see that all rules and
 5 regulations relating to the transportation of students
 6 approved by the district school board, as well as regulations
 7 of the state board, are properly carried into effect, as
 8 prescribed in this chapter.

9 (2) After considering recommendations of the district
 10 school superintendent, the district school board shall make
 11 provision for the transportation of students to the public
 12 schools or school activities they are required or expected to
 13 attend; authorize transportation routes arranged efficiently
 14 and economically; provide the necessary transportation
 15 facilities, and, when authorized under rules of the State
 16 Board of Education and if more economical to do so, provide
 17 limited subsistence in lieu thereof; and adopt the necessary
 18 rules and regulations to ensure safety, economy, and
 19 efficiency in the operation of all buses, as prescribed in
 20 this chapter.

21 (3) District school boards, after considering
 22 recommendations of the district school superintendent:

23 (a) Shall provide transportation for each student in
 24 prekindergarten disability programs and in kindergarten
 25 through grade 12 membership in a public school when, and only
 26 when, transportation is necessary to provide adequate
 27 educational facilities and opportunities which otherwise would
 28 not be available and to transport students whose homes are
 29 more than a reasonable walking distance, as defined by rules
 30 of the State Board of Education, from the nearest appropriate
 31 school.

1 (b) Shall provide transportation for public elementary
2 school students in membership whose grade level does not
3 exceed grade 6, and may provide transportation for public
4 school students in membership in grades 7 through 12, if such
5 students are subjected to hazardous walking conditions as
6 provided in s. 1006.23 while en route to or from school.

7 (c) May provide transportation for public school
8 migrant, exceptional, nursery, and other public school
9 students in membership below kindergarten; kindergarten
10 through grade 12 students in membership in a public school;
11 and adult students in membership in adult career and
12 technical, basic, and high school graduation programs in a
13 public school when, and only when, transportation is necessary
14 to provide adequate educational facilities and opportunities
15 which otherwise would not be available.

16 (d) May provide transportation for the transportation
17 disadvantaged as defined in s. 427.011 and for other
18 school-age children as provided for in s. 1006.261.

19 (e) Shall provide necessary transportation to pregnant
20 students or student parents, and the children of those
21 students, when the district school board operates a teenage
22 parent program pursuant to s. 1003.54.

23 (f) May provide transportation for other persons to
24 events or activities in which the district school board or
25 school has agreed to participate or cosponsor. The district
26 school board shall adopt a policy to address liability for
27 trips pursuant to this paragraph.

28 (g) May provide transportation for welfare transition
29 program participants as defined in s. 414.0252.

30 (4) In each case in which transportation of students
31 is impracticable in the opinion of the district school board,

1 the district school board may take steps for making available
2 educational facilities as are authorized by law or rule of the
3 State Board of Education and as, in the opinion of the
4 district school board, are practical.

5 Section 297. Section 1006.22, Florida Statutes, is
6 created to read:

7 1006.22 Safety and health of students being
8 transported.--Maximum regard for safety and adequate
9 protection of health are primary requirements that must be
10 observed by district school boards in routing buses,
11 appointing drivers, and providing and operating equipment, in
12 accordance with all requirements of law and rules of the State
13 Board of Education in providing transportation pursuant to s.
14 1006.21:

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

25 (a) When the transportation is for physically
26 handicapped or isolated students and the district school board
27 has elected to provide for the transportation of the student
28 through written or oral contracts or agreements.

29 (b) When the transportation is a part of a
30 comprehensive contract for a specialized educational program

31

1 between a district school board and a service provider who
2 provides instruction, transportation, and other services.

3 (c) When the transportation is provided through a
4 public transit system.

5 (d) When the transportation of students is necessary
6 or practical in a motor vehicle owned or operated by a
7 district school board other than a school bus, such
8 transportation must be provided in designated seating
9 positions in a passenger car not to exceed 8 students or in a
10 multipurpose passenger vehicle designed to transport 10 or
11 fewer persons which meets all applicable federal motor vehicle
12 safety standards. Multipurpose passenger vehicles classified
13 as utility vehicles with a wheelbase of 110 inches or less
14 which are required by federal motor vehicle standards to
15 display a rollover warning label may not be used.

16
17 When students are transported in motor vehicles, the occupant
18 crash protection system provided by the vehicle manufacturer
19 must be used unless the student's physical condition prohibits
20 such use.

21 (2) Except as provided in subsection (1), district
22 school boards may authorize the transportation of students in
23 privately owned motor vehicles on a case-by-case basis only in
24 the following circumstances:

25 (a) When a student is ill or injured and must be taken
26 home or to a medical treatment facility under nonemergency
27 circumstances; and

28 1. The school has been unable to contact the student's
29 parent or the parent or responsible adult designated by the
30 parent is not available to provide the transportation;

31

1 2. Proper adult supervision of the student is
2 available at the location to which the student is being
3 transported;

4 3. The transportation is approved by the school
5 principal, or a school administrator designated by the
6 principal to grant or deny such approval, or in the absence of
7 the principal and designee, by the highest ranking school
8 administrator or teacher available under the circumstances;
9 and

10 4. If the school has been unable to contact the parent
11 prior to the transportation, the school shall continue to seek
12 to contact the parent until the school is able to notify the
13 parent of the transportation and the pertinent circumstances.

14 (b) When the transportation is in connection with a
15 school function or event regarding which the district school
16 board or school has undertaken to participate or to sponsor or
17 provide the participation of students; and

18 1. The function or event is a single event that is not
19 part of a scheduled series or sequence of events to the same
20 location, such as, but not limited to, a field trip, a
21 recreational outing, an interscholastic competition or
22 cooperative event, an event connected with an extracurricular
23 activity offered by the school, or an event connected to an
24 educational program, such as, but not limited to, a job
25 interview as part of a cooperative education program;

26 2. Transportation is not available, as a practical
27 matter, using a school bus or school district passenger car;
28 and

29 3. Each student's parent is notified, in writing,
30 regarding the transportation arrangement and gives written
31

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.

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 298. Section 1006.23, Florida Statutes, is
29 created to read:

30 1006.23 Hazardous walking conditions.--
31

1 (1) DEFINITION.--As used in this section, "student"
2 means any public elementary school student whose grade level
3 does not exceed grade 6.

4 (2) TRANSPORTATION; CORRECTION OF HAZARDS.--

5 (a) It is intended that district school boards and
6 other governmental entities work cooperatively to identify
7 conditions that are hazardous along student walking routes to
8 school and that district school boards provide transportation
9 to students who would be subjected to such conditions. It is
10 further intended that state or local governmental entities
11 having jurisdiction correct such hazardous conditions within a
12 reasonable period of time.

13 (b) Upon a determination pursuant to this section that
14 a condition is hazardous to students, the district school
15 board shall request a determination from the state or local
16 governmental entity having jurisdiction regarding whether the
17 hazard will be corrected and, if so, regarding a projected
18 completion date. State funds shall be allocated for the
19 transportation of students subjected to such hazards, provided
20 that such funding shall cease upon correction of the hazard or
21 upon the projected completion date, whichever occurs first.

22 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a
23 request for review is made to the district school
24 superintendent or the district school superintendent's
25 designee concerning a condition perceived to be hazardous to
26 students in that district who live within the 2-mile limit and
27 who walk to school, such condition shall be inspected by a
28 representative of the school district and a representative of
29 the state or local governmental entity that has jurisdiction
30 over the perceived hazardous location. The district school
31 superintendent or his or her designee and the state or local

1 governmental entity or its representative shall then make a
2 final determination that is mutually agreed upon regarding
3 whether the hazardous condition meets the state criteria
4 pursuant to this section. The district school superintendent
5 or his or her designee shall report this final determination
6 to the department.

7 (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING
8 CONDITIONS.--

9 (a) Walkways parallel to the road.--

10 1. It shall be considered a hazardous walking
11 condition with respect to any road along which students must
12 walk in order to walk to and from school if there is not an
13 area at least 4 feet wide adjacent to the road, having a
14 surface upon which students may walk without being required to
15 walk on the road surface. In addition, whenever the road along
16 which students must walk is uncurbed and has a posted speed
17 limit of 55 miles per hour, the area as described above for
18 students to walk upon shall be set off the road by no less
19 than 3 feet from the edge of the road.

20 2. The provisions of subparagraph 1. do not apply when
21 the road along which students must walk:

22 a. Is in a residential area which has little or no
23 transient traffic;

24 b. Is a road on which the volume of traffic is less
25 than 180 vehicles per hour, per direction, during the time
26 students walk to and from school; or

27 c. Is located in a residential area and has a posted
28 speed limit of 30 miles per hour or less.

29 (b) Walkways perpendicular to the road.--It shall be
30 considered a hazardous walking condition with respect to any
31

1 road across which students must walk in order to walk to and
2 from school:

3 1. If the traffic volume on the road exceeds the rate
4 of 360 vehicles per hour, per direction (including all lanes),
5 during the time students walk to and from school and if the
6 crossing site is uncontrolled. For purposes of this
7 subsection, an "uncontrolled crossing site" is an intersection
8 or other designated crossing site where no crossing guard,
9 traffic enforcement officer, or stop sign or other traffic
10 control signal is present during the times students walk to
11 and from school.

12 2. If the total traffic volume on the road exceeds
13 4,000 vehicles per hour through an intersection or other
14 crossing site controlled by a stop sign or other traffic
15 control signal, unless crossing guards or other traffic
16 enforcement officers are also present during the times
17 students walk to and from school.

18
19 Traffic volume shall be determined by the most current traffic
20 engineering study conducted by a state or local governmental
21 agency.

22 Section 299. Section 1006.24, Florida Statutes, is
23 created to read:

24 1006.24 Tort liability; liability insurance.--

25 (1) Each district school board shall be liable for
26 tort claims arising out of any incident or occurrence
27 involving a school bus or other motor vehicle owned,
28 maintained, operated, or used by the district school board to
29 transport persons, to the same extent and in the same manner
30 as the state or any of its agencies or subdivisions is liable
31 for tort claims under s. 768.28, except that the total

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

9 (2) Each district school board may secure and keep in
10 force a medical payments plan or medical payments insurance on
11 school buses and other vehicles. If a medical payments plan or
12 insurance is provided, it shall be carried in a sum of no less
13 than \$500 per person.

14 (3) Expenses, costs, or premiums to protect against
15 liability for torts as provided in this section may be paid
16 from any available funds of the district school board.

17 (4) If vehicles used in transportation are not owned
18 by the district school board, the district school board may
19 require owners of such vehicles to show evidence of adequate
20 insurance during the time that such vehicles are in the
21 services of the district school board.

22 Section 300. Section 1006.25, Florida Statutes, is
23 created to read:

24 1006.25 School buses.--School buses shall be defined
25 and meet specifications as follows:

26 (1) DEFINITION.--For the purpose of this part, a
27 "school bus" is a motor vehicle regularly used for the
28 transportation of prekindergarten disability program and
29 kindergarten through grade 12 students of the public schools
30 to and from school or to and from school activities, and
31

1 owned, operated, rented, contracted, or leased by any district
2 school board, except:

3 (a) Passenger cars, multipurpose passenger vehicles,
4 and trucks as defined in 49 C.F.R. part 571.

5 (b) Motor vehicles subject to, and meeting all
6 requirements of, the United States Department of
7 Transportation, Federal Motor Carrier Safety Regulations under
8 Title 49, Code of Federal Regulations and operated by carriers
9 operating under the jurisdiction of these regulations but not
10 used exclusively for the transportation of public school
11 students.

12 (2) SPECIFICATIONS.--Each school bus as defined in 49
13 C.F.R. part 571 and subsection (1) that is rented, leased,
14 purchased, or contracted for must meet the applicable federal
15 motor vehicle safety standards and other specifications as
16 prescribed by rules of the State Board of Education.

17 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle
18 owned and operated by a county or municipal transit authority
19 that is leased by the district school board for transportation
20 of public school students must meet such standards as the
21 State Board of Education establishes by rule. A school bus
22 authorized by a district school board to carry passengers
23 other than school students must have the words "School Bus"
24 and any other signs and insignia that mark or designate it as
25 a school bus covered, removed, or otherwise concealed while
26 such passengers are being transported.

27 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be
28 transported only in designated seating positions, except as
29 provided in s. 1006.22(12), and must use the occupant crash
30 protection system provided by the manufacturer, which system
31

1 must comply with the requirements of 49 C.F.R. part 571 or
2 with specifications of the State Board of Education.

3 Section 301. Section 1006.261, Florida Statutes, is
4 created to read:

5 1006.261 Use of school buses for public purposes.--

6 (1)(a) Each district school board may enter into
7 agreements with the governing body of a county or municipality
8 in the school district or any state agency or agencies
9 established or identified to assist the transportation
10 disadvantaged, as defined in s. 427.011, including the
11 elderly, pursuant to Pub. L. No. 89-73, as amended, for the
12 use of the school buses of the school district by departments,
13 boards, commissions, or officers of such county or
14 municipality or of the state for county, municipal, or state
15 purposes, including transportation of the transportation
16 disadvantaged. Each such agreement shall provide for
17 reimbursement of the district school board, in full or in
18 part, for the proportionate share of fixed and operating costs
19 incurred by the district school board attributable to the use
20 of the buses pursuant to the agreement.

21 (b) Each district school board may enter into
22 agreements with regional workforce boards for the provision of
23 transportation services to participants in the welfare
24 transition program. Agreements must provide for reimbursement
25 in full or in part for the proportionate share of fixed and
26 operating costs incurred by the district school board
27 attributable to the use of buses in accordance with the
28 agreement.

29 (c) Each district school board may enter into
30 agreements with nonprofit corporations and nonprofit civic
31 associations and groups to allow the use of school buses to

1 transport school-age children for activities sponsored by such
2 associations and groups, including, but not limited to, the
3 Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and
4 similar groups. The use of school buses for these activities
5 shall be pursuant to rules adopted by the district school
6 board and with compensation to the district school board at
7 least equal to the costs incurred by the board for such use.

8 (2)(a) The governing body or state agency or agencies
9 established or identified pursuant to Pub. L. No. 89-73, or
10 the nonprofit corporation or nonprofit civic organization or
11 group, or an agency established or identified to assist the
12 transportation disadvantaged as defined in s. 427.011, shall
13 indemnify and hold harmless the district school board from any
14 and all liability by virtue of the use of the buses pursuant
15 to an agreement authorized by this section.

16 (b) For purposes of liability for negligence, state
17 agencies or subdivisions as defined in s. 768.28(2) shall be
18 covered by s. 768.28. Every other corporation or organization
19 shall provide liability insurance coverage in the minimum
20 amounts of \$100,000 on any claim or judgment and \$200,000 on
21 all claims and judgments arising from the same incident or
22 occurrence.

23 (3) When the buses are used for nonschool purposes
24 other than the transportation of the transportation
25 disadvantaged, the flashing red lights and white strobe lights
26 shall not be used, and the "School Bus" inscriptions on the
27 front and rear of the buses shall be covered or concealed.

28 Section 302. Section 1006.27, Florida Statutes, is
29 created to read:

30
31

1 1006.27 Pooling of school buses and related purchases
2 by district school boards; transportation services
3 contracts.--

4 (1) The department shall assist district school boards
5 in securing school buses, contractual needs, equipment, and
6 supplies at as reasonable prices as possible by providing a
7 plan under which district school boards may voluntarily pool
8 their bids for such purchases. The department shall prepare
9 bid forms and specifications, obtain quotations of prices and
10 make such information available to district school boards in
11 order to facilitate this service. District school boards from
12 time to time, as prescribed by State Board of Education rule,
13 shall furnish the department with information concerning the
14 prices paid for such items and the department shall furnish to
15 district school boards periodic information concerning the
16 lowest prices at which school buses, equipment, and related
17 supplies are available based upon comparable specifications.

18 (2) If a contract between any district school board
19 and any person, business, or entity to provide the district
20 school board with school bus service for the transportation of
21 students in the district provides that the person, business,
22 or entity shall own, operate, and maintain school buses for
23 such service, the district school board may purchase the
24 number of buses needed for the district through the department
25 and sell them to the person, business, or entity as a part of
26 the contract for such service.

27 Section 303. Part I.f. of chapter 1006, Florida
28 Statutes, shall be entitled "Instructional Materials for K-12
29 Public Education" and shall consist of ss. 1006.28-1006.43.

30 Section 304. Section 1006.28, Florida Statutes, is
31 created to read:

1 1006.28 Duties of district school board, district
2 school superintendent; and school principal regarding K-12
3 instructional materials.--

4 (1) DISTRICT SCHOOL BOARD.--The district school board
5 has the duty to provide adequate instructional materials for
6 all students in accordance with the requirements of this part.
7 The term "adequate instructional materials" means a sufficient
8 number of textbooks or sets of materials serving as the basis
9 for instruction for each student in the core courses of
10 mathematics, language arts, social studies, science, reading,
11 and literature, except for instruction for which the school
12 advisory council approves the use of a program that does not
13 include a textbook as a major tool of instruction. The
14 district school board has the following specific duties:

15 (a) Courses of study; adoption.--Adopt courses of
16 study for use in the schools of the district.

17 (b) Textbooks.--Provide for proper requisitioning,
18 distribution, accounting, storage, care, and use of all
19 instructional materials furnished by the state and furnish
20 such other instructional materials as may be needed. The
21 district school board shall assure that instructional
22 materials used in the district are consistent with the
23 district goals and objectives and the curriculum frameworks
24 adopted by rule of the State Board of Education, as well as
25 with the state and district performance standards provided for
26 in s. 1001.03(1).

27 (c) Other instructional materials.--Provide such other
28 teaching accessories and aids as are needed for the school
29 district's educational program.

30 (d) School library media services; establishment and
31 maintenance.--Establish and maintain a program of school

1 library media services for all public schools in the district,
2 including school library media centers, or school library
3 media centers open to the public, and, in addition such
4 traveling or circulating libraries as may be needed for the
5 proper operation of the district school system.

6 (2) DISTRICT SCHOOL SUPERINTENDENT.--

7 (a) The district school superintendent has the duty to
8 recommend such plans for improving, providing, distributing,
9 accounting for, and caring for textbooks and other
10 instructional aids as will result in general improvement of
11 the district school system, as prescribed in this part, in
12 accordance with adopted district school board rules
13 prescribing the duties and responsibilities of the district
14 school superintendent regarding the requisition, purchase,
15 receipt, storage, distribution, use, conservation, records,
16 and reports of, and management practices and property
17 accountability concerning, instructional materials, and
18 providing for an evaluation of any instructional materials to
19 be requisitioned that have not been used previously in the
20 district's schools. The district school superintendent must
21 keep adequate records and accounts for all financial
22 transactions for funds collected pursuant to subsection (3),
23 as a component of the educational service delivery scope in a
24 school district best financial management practices review
25 under s. 1008.35.

26 (b) Each district school superintendent shall notify
27 the department by April 1 of each year the state-adopted
28 instructional materials that will be requisitioned for use in
29 his or her school district. The notification shall include a
30 district school board plan for instructional materials use to
31

1 assist in determining if adequate instructional materials have
2 been requisitioned.

3 (3) SCHOOL PRINCIPAL.--The school principal has the
4 following duties for the management and care of instructional
5 materials at the school:

6 (a) Proper use of instructional materials.--The
7 principal shall assure that instructional materials are used
8 to provide instruction to students enrolled at the grade level
9 or levels for which the materials are designed, pursuant to
10 adopted district school board rule. The school principal shall
11 communicate to parents the manner in which instructional
12 materials are used to implement the curricular objectives of
13 the school.

14 (b) Money collected for lost or damaged books;
15 enforcement.--The school principal shall collect from each
16 student or the student's parent the purchase price of any
17 instructional material the student has lost, destroyed, or
18 unnecessarily damaged and to report and transmit the money
19 collected to the district school superintendent. If
20 instructional materials lost, destroyed, or damaged have been
21 in school use for more than 1 year, a sum ranging between 50
22 and 75 percent of the purchase price of the book shall be
23 collected, determined by the physical condition of the book.
24 The failure to collect such sum upon reasonable effort by the
25 school principal may result in the suspension of the student
26 from participation in extracurricular activities or
27 satisfaction of the debt by the student through community
28 service activities at the school site as determined by the
29 school principal, pursuant to policies adopted by district
30 school board rule.

31

1 (c) Sale of instructional materials.--The school
2 principal, upon request of the parent of a student in the
3 school, shall sell to the parent any instructional materials
4 used in the school. All such sales shall be made pursuant to
5 rule adopted by the district school board, and the principal
6 shall annually provide information to parents that they may
7 purchase instructional materials and how to purchase the
8 materials.

9 (d) Disposition of funds.--All money collected from
10 the sale, exchange, loss, or damage of instructional materials
11 shall be transmitted to the district school superintendent to
12 be deposited in the district school board fund and added to
13 the district appropriation for instructional materials.

14 (e) Accounting for textbooks.--Principals shall see
15 that all books are fully and properly accounted for as
16 prescribed by adopted rules of the district school board.

17 Section 305. Section 1006.29, Florida Statutes, is
18 created to read:

19 1006.29 State instructional materials committees.--

20 (1) Each school year, not later than April 15, the
21 commissioner shall appoint state instructional materials
22 committees composed of persons actively engaged in teaching or
23 in the supervision of teaching in the public elementary,
24 middle, or high schools and representing the major fields and
25 levels in which instructional materials are used in the public
26 schools and, in addition, lay citizens not professionally
27 connected with education. Committee members shall receive
28 training pursuant to subsection (5) in competencies related to
29 the evaluation and selection of instructional materials.

30 (a) There shall be ten or more members on each
31 committee: At least 50 percent of the members shall be

1 classroom teachers who are certified in an area directly
 2 related to the academic area or level being considered for
 3 adoption, two shall be laypersons, one shall be a district
 4 school board member, and two shall be supervisors of teachers.
 5 The committee must have the capacity or expertise to address
 6 the broad racial, ethnic, socioeconomic, and cultural
 7 diversity of the state's student population. Personnel
 8 selected as teachers of the year at the school, district,
 9 regional, or state level are encouraged to serve on
 10 instructional materials committees.

11 (b) The membership of each committee must reflect the
 12 broad racial, ethnic, socioeconomic, and cultural diversity of
 13 the state, including a balanced representation from the
 14 state's geographic regions.

15 (c) The commissioner shall determine annually the
 16 areas in which instructional materials shall be submitted for
 17 adoption, taking into consideration the desires of the
 18 district school boards. The commissioner shall also determine
 19 the number of titles to be adopted in each area.

20 (2)(a) All appointments shall be as prescribed in this
 21 section. No member shall serve more than two consecutive
 22 terms on any committee. All appointments shall be for
 23 18-month terms. All vacancies shall be filled in the manner
 24 of the original appointment for only the time remaining in the
 25 unexpired term. At no time may a district school board have
 26 more than one representative on a committee. The commissioner
 27 and a member of the department whom he or she shall designate
 28 shall be additional and ex officio members of each committee.

29 (b) The names and mailing addresses of the members of
 30 the state instructional materials committees shall be made
 31 public when appointments are made.

1 (c) The district school board shall be reimbursed for
2 the actual cost of substitute teachers for each workday that a
3 member of its instructional staff is absent from his or her
4 assigned duties for the purpose of rendering service to the
5 state instructional materials committee. In addition,
6 committee members shall be reimbursed for travel expenses and
7 per diem in accordance with s. 112.061 for actual service in
8 meetings of committees called by the commissioner. Payment of
9 such travel expenses shall be made by the Treasurer from the
10 appropriation for the administration of the instructional
11 materials program, on warrants to be drawn by the Comptroller
12 upon requisition approved by the commissioner.

13 (d) Any member of a committee may be removed by the
14 commissioner for cause.

15 (3) All references in the law to the state
16 instructional materials committee shall apply to each
17 committee created by this section.

18 (4) For purposes of state adoption, "instructional
19 materials" means items having intellectual content that by
20 design serve as a major tool for assisting in the instruction
21 of a subject or course. These items may be available in bound,
22 unbound, kit, or package form and may consist of hardbacked or
23 softbacked textbooks, consumables, learning laboratories,
24 manipulatives, electronic media, and computer courseware or
25 software. The term does not include electronic or computer
26 hardware even if such hardware is bundled with software or
27 other electronic media, nor does it include equipment or
28 supplies.

29 (5) The department shall develop a training program
30 for persons selected to serve on state instructional materials
31 committees. The program shall be structured to assist

1 committee members in developing the skills necessary to make
2 valid, culturally sensitive, and objective decisions regarding
3 the content and rigor of instructional materials. All persons
4 serving on instructional materials committees must complete
5 the training program prior to beginning the review and
6 selection process.

7 Section 306. Section 1006.30, Florida Statutes, is
8 created to read:

9 1006.30 Affidavit of state instructional materials
10 committee members.--Before transacting any business, each
11 member of a state committee shall make an affidavit, to be
12 filed with the commissioner, that:

13 (1) The member will faithfully discharge the duties
14 imposed upon him or her as a member of the committee.

15 (2) The member has no interest, and while a member of
16 the committee he or she will assume no interest, in any
17 publishing or manufacturing organization which produces or
18 sells instructional materials.

19 (3) The member is in no way connected, and while a
20 member of the committee he or she will assume no connection,
21 with the distribution of the instructional materials.

22 (4) The member is not pecuniarily interested, and
23 while a member of the committee he or she will assume no
24 pecuniary interest, directly or indirectly, in the business or
25 profits of any person engaged in manufacturing, publishing, or
26 selling instructional materials designed for use in the public
27 schools.

28 (5) The member will not accept any emolument or
29 promise of future reward of any kind from any publisher or
30 manufacturer of instructional materials or his or her agent or
31

1 anyone interested in, or intending to bias his or her judgment
2 in any way in, the selection of any materials to be adopted.

3 (6) It is unlawful for any member of a state
4 instructional materials committee to discuss matters relating
5 to instructional materials submitted for adoption with any
6 agent of a publisher or manufacturer of instructional
7 materials, either directly or indirectly, except during the
8 period when the committee has been called into session for the
9 purpose of evaluating instructional materials submitted for
10 adoption. Such discussions shall be limited to official
11 meetings of the committee and in accordance with procedures
12 prescribed by the commissioner for that purpose.

13 Section 307. Section 1006.31, Florida Statutes, is
14 created to read:

15 1006.31 Duties of each state instructional materials
16 committee.--The duties of each state instructional materials
17 committee are:

18 (1) PLACE AND TIME OF MEETING.--To meet at the call of
19 the commissioner, at a place in the state designated by him or
20 her, for the purpose of evaluating and recommending
21 instructional materials for adoption by the state. All
22 meetings of state instructional materials committees shall be
23 announced publicly in the Florida Administrative Weekly at
24 least 2 weeks prior to the date of convening. All meetings of
25 the committees shall be open to the public.

26 (2) ORGANIZATION.--To elect a chair and vice chair for
27 each adoption. An employee of the department shall serve as
28 secretary to the committee and keep an accurate record of its
29 proceedings. All records of committee motions and votes, and
30 summaries of committee debate shall be incorporated into a
31

1 publishable document and shall be available for public
2 inspection and duplication.

3 (3) PROCEDURES.--To adhere to procedures prescribed by
4 the commissioner for evaluating instructional materials
5 submitted by publishers and manufacturers in each adoption.

6 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
7 evaluate carefully all instructional materials submitted, to
8 ascertain which instructional materials, if any, submitted for
9 consideration best implement the selection criteria developed
10 by the commissioner and those curricular objectives included
11 within applicable performance standards provided for in s.
12 1001.03(1).

13 (a) When recommending instructional materials for use
14 in the schools, each committee shall include only
15 instructional materials that accurately portray the ethnic,
16 socioeconomic, cultural, and racial diversity of our society,
17 including men and women in professional, career and technical,
18 and executive roles, and the role and contributions of the
19 entrepreneur and labor in the total development of this state
20 and the United States.

21 (b) When recommending instructional materials for use
22 in the schools, each committee shall include only materials
23 which accurately portray, whenever appropriate, humankind's
24 place in ecological systems, including the necessity for the
25 protection of our environment and conservation of our natural
26 resources and the effects on the human system of the use of
27 tobacco, alcohol, controlled substances, and other dangerous
28 substances.

29 (c) When recommending instructional materials for use
30 in the schools, each committee shall require such materials as
31

1 it deems necessary and proper to encourage thrift, fire
2 prevention, and humane treatment of people and animals.

3 (d) When recommending instructional materials for use
4 in the schools, each committee shall require, when appropriate
5 to the comprehension of students, that materials for social
6 science, history, or civics classes contain the Declaration of
7 Independence and the Constitution of the United States. No
8 instructional materials shall be recommended by any committee
9 for use in the schools which contain any matter reflecting
10 unfairly upon persons because of their race, color, creed,
11 national origin, ancestry, gender, or occupation.

12 (e) All instructional materials recommended by each
13 committee for use in the schools shall be, to the satisfaction
14 of each committee, accurate, objective, and current and suited
15 to the needs and comprehension of students at their respective
16 grade levels. Instructional materials committees shall
17 consider for adoption materials developed for academically
18 talented students such as those enrolled in advanced placement
19 courses.

20 (5) REPORT OF COMMITTEE.--Each committee, after a
21 thorough study of all data submitted on each instructional
22 material, and after each member has carefully evaluated each
23 instructional material, shall present a written report to the
24 commissioner. Such report shall be made public, and shall
25 include:

26 (a) A description of the procedures used in
27 determining the instructional materials to be recommended to
28 the commissioner.

29 (b) Recommendations of instructional materials for
30 each grade and subject field in the curriculum of public
31 elementary, middle, and high schools in which adoptions are to

1 be made. If deemed advisable, the committee may include such
2 other information, expression of opinion, or recommendation as
3 would be helpful to the commissioner. If there is a
4 difference of opinion among the members of the committee as to
5 the merits of any instructional materials, any member may file
6 an expression of his or her individual opinion.

7
8 The findings of the committees, including the evaluation of
9 instructional materials, shall be in sessions open to the
10 public. All decisions leading to determinations of the
11 committees shall be by roll call vote, and at no time will a
12 secret ballot be permitted.

13 Section 308. Section 1006.32, Florida Statutes, is
14 created to read:

15 1006.32 Prohibited acts.--

16 (1) No publisher or manufacturer of instructional
17 material, or any representative thereof, shall offer to give
18 any emolument, money, or other valuable thing, or any
19 inducement, to any district school board official or member of
20 a state-level instructional materials committee to directly or
21 indirectly introduce, recommend, vote for, or otherwise
22 influence the adoption or purchase of any instructional
23 materials.

24 (2) No district school board official or member of a
25 state instructional materials committee shall solicit or
26 accept any emolument, money, or other valuable thing, or any
27 inducement, to directly or indirectly introduce, recommend,
28 vote for, or otherwise influence the adoption or purchase of
29 any instructional material.

30 (3) No district school board or publisher may
31 participate in a pilot program of materials being considered

1 for adoption during the 18-month period before the official
 2 adoption of the materials by the commissioner. Any pilot
 3 program during the first 2 years of the adoption period must
 4 have the prior approval of the commissioner.

5 (4) Any publisher or manufacturer of instructional
 6 materials or representative thereof or any district school
 7 board official or state instructional materials committee
 8 member, who violates any provision of this section commits a
 9 misdemeanor of the second degree, punishable as provided in s.
 10 775.082 or s. 775.083. Any representative of a publisher or
 11 manufacturer who violates any provision of this section, in
 12 addition to any other penalty, shall be banned from practicing
 13 business in the state for a period of 1 calendar year. Any
 14 district school board official or state instructional
 15 materials committee member who violates any provision of this
 16 section, in addition to any other penalty, shall be removed
 17 from his or her official position.

18 (5) Nothing in this section shall be construed to
 19 prevent any publisher, manufacturer, or agent from supplying,
 20 for purposes of examination, necessary sample copies of
 21 instructional materials to any district school board official
 22 or instructional materials committee member.

23 (6) Nothing in this section shall be construed to
 24 prevent a district school board official or instructional
 25 materials committee member from receiving sample copies of
 26 instructional materials.

27 (7) Nothing contained in this section shall be
 28 construed to prohibit or restrict a district school board
 29 official from receiving royalties or other compensation, other
 30 than compensation paid to him or her as commission for
 31 negotiating sales to district school boards, from the

1 publisher or manufacturer of instructional materials written,
 2 designed, or prepared by such district school board official,
 3 and adopted by the commissioner or purchased by any district
 4 school board. No district school board official shall be
 5 allowed to receive royalties on any materials not on the
 6 state-adopted list purchased for use by his or her district
 7 school board.

8 (8) No district school superintendent, district school
 9 board member, teacher, or other person officially connected
 10 with the government or direction of public schools shall
 11 receive during the months actually engaged in performing
 12 duties under his or her contract any private fee, gratuity,
 13 donation, or compensation, in any manner whatsoever, for
 14 promoting the sale or exchange of any school book, map, or
 15 chart in any public school, or be an agent for the sale or the
 16 publisher of any school textbook or reference work, or be
 17 directly or indirectly pecuniarily interested in the
 18 introduction of any such textbook, and any such agency or
 19 interest shall disqualify any person so acting or interested
 20 from holding any district school board employment whatsoever,
 21 and the person commits a misdemeanor of the second degree,
 22 punishable as provided in s. 775.082 or s. 775.083; provided
 23 that this subsection shall not be construed as preventing the
 24 adoption of any book written in whole or in part by a Florida
 25 author.

26 Section 309. Section 1006.33, Florida Statutes, is
 27 created to read:

28 1006.33 Bids or proposals; advertisement and its
 29 contents.--

30 (1)(a) Beginning on or before May 15 of any year in
 31 which an instructional materials adoption is to be initiated,

1 the department shall advertise in the Florida Administrative
2 Weekly 4 weeks preceding the date on which the bids shall be
3 received, that at a certain designated time, not later than
4 June 15, sealed bids or proposals to be deposited with the
5 department will be received from publishers or manufacturers
6 for the furnishing of instructional materials proposed to be
7 adopted as listed in the advertisement beginning April 1
8 following the adoption.

9 (b) The advertisement shall state that each bidder
10 shall furnish specimen copies of all instructional materials
11 submitted, at a time designated by the department, which
12 specimen copies shall be identical with the copies approved
13 and accepted by the members of the state instructional
14 materials committee, as prescribed in this section, and with
15 the copies furnished to the department and district school
16 superintendents, as provided in this part.

17 (c) The advertisement shall state that a contract
18 covering the adoption of the instructional materials shall be
19 for a definite term.

20 (d) The advertisement shall fix the time within which
21 the required contract must be executed and shall state that
22 the department reserves the right to reject any or all bids.

23 (e) The advertisement shall give information as to how
24 specifications which have been adopted by the department in
25 regard to paper, binding, cover boards, and mechanical makeup
26 can be secured. In adopting specifications, the department
27 shall make an exception for instructional materials that are
28 college-level texts and that do not meet department physical
29 specifications for secondary materials, if the publisher
30 guarantees replacement during the term of the contract.

31

1 (2) The bids submitted shall be for furnishing the
 2 designated materials in accordance with specifications of the
 3 department. The bid shall state the lowest wholesale price at
 4 which the materials will be furnished, at the time the
 5 adoption period provided in the contract begins, delivered
 6 f.o.b. to the Florida depository of the publisher,
 7 manufacturer, or bidder.

8 (3) The department shall require each publisher or
 9 manufacturer of instructional materials who submits a bid
 10 under this part to deposit with the department such sum of
 11 money or certified check as may be determined by the
 12 department, the amount to be not less than \$500 and not more
 13 than \$2,500, according to the number of instructional
 14 materials covered by the bid, which deposit shall be forfeited
 15 to the state and placed in the General Revenue Fund if the
 16 bidder making the deposit fails or refuses to execute the
 17 contract and bond within 30 days after receipt of the contract
 18 in case his or her bid or proposal is accepted. The
 19 commissioner shall, upon determining that the deposit is
 20 correct and proper, transmit the deposit to the Treasurer, who
 21 shall deposit the funds for credit to the Textbook Bid Trust
 22 Fund and issue his or her official receipt.

23 (4) Specimen copies of all instructional materials
 24 that have been made the bases of contracts under this part
 25 shall, upon request for the purpose of public inspection, be
 26 made available by the publisher to the department and the
 27 district school superintendent of each district school board
 28 that adopts the instructional materials from the state list
 29 upon request for the purpose of public inspection. All
 30 contracts and bonds executed under this part shall be signed
 31 in triplicate. One copy of each contract and an original of

1 each bid, whether accepted or rejected, shall be preserved
2 with the department for at least 3 years after termination of
3 the contract.

4 Section 310. Section 1006.34, Florida Statutes, is
5 created to read:

6 1006.34 Powers and duties of the commissioner and the
7 department in selecting and adopting instructional
8 materials.--

9 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
10 MATERIALS.--The commissioner shall prescribe the procedures by
11 which the department shall evaluate instructional materials
12 submitted by publishers and manufacturers in each adoption.
13 Included in these procedures shall be provisions which afford
14 each publisher or manufacturer or his or her representative an
15 opportunity to present to members of the state instructional
16 materials committees the merits of each instructional material
17 submitted in each adoption.

18 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
19 MATERIALS.--

20 (a) The department shall notify all publishers and
21 manufacturers of instructional materials who have submitted
22 bids that within 3 weeks after the deadline for receiving
23 bids, at a designated time and place, it will open the bids
24 submitted and deposited with it. At the time and place
25 designated, the bids shall be opened, read, and tabulated in
26 the presence of the bidders or their representatives. No one
27 may revise his or her bid after the bids have been filed.
28 When all bids have been carefully considered, the commissioner
29 shall, from the list of suitable, usable, and desirable
30 instructional materials reported by the state instructional
31 materials committee, select and adopt instructional materials

1 for each grade and subject field in the curriculum of public
 2 elementary, middle, and high schools in which adoptions are
 3 made and in the subject areas designated in the advertisement.
 4 The adoption shall continue for the period specified in the
 5 advertisement, beginning on the ensuing April 1. The adoption
 6 shall not prevent the extension of a contract as provided in
 7 subsection (3). The commissioner shall always reserve the
 8 right to reject any and all bids. The commissioner may ask for
 9 new sealed bids from publishers or manufacturers whose
 10 instructional materials were recommended by the state
 11 instructional materials committee as suitable, usable, and
 12 desirable; specify the dates for filing such bids and the date
 13 on which they shall be opened; and proceed in all matters
 14 regarding the opening of bids and the awarding of contracts as
 15 required by this part. In all cases, bids shall be accompanied
 16 by a cash deposit or certified check of from \$500 to \$2,500,
 17 as the commissioner may direct. The department, in adopting
 18 instructional materials, shall give due consideration both to
 19 the prices bid for furnishing instructional materials and to
 20 the report and recommendations of the state instructional
 21 materials committee. When the commissioner has finished with
 22 the report of the state instructional materials committee, the
 23 report shall be filed and preserved with the department and
 24 shall be available at all times for public inspection.

25 (b) In the selection of instructional materials,
 26 library books, and other reading material used in the public
 27 school system, the standards used to determine the propriety
 28 of the material shall include:

29 1. The age of the students who normally could be
 30 expected to have access to the material.

31

1 2. The educational purpose to be served by the
2 material. In considering instructional materials for classroom
3 use, priority shall be given to the selection of materials
4 which encompass the state and district school board
5 performance standards provided for in s. 1001.03(1) and which
6 include the instructional objectives contained within the
7 curriculum frameworks approved by rule of the State Board of
8 Education.

9 3. The degree to which the material would be
10 supplemented and explained by mature classroom instruction as
11 part of a normal classroom instructional program.

12 4. The consideration of the broad racial, ethnic,
13 socioeconomic, and cultural diversity of the students of this
14 state.

15
16 No book or other material containing hard-core pornography or
17 otherwise prohibited by s. 847.012 shall be used or available
18 within any public school district.

19 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;
20 BOND.--As soon as practicable after the commissioner has
21 adopted any instructional materials and all bidders that have
22 secured the adoption of any instructional materials have been
23 notified thereof by registered letter, the Department of Legal
24 Affairs shall prepare a contract in proper form with every
25 bidder awarded the adoption of any instructional materials.
26 Each contract shall be executed by the Governor and Secretary
27 of State under the seal of the state, one copy to be kept by
28 the contractor, one copy to be filed with the Department of
29 State, and one copy to be filed with the department. After
30 giving due consideration to comments by the district school
31 boards, the commissioner, with the agreement of the publisher,

1 may extend or shorten a contract period for a period not to
 2 exceed 2 years; and the terms of any such contract shall
 3 remain the same as in the original contract. Any publisher or
 4 manufacturer to whom any contract is let under this part must
 5 give bond in such amount as the commissioner requires, payable
 6 to the state, conditioned for the faithful, honest, and exact
 7 performance of the contract. The bond must provide for the
 8 payment of reasonable attorney's fees in case of recovery in
 9 any suit thereon. The surety on the bond must be a guaranty or
 10 surety company lawfully authorized to do business in the
 11 state; however, the bond shall not be exhausted by a single
 12 recovery but may be sued upon from time to time until the full
 13 amount thereof is recovered, and the department may at any
 14 time, after giving 30 days' notice, require additional
 15 security or additional bond. The form of any bond or bonds or
 16 contract or contracts under this part shall be prepared and
 17 approved by the Department of Legal Affairs. At the discretion
 18 of the commissioner, a publisher or manufacturer to whom any
 19 contract is let under this part may be allowed a cash deposit
 20 in lieu of a bond, conditioned for the faithful, honest, and
 21 exact performance of the contract. The cash deposit, payable
 22 to the department, shall be placed in the Textbook Bid Trust
 23 Fund. The department may recover damages on the cash deposit
 24 given by the contractor for failure to furnish instructional
 25 materials, the sum recovered to inure to the General Revenue
 26 Fund.

27 (4) REGULATIONS GOVERNING THE CONTRACT.--The
 28 department may, from time to time, take any necessary actions,
 29 consistent with this part, to secure the prompt and faithful
 30 performance of all instructional materials contracts; and if
 31 any contractor fails or refuses to furnish instructional

1 materials as provided in this part or otherwise breaks his or
2 her contract, the department may sue on the required bond in
3 the name of the state, in the courts of the state having
4 jurisdiction, and recover damages on the bond given by the
5 contractor for failure to furnish instructional materials, the
6 sum recovered to inure to the General Revenue Fund.

7 (5) RETURN OF DEPOSITS.--

8 (a) The successful bidder shall be notified by
9 registered mail of the award of contract and shall, within 30
10 days after receipt of the contract, execute the proper
11 contract and post the required bond. When the bond and
12 contract have been executed, the department shall notify the
13 Comptroller and request that a warrant be issued against the
14 Textbook Bid Trust Fund payable to the successful bidder in
15 the amount deposited pursuant to this part. The Comptroller
16 shall issue and forward the warrant to the department for
17 distribution to the bidder.

18 (b) At the same time or prior thereto, the department
19 shall inform the Comptroller of the names of the unsuccessful
20 bidders. Upon receipt of such notice, the Comptroller shall
21 issue warrants against the Textbook Bid Trust Fund payable to
22 the unsuccessful bidders in the amounts deposited pursuant to
23 this part and shall forward the warrants to the department for
24 distribution to the unsuccessful bidders.

25 (c) One copy of each contract and an original of each
26 bid, whether accepted or rejected, shall be preserved with the
27 department for at least 3 years after the termination of the
28 contract.

29 (6) DEPOSITS FORFEITED.--If any successful bidder
30 fails or refuses to execute contract and bond within 30 days
31 after receipt of the contract, the cash deposit shall be

1 forfeited to the state and placed by the Treasurer in the
2 General Revenue Fund.

3 (7) FORFEITURE OF CONTRACT AND BOND.--If any publisher
4 or manufacturer of instructional materials fails or refuses to
5 furnish a book, or books, or other instructional materials as
6 provided in the contract, his or her bond is forfeited and the
7 department shall make another contract on such terms as it may
8 find desirable, after giving due consideration to the
9 recommendations of the commissioner.

10 Section 311. Section 1006.35, Florida Statutes, is
11 created to read:

12 1006.35 Accuracy of instructional materials.--

13 (1) In addition to relying on statements of publishers
14 or manufacturers of instructional materials, the commissioner
15 may conduct or cause to be conducted an independent
16 investigation to determine the accuracy of state-adopted
17 instructional materials.

18 (2) When errors in state-adopted materials are
19 confirmed, the publisher of the materials shall provide to
20 each district school board that has purchased the materials
21 the corrections in a format approved by the commissioner.

22 (3) The commissioner may remove materials from the
23 list of state-adopted materials if he or she finds that the
24 content is in error and the publisher refuses to correct the
25 error when notified by the department.

26 (4) The commissioner may remove materials from the
27 list of state-adopted materials at the request of the
28 publisher if, in his or her opinion, there is no material
29 impact on the state's education goals.

30 Section 312. Section 1006.36, Florida Statutes, is
31 created to read:

1 1006.36 Term of adoption for instructional
2 materials.--

3 (1) The term of adoption of any instructional
4 materials must be a 6-year period beginning on April 1
5 following the adoption, except that the commissioner may
6 approve terms of adoption of less than 6 years for materials
7 in content areas which require more frequent revision. Any
8 contract for instructional materials may be extended as
9 prescribed in s. 1006.34(3).

10 (2) The department shall publish annually an official
11 schedule of subject areas to be called for adoption for each
12 of the succeeding 2 years, and a tentative schedule for years
13 3, 4, 5, and 6. If extenuating circumstances warrant, the
14 commissioner may order the department to add one or more
15 subject areas to the official schedule, in which event the
16 commissioner shall develop criteria for such additional
17 subject area or areas and make them available to publishers as
18 soon as practicable before the date on which bids are due. The
19 schedule shall be developed so as to promote balance among the
20 subject areas so that the required expenditure for new
21 instructional materials is approximately the same each year in
22 order to maintain curricular consistency.

23 Section 313. Section 1006.37, Florida Statutes, is
24 created to read:

25 1006.37 Requisition of instructional materials from
26 publisher's depository.--

27 (1) The district school superintendent shall
28 requisition adopted instructional materials from the
29 depository of the publisher with whom a contract has been
30 made. However, the superintendent shall requisition current
31 instructional materials to provide each student with a

1 textbook or other materials as a major tool of instruction in
2 core courses of the subject areas specified in s. 1006.40(2).
3 These materials must be requisitioned within the first 2 years
4 of the adoption cycle, except for instructional materials
5 related to growth of student membership or instructional
6 materials maintenance needs. The superintendent may
7 requisition instructional materials in the core subject areas
8 specified in s. 1006.40(2) that are related to growth of
9 student membership or instructional materials maintenance
10 needs during the 3rd, 4th, 5th, and 6th years of the original
11 contract period.

12 (2) The district school superintendent shall verify
13 that the requisition is complete and accurate and order the
14 depository to forward to him or her the adopted instructional
15 materials shown by the requisition. The depository shall
16 prepare an invoice of the materials shipped, including
17 shipping charges, and mail it to the superintendent to whom
18 the shipment is being made. The superintendent shall pay the
19 depository within 60 days after receipt of the requisitioned
20 materials from the appropriation for the purchase of adopted
21 instructional materials.

22 Section 314. Section 1006.38, Florida Statutes, is
23 created to read:

24 1006.38 Duties, responsibilities, and requirements of
25 instructional materials publishers and
26 manufacturers.--Publishers and manufacturers of instructional
27 materials, or their representatives, shall:

28 (1) Comply with all provisions of this part.

29 (2) Deliver fully developed specimen copies of all
30 instructional materials upon which bids are based to each
31 member of a state instructional materials committee. At the

1 conclusion of the review process, manufacturers submitting
2 samples of instructional materials are entitled to the return
3 thereof, at the expense of the manufacturers; or, in the
4 alternative, the manufacturers are entitled to reimbursement
5 by the individual committee members for the retail value of
6 the samples.

7 (3) Submit, at a time designated in s. 1006.33, the
8 following information:

9 (a) Detailed specifications of the physical
10 characteristics of the instructional materials. The publisher
11 or manufacturer shall comply with these specifications if the
12 instructional materials are adopted and purchased in completed
13 form.

14 (b) Written proof that the publisher has provided
15 written correlations to appropriate curricular objectives
16 included within applicable performance standards provided for
17 in s. 1001.03(1).

18 (4) Make available for purchase by any district school
19 board any diagnostic, criterion-referenced, or other tests
20 that they may develop.

21 (5) Furnish the instructional materials offered by
22 them at a price in the state which, including all costs of
23 transportation to their depositories, shall not exceed the
24 lowest price at which they offer such instructional materials
25 for adoption or sale to any state or school district in the
26 United States.

27 (6) Reduce automatically the price of the
28 instructional materials to any district school board to the
29 extent that reductions are made elsewhere in the United
30 States.

31

1 (7) Provide any instructional materials free of charge
2 in the state to the same extent as they are provided free of
3 charge to any state or school district in the United States.

4 (8) Guarantee that all copies of any instructional
5 materials sold in this state will be at least equal in quality
6 to the copies of such instructional materials that are sold
7 elsewhere in the United States and will be kept revised, free
8 from all errors, and up-to-date as may be required by the
9 department.

10 (9) Agree that any supplementary material developed at
11 the district or state level does not violate the author's or
12 publisher's copyright, provided such material is developed in
13 accordance with the doctrine of fair use.

14 (10) Not in any way, directly or indirectly, become
15 associated or connected with any combination in restraint of
16 trade in instructional materials, nor enter into any
17 understanding, agreement, or combination to control prices or
18 restrict competition in the sale of instructional materials
19 for use in the state.

20 (11) Maintain or contract with a depository in the
21 state.

22 (12) For the core subject areas specified in s.
23 1006.40(2), maintain in the depository for the first 2 years
24 of the contract an inventory of instructional materials
25 sufficient to receive and fill orders.

26 (13) For the core subject areas specified in s.
27 1006.40(2), ensure the availability of an inventory sufficient
28 to receive and fill orders for instructional materials for
29 growth, including the opening of a new school, and replacement
30 during the 3rd and subsequent years of the original contract
31 period.

1 (14) For all other subject areas, maintain in the
2 depository an inventory of instructional materials sufficient
3 to receive and fill orders.

4 (15) Accurately and fully disclose only the names of
5 those persons who actually authored the instructional
6 materials. In addition to the penalties provided in
7 subsection (17), the commissioner may remove from the list of
8 state-adopted instructional materials those instructional
9 materials whose publisher or manufacturer misleads the
10 purchaser by falsely representing genuine authorship.

11 (16) Grant, without prior written request, for any
12 copyright held by the publisher or its agencies automatic
13 permission to the department or its agencies for the
14 reproduction of textbooks and supplementary materials in
15 braille or large print or in the form of sound recordings, for
16 use by visually impaired students or other students with
17 disabilities that would benefit from use of the materials.

18 (17) Upon the willful failure of the publisher or
19 manufacturer to comply with the requirements of this section,
20 be liable to the department in the amount of 3 times the total
21 sum which the publisher or manufacturer was paid in excess of
22 the price required under subsections (5) and (6) and in the
23 amount of 3 times the total value of the instructional
24 materials and services which the district school board is
25 entitled to receive free of charge under subsection (7).

26 Section 315. Section 1006.39, Florida Statutes, is
27 created to read:

28 1006.39 Production and dissemination of educational
29 materials and products by department.--

30 (1) Educational materials and products developed by or
31 under the direction of the department, through research and

1 development or other efforts, including those subject to
 2 copyright, patent, or trademark, shall be made available for
 3 use by teachers, students, administrators, and other
 4 appropriate persons in the state system of education at the
 5 earliest practicable date and in the most economical and
 6 efficient manner possible.

7 (2) To accomplish this objective the department may
 8 publish, produce, or have produced educational materials and
 9 products and make them readily available for appropriate use
 10 in the state system of education. The department may charge
 11 an amount adequate to cover the essential cost of producing
 12 and disseminating such materials and products in the state
 13 system of education and may sell copies for educational use to
 14 private schools in the state and to the public.

15 (3) All proceeds from the sale of educational
 16 materials and products shall be remitted to the Treasurer and
 17 shall be kept in a separate fund to be known as the
 18 "Educational Media and Technology Trust Fund" and, when
 19 properly budgeted as approved by the Legislature and the
 20 Executive Office of the Governor, used to pay the cost of
 21 producing and disseminating educational materials and
 22 products.

23 (4) In cases in which the educational materials or
 24 products are of such nature, or the circumstances are such,
 25 that it is not practicable or feasible for the department to
 26 produce or have produced materials and products so developed,
 27 it may, after review and approval by the Department of State,
 28 license, lease, assign, sell, or otherwise give written
 29 consent to any person, firm or corporation for the manufacture
 30 or use thereof, on a royalty basis, or for such other
 31 consideration as the department finds proper and in the best

1 interest of the state. The department shall protect
2 educational materials and products against improper or
3 unlawful use or infringement and enforce the collection of any
4 sums due for the manufacture or use thereof by any other
5 party.

6 (5) The department shall not enter into the business
7 of producing or publishing textbooks, or the contents therein,
8 for general use in classrooms.

9 Section 316. Section 1006.40, Florida Statutes, is
10 created to read:

11 1006.40 Use of instructional materials allocation;
12 instructional materials, library books, and reference books;
13 repair of books.--

14 (1) On or before July 1 each year, the commissioner
15 shall certify to each district school superintendent the
16 estimated allocation of state funds for instructional
17 materials, computed pursuant to the provisions of s. 1011.67
18 for the ensuing fiscal year.

19 (2)(a) Each district school board must purchase
20 current instructional materials to provide each student with a
21 textbook or other instructional materials as a major tool of
22 instruction in core courses of the appropriate subject areas
23 of mathematics, language arts, science, social studies,
24 reading, and literature for kindergarten through grade 12.
25 Such purchase must be made within the first 2 years of the
26 effective date of the adoption cycle. Unless specifically
27 provided for in the General Appropriations Act, the cost of
28 instructional materials purchases required by this paragraph
29 shall not exceed the amount of the district's allocation for
30 instructional materials, pursuant to s. 1011.67, for the
31 previous 2 years.

1 (b) The requirement in paragraph (a) does not apply to
2 contracts in existence before April 1, 2000, or to a purchase
3 related to growth of student membership in the district or for
4 instructional materials maintenance needs.

5 (3)(a) Each district school board shall use the annual
6 allocation for the purchase of instructional materials
7 included on the state-adopted list, except as otherwise
8 authorized in paragraphs (b) and (c). No less than 50 percent
9 of the annual allocation shall be used to purchase items which
10 will be used to provide instruction to students at the level
11 or levels for which the materials are designed.

12 (b) Up to 50 percent of the annual allocation may be
13 used for the purchase of instructional materials, including
14 library and reference books and nonprint materials, not
15 included on the state-adopted list and for the repair and
16 renovation of textbooks and library books.

17 (c) District school boards may use 100 percent of that
18 portion of the annual allocation designated for the purchase
19 of instructional materials for kindergarten, and 75 percent of
20 that portion of the annual allocation designated for the
21 purchase of instructional materials for first grade, to
22 purchase materials not on the state-adopted list.

23 (4) The funds described in subsection (3) which
24 district school boards may use to purchase materials not on
25 the state-adopted list shall be used for the purchase of
26 instructional materials or other items having intellectual
27 content which assist in the instruction of a subject or
28 course. These items may be available in bound, unbound, kit,
29 or package form and may consist of hardbacked or softbacked
30 textbooks, replacements for items which were part of
31 previously purchased instructional materials, consumables,

1 learning laboratories, manipulatives, electronic media,
 2 computer courseware or software, and other commonly accepted
 3 instructional tools as prescribed by district school board
 4 rule. The funds available to district school boards for the
 5 purchase of materials not on the state-adopted list may not be
 6 used to purchase electronic or computer hardware even if such
 7 hardware is bundled with software or other electronic media,
 8 nor may such funds be used to purchase equipment or supplies.
 9 However, when authorized to do so in the General
 10 Appropriations Act, a school or district school board may use
 11 a portion of the funds available to it for the purchase of
 12 materials not on the state-adopted list to purchase science
 13 laboratory materials and supplies.

14 (5) Each district school board shall adopt rules, and
 15 each district school superintendent shall implement
 16 procedures, that will assure the maximum use by the students
 17 of the authorized instructional materials.

18 (6) District school boards may issue purchase orders
 19 subsequent to February 1 in an aggregate amount which does not
 20 exceed 20 percent of the current year's allocation, and
 21 subsequent to April 1 in an aggregate amount which does not
 22 exceed 90 percent of the current year's allocation, for the
 23 purpose of expediting the delivery of instructional materials
 24 which are to be paid for from the ensuing year's allocation.

25 (7) In any year in which the total instructional
 26 materials allocation for a school district has not been
 27 expended or obligated prior to June 30, the district school
 28 board shall carry forward the unobligated amount and shall add
 29 it to the next year's allocation.

30 Section 317. Section 1006.41, Florida Statutes, is
 31 created to read:

1 1006.41 Disposal of instructional materials.--

2 (1) Instructional materials that have become
3 unserviceable or surplus or are no longer on state contract
4 may be disposed of, under adopted rule of the district school
5 board, by:

6 (a) Giving or lending the materials to other public
7 education programs within the district or state, to the
8 teachers to use in developing supplementary teaching
9 materials, to students or others, or to any charitable
10 organization, governmental agency, home education students,
11 private school, or state.

12 (b) Selling the materials to used book dealers,
13 recycling plants, pulp mills, or other persons, firms, or
14 corporations upon such terms as are most economically
15 advantageous to the district school board.

16 (2) The district school board may prescribe by rule
17 the manner for destroying instructional materials that cannot
18 be disposed of as provided in subsection (1).

19 (3) All moneys received for the sale, exchange, or
20 other disposition of instructional materials shall be
21 deposited in the district school fund and added to the
22 district appropriation for instructional materials.

23 (4) Instructional materials which have been sold,
24 exchanged, lost, destroyed, or damaged and for which proper
25 charges have been assessed and collected, and instructional
26 materials which have been destroyed by fire or storm damage or
27 by order of a competent health officer or the district school
28 superintendent, shall be dropped from the record of
29 instructional materials for which, as provided by law,
30 district school boards are held responsible.

31

1 Section 318. Section 1006.42, Florida Statutes, is
2 created to read:

3 1006.42 Responsibility of students and parents for
4 instructional materials.--

5 (1) All instructional materials purchased under the
6 provisions of this part are the property of the district
7 school board. When distributed to the students, these
8 instructional materials are on loan to the students while they
9 are pursuing their courses of study and are to be returned at
10 the direction of the school principal or the teacher in
11 charge. Each parent of a student to whom or for whom
12 instructional materials have been issued, is liable for any
13 loss or destruction of, or unnecessary damage to, the
14 instructional materials or for failure of the student to
15 return the instructional materials when directed by the school
16 principal or the teacher in charge, and shall pay for such
17 loss, destruction, or unnecessary damage as provided by law.

18 (2) Nothing in this part shall be construed to
19 prohibit parents from exercising their right to purchase
20 instructional materials from the district school board.

21 Section 319. Section 1006.43, Florida Statutes, is
22 created to read:

23 1006.43 Expenses; budget request.--

24 (1) The commissioner shall include in the department's
25 annual legislative budget a request for funds in an amount
26 sufficient to provide the necessary expense for:

27 (a) The instructional materials committees.

28 (b) Instructional materials for use by partially
29 sighted students.

30 (c) Other specific and necessary state expenses with
31 regard to the instructional materials program.

1 (2) The department may arrange for distribution
2 adopted textbooks which are prepared in various media for the
3 use of partially sighted children enrolled in the Florida
4 schools.

5 Section 320. Part II of chapter 1006, Florida
6 Statutes, shall be entitled "Public Postsecondary Education
7 Support for Learning and Student Services" and shall consist
8 of ss. 1006.50-1006.71.

9 Section 321. Section 1006.50, Florida Statutes, is
10 created to read:

11 1006.50 Student handbooks.--

12 (1) Each community college and state university shall
13 compile and update annually a student handbook that includes,
14 but is not limited to, a comprehensive calendar that
15 emphasizes important dates and deadlines, student rights and
16 responsibilities, appeals processes available to students, and
17 a roster of contact persons within the administrative staff
18 available to respond to student inquiries.

19 (2) Each student handbook shall list the legal and
20 institution-specific sanctions that will be imposed upon
21 students who violate the law or institutional policies
22 regarding controlled substances and alcoholic beverages.

23 (3) Each student handbook shall provide information
24 related to acquired immune deficiency syndrome (AIDS)
25 education or identify sites from which AIDS education
26 information may be obtained.

27 Section 322. Section 1006.51, Florida Statutes, is
28 created to read:

29 1006.51 Student ombudsman office.--

30
31

1 (1) There is created at each community college and
2 state university a student ombudsman office, which is
3 accountable to the president.

4 (2) Each institution must have an established
5 procedure by which a student may appeal to the office of the
6 ombudsman a decision that is related to the student's access
7 to courses and credit granted toward the degree. Detailed
8 information concerning this procedure must be included in the
9 institution's catalog.

10 (3) Each community college and state university shall
11 develop minimum standards for the role of ombudsman or student
12 advocate. The standards shall address the issue of
13 notification of students of opportunities for assistance or
14 appeal.

15 Section 323. Section 1006.52, Florida Statutes, is
16 created to read:

17 1006.52 Student records.--

18 (1) Each university may prescribe the content and
19 custody of records and reports which the university may
20 maintain on its students. Such records are confidential and
21 exempt from the provisions of s. 119.07(1) and are open to
22 inspection only as provided in s. 1002.22.

23 (2) Rules of the State Board of Education may
24 prescribe the content and custody of records and reports which
25 a community college may maintain on its students. Such records
26 are confidential and exempt from s. 119.07(1) and are open to
27 inspection only as provided in s. 1002.22.

28 Section 324. Section 1006.53, Florida Statutes, is
29 created to read:

30 1006.53 Religious observances.--Each public

31 postsecondary educational institution shall adopt a policy in

1 accordance with rules of the State Board of Education which
2 reasonably accommodates the religious observance, practice,
3 and belief of individual students in regard to admissions,
4 class attendance, and the scheduling of examinations and work
5 assignments. Each policy shall include a grievance procedure
6 by which a student who believes that he or she has been
7 unreasonably denied an educational benefit due to his or her
8 religious belief or practices may seek redress. Such policy
9 shall be made known to faculty and students annually in
10 inclusion in the institution's handbook, manual, or other
11 similar document regularly provided to faculty and students.

12 Section 325. Section 1006.54, Florida Statutes, is
13 created to read:

14 1006.54 Universities; public documents distributed to
15 libraries.--The general library of each state university may
16 receive copies of reports of state officials, departments, and
17 institutions and all other state documents published by the
18 state. Each officer of the state empowered by law to
19 distribute such public documents may transmit without charge,
20 except for payment of shipping costs, the number of copies of
21 each public document desired upon requisition from the
22 librarian. It is the duty of the library to keep public
23 documents in a convenient form accessible to the public. The
24 library, under rules formulated by the university board of
25 trustees, is authorized to exchange documents for those of
26 other states, territories, and countries.

27 Section 326. Section 1006.55, Florida Statutes, is
28 created to read:

29 1006.55 Law libraries of certain institutions of
30 higher learning designated as state legal depositories.--
31

1 (1) The law libraries of the University of Florida,
2 Florida State University, Florida International University,
3 Florida Agricultural and Mechanical University, Stetson
4 University, Nova University, and the University of Miami are
5 designated as state legal depositories.

6 (2) Each officer of the state empowered by law to
7 distribute legal publications may transmit, upon payment of
8 shipping costs or cash on delivery, to the state legal
9 depositories copies of such publications as requested.
10 However, the number of copies transmitted shall be limited to:

11 (a) Eight copies of each volume of General Acts and
12 each volume of Special Acts to each of the state legal
13 depositories;

14 (b) Up to a maximum number of each volume of the
15 Florida Statutes and each supplement volume, computed on the
16 basis of one set for every 10 students enrolled during the
17 school year, based upon the average enrollment as certified by
18 the registrar; and

19 (c) One copy of each journal of the House of
20 Representatives and each journal of the Senate to each state
21 legal depository.

22 (3) It is the duty of the librarian of any depository
23 to keep all public documents in a convenient form accessible
24 to the public.

25 (4) The libraries of all community colleges are
26 designated as state depositories for the Florida Statutes and
27 supplements published by or under the authority of the state;
28 these depositories each may receive upon request one copy of
29 each volume without charge, except for payment of shipping
30 costs.

31

1 Section 327. Section 1006.56, Florida Statutes, is
2 created to read:

3 1006.56 Specified university publications; activities;
4 trust funds.--

5 (1) Subject to the approval of the appropriate
6 university, the Florida Law Review, the Florida State
7 University Law Review, the Florida State University Journal of
8 Land Use and Environmental Law, the University of Florida
9 Journal of Law and Public Policy, and the Florida
10 International Law Journal of the University of Florida are
11 authorized to engage in the following activities relating to
12 their respective publications, notwithstanding the contrary
13 provision of any statute, rule, or regulation of the state or
14 its subdivisions or agencies:

15 (a) The grant of reprint rights relating to any or all
16 issues of the Florida Law Review, the Florida State University
17 Law Review, the Florida State University Journal of Land Use
18 and Environmental Law, the University of Florida Journal of
19 Law and Public Policy, or the Florida International Law
20 Journal of the University of Florida, or any of the materials,
21 articles, or ideas contained therein;

22 (b) The sale for adequate consideration of any or all
23 past or future stock and inventory of published issues of the
24 Florida Law Review, the Florida State University Law Review,
25 the Florida State University Journal of Land Use and
26 Environmental Law, the University of Florida Journal of Law
27 and Public Policy, or the Florida International Law Journal of
28 the University of Florida, or portions thereof; and

29 (c) The retention of the proceeds obtained under
30 paragraph (a) or paragraph (b) together with all moneys
31 received by the Florida Law Review or the Florida State

1 University Law Review from current or future subscriptions,
2 sale of individual issues, sale of advertising, binding
3 service, royalties, donations, and all other sources except
4 direct or indirect appropriations from the state, its
5 subdivisions, or agencies.

6 (2) Moneys retained by the Florida Law Review pursuant
7 to this section shall be placed in a trust fund to be known as
8 the Florida Law Review Trust Fund. Moneys retained by the
9 Florida State University Law Review pursuant to this section
10 shall be placed in a trust fund to be known as the Florida
11 State University Law Review Trust Fund. Moneys retained by the
12 Florida State University Journal of Land Use and Environmental
13 Law pursuant to this section shall be placed in a trust fund
14 to be known as the Florida State University Journal of Land
15 Use and Environmental Law Trust Fund. Moneys retained by the
16 University of Florida Journal of Law and Public Policy
17 pursuant to this section shall be placed in a trust fund to be
18 known as the University of Florida Journal of Law and Public
19 Policy Trust Fund. Moneys retained by the Florida
20 International Law Journal of the University of Florida
21 pursuant to this section shall be placed in a trust fund to be
22 known as the Florida International Law Journal of the
23 University of Florida Trust Fund. Such trust funds shall be
24 used to pay or supplement the payment of printing costs or
25 other costs incident to the publication of the respective law
26 reviews and law journals and shall be administered by the dean
27 of each college of law or his or her faculty designee.

28 (3) Printing of such publications shall be let upon
29 contract to the lowest responsive bidder, in accordance with
30 s. 283.33, except when the additional costs incurred in
31 changing from the current printer to the new low bidder exceed

1 the savings reflected in the bid prices. Such additional costs
2 shall not exceed 10 percent of the lowest bid price.

3 Section 328. Section 1006.57, Florida Statutes, is
4 created to read:

5 1006.57 Certain books furnished by Clerk of Supreme
6 Court.--

7 (1) The Clerk of the Supreme Court of the state shall
8 furnish the State Board of Education three bound copies of
9 each volume of the Florida Supreme Court Reports as the same
10 are issued and published for the use of the schools of law of
11 the University of Florida, the Florida State University,
12 Florida International University, and Florida Agricultural and
13 Mechanical University.

14 (2) The Clerk of the Supreme Court shall transmit to
15 said schools of law any law books coming into his or her
16 possession for the Supreme Court which are not necessary for
17 said court. The clerk of said court shall furnish said Supreme
18 Court Reports and said surplus law books without cost to said
19 law schools.

20 Section 329. Section 1006.58, Florida Statutes, is
21 created to read:

22 1006.58 Collections management for museums and
23 galleries of state universities.--

24 (1) State universities may enter into contracts or
25 agreements with or without competitive bidding, as
26 appropriate, for the restoration of objects of art, art
27 history, or natural history in their collections or for the
28 purchase of objects of art, art history, or natural history
29 which are to be added to their collections.

30 (2) State universities may sell any art, art history,
31 or natural history object in their museum or gallery

1 collections if the university determines that it is no longer
2 appropriate for the collection. The proceeds of the sale shall
3 be deposited in the Acquisition, Restoration, and Conservation
4 Trust Fund or other appropriate trust fund of the university.
5 Each state university museum or gallery shall function
6 entirely separate from every state university museum or
7 gallery. State universities also may exchange any art, art
8 history, or natural history object which the university
9 museums or galleries judge is of equivalent or greater value
10 to their museums or galleries.

11 (3) No employee, representative, or agent of a
12 university shall receive a commission, fee, or financial
13 benefit in connection with the sale or exchange of a work of
14 art, art history, or natural history, nor may he or she be a
15 business associate of any individual, firm, or organization
16 involved in the sale or exchange.

17 (4)(a) Each university may establish an Acquisition,
18 Restoration, and Conservation Trust Fund or utilize an
19 appropriate existing trust fund.

20 (b) The president of each university may delegate the
21 following authority to the museum or gallery directors and
22 governing bodies of the museums or galleries:

23 1. To enter into contracts for the restoration or
24 purchase of art, art history, or natural history objects, with
25 or without competitive bidding, as appropriate.

26 2. To sell art, art history, or natural history
27 objects in museum or gallery collections, the proceeds of
28 which shall be deposited in the Acquisition, Restoration, and
29 Conservation Trust Fund or other appropriate existing trust
30 fund.

31

1 3. To exchange art, art history, or natural history
2 objects of equal or greater value with any other state
3 university.

4 Section 330. Section 1006.59, Florida Statutes, is
5 created to read:

6 1006.59 The Historically Black College and University
7 Library Improvement Program.--

8 (1) It is the intent of the Legislature to enhance the
9 quality of the libraries at Florida Agricultural and
10 Mechanical University, Bethune-Cookman College, Edward Waters
11 College, and Florida Memorial College.

12 (2) There is created the Historically Black College
13 and University Library Improvement Program to be administered
14 by the Department of Education. The primary objectives of the
15 program shall be to increase each library's holdings by 500 to
16 1,000 books per year, to increase library use by students and
17 faculty, and to enhance the professional growth of librarians
18 by providing inservice training. At least 50 percent of
19 library acquisitions shall be in the humanities, with the
20 balance to be in all other disciplines. It is the intent of
21 the Legislature to provide general revenue funds each year to
22 support this program.

23 (3) Each institution shall submit to the State Board
24 of Education a plan for enhancing its library through the
25 following activities:

26 (a) Each institution shall increase the number of
27 volumes by purchasing replacement books and new titles. Funds
28 shall not be used to purchase periodicals or nonprint media.
29 The goal of these purchases is to meet the needs of students
30 and faculty in disciplines that have recently been added to
31 the curriculum, in traditional academic fields that have been

1 expanded, or in academic fields in which rapid changes in
2 technology result in accelerated obsolescence of related
3 library holdings.

4 (b) A committee composed of librarians and faculty at
5 each institution shall assess the adequacy of library holdings
6 in all academic areas. The committee shall develop a list of
7 resources that need to be replaced. Based on its assessment of
8 the current collection, the committee shall develop a
9 prioritized list of recommended acquisitions and shall submit
10 such list to the college or university president.

11 Section 331. Section 1006.60, Florida Statutes, is
12 created to read:

13 1006.60 Codes of conduct; disciplinary measures;
14 rulemaking authority.--

15 (1) Each community college and state university may
16 adopt, by rule, codes of conduct and appropriate penalties for
17 violations of rules by students, to be administered by the
18 institution. Such penalties, unless otherwise provided by law,
19 may include: reprimand; restitution; fines; withholding of
20 diplomas or transcripts pending compliance with rules,
21 completion of any student judicial process or sanction, or
22 payment of fines; restrictions on the use of or removal from
23 campus facilities; community service; educational
24 requirements; and the imposition of probation, suspension,
25 dismissal, or expulsion.

26 (2) Each community college and state university may
27 adopt, by rule, a code of conduct and appropriate penalties
28 for violations of rules by student organizations, to be
29 administered by the institution. Such penalties, unless
30 otherwise provided by law, may include: reprimand;
31 restitution; suspension, cancellation, or revocation of the

1 registration or official recognition of a student
2 organization; and restrictions on the use of, or removal from,
3 campus facilities.

4 (3) Sanctions authorized by such codes of conduct may
5 be imposed only for acts or omissions in violation of rules
6 adopted by the institution, including rules adopted under this
7 section, rules of the State Board of Education, county and
8 municipal ordinances, and the laws of this state, the United
9 States, or any other state.

10 (4) Each community college and state university may
11 establish and adopt, by rule, codes of appropriate penalties
12 for violations of rules governing student academic honesty.
13 Such penalties, unless otherwise provided by law, may include:
14 reprimand; reduction of grade; denial of academic credit;
15 invalidation of university credit or of the degree based upon
16 such credit; probation; suspension; dismissal; or expulsion.
17 In addition to any other penalties that may be imposed, an
18 individual may be denied admission or further registration,
19 and the institution may invalidate academic credit for work
20 done by a student and may invalidate or revoke the degree
21 based upon such credit if it is determined that the student
22 has made false, fraudulent, or incomplete statements in the
23 application, residence affidavit, or accompanying documents or
24 statements in connection with, or supplemental to, the
25 application for admission to or graduation from the
26 institution.

27 (5) Each community college and state university shall
28 adopt rules for the lawful discipline of any student who
29 intentionally acts to impair, interfere with, or obstruct the
30 orderly conduct, processes, and functions of the institution.

31

1 Said rules may apply to acts conducted on or off campus when
2 relevant to such orderly conduct, processes, and functions.

3 Section 332. Section 1006.61, Florida Statutes, is
4 created to read:

5 1006.61 Participation by students in disruptive
6 activities at public postsecondary educational institution;
7 penalties.--

8 (1) Any person who accepts the privilege extended by
9 the laws of this state of attendance at any public
10 postsecondary educational institution shall, by attending such
11 institution, be deemed to have given his or her consent to the
12 policies of that institution, the State Board of Education,
13 and the laws of this state. Such policies shall include
14 prohibition against disruptive activities at public
15 postsecondary educational institutions.

16 (2) After it has been determined that a student of a
17 state institution of higher learning has participated in
18 disruptive activities, such student may be immediately
19 expelled from the institution for a minimum of 2 years.

20 Section 333. Section 1006.62, Florida Statutes, is
21 created to read:

22 1006.62 Expulsion and discipline of students of
23 community colleges and state universities.--

24 (1) Each student in a community college or state
25 university is subject to federal and state law, respective
26 county and municipal ordinances, and all rules and regulations
27 of the State Board of Education or board of trustees of the
28 institution.

29 (2) Violation of these published laws, ordinances, or
30 rules and regulations may subject the violator to appropriate
31 action by the institution's authorities.

1 (3) Each president of a community college or state
2 university may, after notice to the student of the charges and
3 after a hearing thereon, to expel, suspend, or otherwise
4 discipline any student who is found to have violated any law,
5 ordinance, or rule or regulation of the State Board of
6 Education or of the board of trustees of the institution. A
7 student may be entitled to waiver of expulsion:

8 (a) If the student provides substantial assistance in
9 the identification, arrest, or conviction of any of his or her
10 accomplices, accessories, coconspirators, or principals or of
11 any other person engaged in violations of chapter 893 within a
12 state university or community college;

13 (b) If the student voluntarily discloses his or her
14 violations of chapter 893 prior to his or her arrest; or

15 (c) If the student commits himself or herself, or is
16 referred by the court in lieu of sentence, to a state-licensed
17 drug abuse program and successfully completes the program.

18 Section 334. Section 1006.63, Florida Statutes, is
19 created to read:

20 1006.63 Hazing prohibited.--

21 (1) As used in this section, "hazing" means any action
22 or situation that recklessly or intentionally endangers the
23 mental or physical health or safety of a student for the
24 purpose of initiation or admission into or affiliation with
25 any organization operating under the sanction of a
26 postsecondary institution. Such term includes, but is not
27 limited to, any brutality of a physical nature, such as
28 whipping, beating, branding, forced calisthenics, exposure to
29 the elements, forced consumption of any food, liquor, drug, or
30 other substance, or other forced physical activity which could
31 adversely affect the physical health or safety of the student,

1 and also includes any activity which would subject the student
2 to extreme mental stress, such as sleep deprivation, forced
3 exclusion from social contact, forced conduct which could
4 result in extreme embarrassment, or other forced activity
5 which could adversely affect the mental health or dignity of
6 the student.

7 (2) Public and nonpublic postsecondary educational
8 institutions whose students receive state student financial
9 assistance must adopt a written antihazing policy and under
10 such policy must adopt rules prohibiting students or other
11 persons associated with any student organization from engaging
12 in hazing.

13 (3) Public and nonpublic postsecondary educational
14 institutions must provide a program for the enforcement of
15 such rules and must adopt appropriate penalties for violations
16 of such rules, to be administered by the person at the
17 institution responsible for the sanctioning of such
18 organizations.

19 (a) Such penalties at community colleges and state
20 universities may include the imposition of fines; the
21 withholding of diplomas or transcripts pending compliance with
22 the rules or pending payment of fines; and the imposition of
23 probation, suspension, or dismissal.

24 (b) In the case of an organization at a community
25 college or state university which authorizes hazing in blatant
26 disregard of such rules, penalties may also include rescission
27 of permission for that organization to operate on campus
28 property or to otherwise operate under the sanction of the
29 institution.

30 (c) All penalties imposed under the authority of this
31 subsection shall be in addition to any penalty imposed for

1 violation of any of the criminal laws of this state or for
2 violation of any other rule of the institution to which the
3 violation may be subject.

4 (4) Rules adopted pursuant hereto shall apply to acts
5 conducted on or off campus whenever such acts are deemed to
6 constitute hazing.

7 (5) Upon approval of the antihazing policy of a
8 community college or state university and of the rules and
9 penalties adopted pursuant thereto, the institution shall
10 provide a copy of such policy, rules, and penalties to each
11 student enrolled in that institution and shall require the
12 inclusion of such policy, rules, and penalties in the bylaws
13 of every organization operating under the sanction of the
14 institution.

15 Section 335. Section 1006.64, Florida Statutes, is
16 created to read:

17 1006.64 Suspension and removal from office of elected
18 student government officials; referendum.--The student
19 government association of each community college and state
20 university shall establish a process to provide for the
21 removal from office of any elected student government official
22 who has been convicted of a violation of criminal law or has
23 been found civilly liable for an act of moral turpitude, after
24 all available rights of judicial appeal have been exercised or
25 waived or have expired. The process shall include a procedure
26 for the immediate suspension of the student government
27 official from elected office following the conviction or civil
28 finding and during any appeal, and shall provide for the
29 temporary successor to the subject office pending completion
30 of any appeal. The process must also include a procedure for
31 registered students to petition for a referendum recommending

1 to the student government association the removal of a student
2 official from elected office. The referendum must be held
3 within 60 days of filing of the petition. The recommendation
4 to remove the subject official from elected office shall be
5 made by majority vote of the students participating in the
6 referendum. The action of a student government association
7 under this section shall be subject to an appeal to the
8 university or community college president or designee.

9 Section 336. Section 1006.65, Florida Statutes, is
10 created to read:

11 1006.65 Safety issues in courses offered by public
12 postsecondary educational institutions.--

13 (1) The State Board of Education shall adopt rules to
14 ensure that policies and procedures are in place to protect
15 the health and safety of students, instructional personnel,
16 and visitors who participate in courses offered by a public
17 postsecondary educational institution.

18 (2) Such policies and procedures shall be guided by
19 industry standards for practices in the course content area
20 and shall conform with all related and relevant state and
21 federal health and safety requirements.

22 Section 337. Section 1006.66, Florida Statutes, is
23 created to read:

24 1006.66 Regulation of traffic at universities.--

25 (1) As defined under this section:

26 (a) "Traffic," when used as a noun, means the use or
27 occupancy of, and the movement in, on, or over, streets, ways,
28 walks, roads, alleys, and parking areas by vehicles,
29 pedestrians, or ridden or herded animals.

30 (b) "Adjacent municipality" means a municipality which
31 is contiguous or adjacent to, or which contains within its

1 boundaries all or part of the grounds of, a university; except
2 that, if the grounds of a university are not within or
3 contiguous to a municipality, "adjacent municipality" means
4 the county seat of the county which contains within its
5 boundaries all or part of the grounds of the university.

6 (c) "Grounds" includes all of the campus and grounds
7 of the university, whether it be the campus proper or outlying
8 or noncontiguous land of the university within the county.

9 (d) "Law enforcement officers" include municipal
10 police, patrol officers, traffic officers, sheriffs, deputies,
11 highway patrol officers, and county traffic officers assigned
12 to duty on the grounds of the university; campus police,
13 traffic officers, guards, parking patrollers, and other
14 noncommissioned personnel designated for traffic purposes by
15 the university; and other law enforcement officers as defined
16 in s. 943.10(1).

17 (e) "University traffic infraction" means a
18 noncriminal violation of university parking and traffic rules
19 which is not included under s. 318.14 or s. 318.17 or any
20 municipal ordinance, which is not punishable by incarceration,
21 and for which there is no right to trial by jury or to
22 court-appointed counsel.

23 (f) "Traffic authority" means an individual or a group
24 of individuals at each university, authorized and appointed by
25 the president of the university to adjudicate university
26 traffic infractions.

27 (2) Each university board of trustees shall adopt
28 rules that govern traffic on the grounds of the university;
29 that provide penalties for the infraction of such traffic
30 rules; and that the university finds necessary, convenient, or
31 advisable for the safety or welfare of the students, faculty

1 members, or other persons. Copies of the rules shall be posted
 2 at the university on public bulletin boards where notices are
 3 customarily posted, filed with the city clerk or corresponding
 4 municipal or county officer, and made available to any person
 5 requesting same. When adopted, the rules shall be enforceable
 6 as herein provided. All ordinances of the adjacent
 7 municipality relating to traffic that are not in conflict or
 8 inconsistent with the traffic rules adopted by the individual
 9 university shall extend and be applicable to the grounds of
 10 the university. The provisions of chapter 316 shall extend and
 11 be applicable to the grounds of the university, and the rules
 12 adopted by the individual university shall not conflict with
 13 any section of that chapter.

14 (3) Any person who violates any of those rules adopted
 15 by the individual institution shall be deemed to have
 16 committed a university traffic infraction and shall be fined
 17 or penalized as provided by the rules adopted by the
 18 institution. Any person who violates any traffic regulation
 19 enumerated in chapter 316 shall be charged, and the cause
 20 shall proceed, in accordance with chapters 316 and 318.

21 (4) A person charged with a university traffic
 22 infraction shall elect the option prescribed in paragraph (a)
 23 or the option prescribed in paragraph (b). If neither option
 24 is exercised within the prescribed time by the person charged
 25 with a university traffic infraction, an additional fine or
 26 penalty may be assessed, and shall be payable, in accordance
 27 with the rules of the university.

28 (a) The person charged may pay the applicable
 29 infraction fine, either by mail or in person, within the time
 30 period specified in the rules of the individual university. A
 31

1 schedule of infraction fines applicable to each university
2 shall be adopted by the university.

3 (b) The person charged may elect to appear before the
4 university traffic authority for administrative determination
5 pursuant to procedures enumerated in the rules of such
6 university.

7 (5) Each university is authorized to approve the
8 establishment of a university traffic authority to hear
9 violations of traffic rules. In such cases as come before the
10 authority, the university traffic authority shall determine
11 whether the person is guilty or not guilty of the charge. In
12 the case of a finding of guilt, the authority shall, in its
13 discretion, impose an appropriate penalty pursuant to
14 subsection (3).

15 (6) This section shall provide the exclusive
16 procedures for the adjudication of university traffic
17 infractions.

18 (7) Moneys collected from parking assessments and
19 infraction fines shall be deposited in appropriate funds and
20 shall be used to defray the administrative and operating costs
21 of the traffic and parking program at the institution, to
22 provide for additional parking facilities on campus, or for
23 student loan purposes.

24 Section 338. Section 1006.67, Florida Statutes, is
25 created to read:

26 1006.67 Report of campus crime statistics and
27 assessment of physical plant safety.--

28 (1) Each postsecondary educational institution shall
29 prepare an annual report of campus crime statistics for
30 submission to the Department of Education. The data for these
31 reports may be taken from the Florida Department of Law

1 Enforcement Annual Report. The Department of Education shall
2 prescribe the format for institutional submission.

3 (2) Each postsecondary institution shall prepare a
4 report of crime statistics as reported under subsection (1)
5 for the most recent 3-year period. The report shall be updated
6 annually. The institution shall give notice that this report
7 is available upon request.

8 (3) The Commissioner of Education shall convey the
9 reports required by this section to the President of the
10 Senate and the Speaker of the House of Representatives no
11 later than March 1 of each year.

12 Section 339. Section 1006.68, Florida Statutes, is
13 created to read:

14 1006.68 HIV and AIDS policy.--Each community college
15 and state university shall develop a comprehensive policy that
16 addresses the provision of instruction, information, and
17 activities regarding human immunodeficiency virus infection
18 and acquired immune deficiency syndrome. Such instruction,
19 information, or activities shall emphasize the known modes of
20 transmission of human immunodeficiency virus infection and
21 acquired immune deficiency syndrome, signs and symptoms,
22 associated risk factors, appropriate behavior and attitude
23 change, and means used to control the spread of human
24 immunodeficiency virus infection and acquired immune
25 deficiency syndrome.

26 Section 340. Section 1006.70, Florida Statutes, is
27 created to read:

28 1006.70 Sponsorship of athletic activities similar to
29 those for which scholarships offered; rulemaking.--

30 (1) If a district school board sponsors an athletic
31 activity or sport that is similar to a sport for which a

1 community college or state university offers an athletic
2 scholarship, it must sponsor the athletic activity or sport
3 for which a scholarship is offered. This section does not
4 affect academic requirements for participation or prevent the
5 districts or community colleges from sponsoring activities in
6 addition to those for which scholarships are provided.

7 (2) If a community college sponsors an athletic
8 activity or sport that is similar to a sport for which a state
9 university offers an athletic scholarship, it must sponsor the
10 athletic activity or sport for which a scholarship is offered.

11 (3) Two athletic activities or sports that are similar
12 may be offered simultaneously.

13 (4) If the level of participation is insufficient to
14 warrant continuation of an athletic activity or sport, the
15 school may offer an alternative athletic activity or sport.

16 (5) The State Board of Education shall adopt rules to
17 administer this section, including rules that determine which
18 athletic activities are similar to sports for which public
19 postsecondary educational institutions offer scholarships.

20 Section 341. Section 1006.71, Florida Statutes, is
21 created to read:

22 1006.71 Gender equity in intercollegiate athletics.--

23 (1) GENDER EQUITY PLAN.--

24 (a) Each community college and state university shall
25 develop a gender equity plan pursuant to s. 1000.05.

26 (b) The plan shall include consideration of equity in
27 sports offerings, participation, availability of facilities,
28 scholarship offerings, and funds allocated for administration,
29 recruitment, comparable coaching, publicity and promotion, and
30 other support costs.

31

1 (c) The Commissioner of Education shall annually
2 assess the progress of each institution's plan and advise the
3 State Board of Education regarding compliance.

4 (d) Each board of trustees of a public community
5 college or state university shall annually evaluate the
6 presidents on the extent to which the gender equity goals have
7 been achieved.

8 (e) To determine the proper level of support for
9 women's athletic scholarships, an equity plan may determine,
10 where appropriate, that support for women's scholarships may
11 be disproportionate to the support of scholarships for men.

12 (f) If a community college or state university is not
13 in compliance with Title IX of the Education Amendments of
14 1972 and the Florida Educational Equity Act, the State Board
15 of Education shall:

16 1. Declare the institution ineligible for competitive
17 state grants.

18 2. Withhold funds sufficient to obtain compliance.

19
20 The institution shall remain ineligible and the funds shall
21 not be paid until the institution comes into compliance or the
22 Commissioner of Education approves a plan for compliance.

23 (2) FUNDING.--

24 (a) An equitable portion of all separate athletic fees
25 shall be designated for women's intercollegiate athletics.

26 (b) The level of funding and percentage share of
27 support for women's intercollegiate athletics shall be
28 determined by the State Board of Education. The level of
29 funding and percentage share attained in the 1980-1981 fiscal
30 year shall be the minimum level and percentage maintained by
31 each institution, except as the State Board of Education

1 otherwise directs for the purpose of assuring equity.
2 Consideration shall be given by the State Board of Education
3 to emerging athletic programs at institutions which may not
4 have the resources to secure external funds to provide
5 athletic opportunities for women. It is the intent that the
6 effect of any redistribution of funds among institutions shall
7 not negate the requirements as set forth in this section.

8 (c) In addition to the above amount, an amount equal
9 to the sales taxes collected from admission to athletic events
10 sponsored by a state university shall be retained and utilized
11 by each university to support women's athletics.

12 (3) STATE BOARD OF EDUCATION.--The State Board of
13 Education shall assure equal opportunity for female athletes
14 and establish:

15 (a) Guidelines for reporting of intercollegiate
16 athletics data concerning financial, program, and facilities
17 information for review by the State Board of Education
18 annually.

19 (b) Systematic audits for the evaluation of such data.

20 (c) Criteria for determining and assuring equity.

21 Section 342. Chapter 1007, Florida Statutes, shall be
22 entitled "Articulation and Access" and shall consist of ss.
23 1007.01-1007.34.

24 Section 343. Part I of chapter 1007, Florida Statutes,
25 shall be entitled "General Provisions" and shall consist of s.
26 1007.01.

27 Section 344. Section 1007.01, Florida Statutes, is
28 created to read:

29 1007.01 Articulation; legislative intent; purpose;
30 role of the State Board of Education.--

31

1 (1) It is the intent of the Legislature to facilitate
2 articulation and seamless integration of the K-20 education
3 system by building and sustaining relationships among K-20
4 public organizations, between public and private
5 organizations, and between the education system as a whole and
6 Florida's communities. The purpose of building and sustaining
7 these relationships is to provide for the efficient and
8 effective progression and transfer of students within the
9 education system and to allow students to proceed toward their
10 educational objectives as rapidly as their circumstances
11 permit.

12 (2) To improve and facilitate articulation systemwide,
13 the State Board of Education shall develop policies and
14 guidelines with input from statewide K-20 advisory groups
15 established by the Commissioner of Education relating to:

16 (a) The alignment between the exit requirements of one
17 system and the admissions requirements of another system into
18 which students typically transfer.

19 (b) The identification of common courses, the level of
20 courses, institutional participation in a statewide course
21 numbering system, and the transferability of credits among
22 such institutions.

23 (c) Identification of courses that meet general
24 education or common degree program prerequisite requirements
25 at public postsecondary educational institutions.

26 (d) Dual enrollment course equivalencies.

27 (e) Articulation agreements.

28 Section 345. Part II of chapter 1007, Florida
29 Statutes, shall be entitled "Articulation" and shall consist
30 of ss. 1007.21-1007.28.

31

1 Section 346. Section 1007.21, Florida Statutes, is
2 created to read:

3 1007.21 Readiness for postsecondary education and the
4 workplace.--

5 (1) It is the intent of the Legislature that students
6 and parents set early achievement and career goals for the
7 student's post-high school experience. This section sets forth
8 a model which schools, through their school advisory councils,
9 may choose to implement to ensure that students are ready for
10 postsecondary education and the workplace. If such a program
11 is adopted, students and their parents shall have the option
12 of participating in this model to plan the student's secondary
13 level course of study. Parents and students are to become
14 partners with school personnel in educational choice. Clear
15 academic course expectations shall be made available to all
16 students by allowing both student and parent or guardian
17 choice.

18 (2)(a) Students entering the 9th grade and their
19 parents shall be active participants in choosing an
20 end-of-high-school student destination based upon both student
21 and parent or guardian goals. Four or more destinations should
22 be available with bridges between destinations to enable
23 students to shift destinations should they choose to change
24 goals. The destinations shall accommodate the needs of
25 students served in exceptional education programs to the
26 extent appropriate for individual students. Exceptional
27 education students may continue to follow the courses outlined
28 in the district school board student progression plan.
29 Participating students and their parents shall choose among
30 destinations, which must include:

31

1 1. Four-year college or university, community college
2 plus university, or military academy.

3 2. Two-year postsecondary degree.

4 3. Postsecondary career and technical certificate.

5 4. Immediate employment or entry-level military.

6 (b) The student progression model toward a chosen
7 destination shall include:

8 1. A "path" of core courses leading to each of the
9 destinations provided in paragraph (a).

10 2. A recommended group of electives which shall help
11 define each path.

12 3. Provisions for a teacher, school administrator,
13 other school staff member, or community volunteer to be
14 assigned to a student as an "academic advocate" if parental or
15 guardian involvement is lacking.

16 (c) The common placement test authorized in ss.
17 1001.03(10) and 1008.30 or a similar test may be administered
18 to all high school second semester sophomores who have chosen
19 one of the four destinations. The results of the placement
20 test shall be used to target additional instructional needs in
21 reading, writing, and mathematics prior to graduation.

22 (d) Ample opportunity shall be provided for students
23 to move from one destination to another, and some latitude
24 shall exist within each destination, to meet the individual
25 needs of students.

26 (e) Destinations specified in subparagraphs (a)1., 2.,
27 and 3. shall support the goals of the Tech Prep program.
28 Students participating in Tech Prep shall be enrolled in
29 articulated, sequential programs of study that include a
30 technical component and at least a minimum of a postsecondary
31 certificate or 2-year degree.

1 (f) In order for these destinations to be attainable,
2 the business community shall be encouraged to support
3 real-world internships and apprenticeships.

4 (g) All students shall be encouraged to take part in
5 service learning opportunities.

6 (h) High school equivalency diploma preparation
7 programs shall not be a choice for high school students
8 leading to any of the four destinations provided in paragraph
9 (a) since the appropriate coursework, counseling component,
10 and career preparation cannot be ensured.

11 (i) Schools shall ensure that students and parents are
12 made aware of the destinations available and provide the
13 necessary coursework to assist the student in reaching the
14 chosen destination. Students and parents shall be made aware
15 of the student's progress toward the chosen destination.

16 (j) The Department of Education shall offer technical
17 assistance to school districts to ensure that the destinations
18 offered also meet the academic standards adopted by the state.

19 (3)(a) Access to Level I courses for graduation credit
20 and for pursuit of a declared destination shall be limited to
21 only those students for whom assessment indicates a more
22 rigorous course of study would be inappropriate.

23 (b) The school principal shall:

24 1. Designate a member of the existing instructional or
25 administrative staff to serve as a specialist to help
26 coordinate the use of student achievement strategies to help
27 students succeed in their coursework. The specialist shall
28 also assist teachers in integrating the academic and career
29 and technical curricula, utilizing technology, providing
30 feedback regarding student achievement, and implementing the
31 Blueprint for Career Preparation and Tech Prep programs.

1 2. Institute strategies to eliminate reading, writing,
2 and mathematics deficiencies of secondary students.

3 Section 347. Section 1007.22, Florida Statutes, is
4 created to read:

5 1007.22 Articulation; postsecondary institution
6 coordination and collaboration.--

7 (1) The university boards of trustees, community
8 college boards of trustees, and district school boards may
9 establish intrainstitutional and interinstitutional programs
10 to maximize articulation. Programs may include
11 upper-division-level courses offered at the community college,
12 distance learning, transfer agreements that facilitate the
13 transfer of credits between public and nonpublic postsecondary
14 institutions, and the concurrent enrollment of students at a
15 community college and a state university to enable students to
16 take any level of baccalaureate degree coursework.

17 (2) The levels of postsecondary education shall
18 collaborate in further developing and providing articulated
19 programs in which students can proceed toward their
20 educational objectives as rapidly as their circumstances
21 permit. Time-shortened educational programs, as well as the
22 use of acceleration mechanisms, shall include, but not be
23 limited to, the International Baccalaureate, credit by
24 examination or demonstration of competency, advanced
25 placement, early admissions, and dual enrollment.

26 (3) Public postsecondary educational institutions
27 servicing the same students in a geographic and service area are
28 encouraged to establish appropriate interinstitutional
29 mechanisms to achieve cooperative planning and delivery of
30 academic programs and related services, share a high-cost
31 instructional facility and equipment, coordinate credit and

1 noncredit outreach activities, have access to each other's
2 library and media holdings and services, and provide
3 cooperative campus activities and consultative relationships
4 for the discussion and resolution of interinstitutional issues
5 and problems which discourage student access or transfer.

6 (4) Public postsecondary education institutions are
7 encouraged to include independent colleges and universities
8 and industries within their service areas in mutual planning
9 of a comprehensive, complementary, cost-effective array of
10 undergraduate and beginning graduate programs of study to
11 serve that geographic area.

12 Section 348. Section 1007.23, Florida Statutes, is
13 created to read:

14 1007.23 Statewide articulation agreement.--

15 (1) The State Board of Education shall establish in
16 rule a statewide articulation agreement that governs:

17 (a) Articulation between secondary and postsecondary
18 education;

19 (b) Admission of associate in arts degree graduates
20 from community colleges and state universities;

21 (c) Admission of applied technology diploma program
22 graduates from community colleges or technical centers;

23 (d) Admission of associate in science degree and
24 associate in applied science degree graduates from community
25 colleges;

26 (e) The use of acceleration mechanisms, including
27 nationally standardized examinations through which students
28 may earn credit;

29 (f) General education requirements and statewide
30 course numbers as provided for in ss. 1007.24 and 1007.25; and

31 (g) Articulation among programs in nursing.

1 (2) The articulation agreement must specifically
 2 provide that every associate in arts graduate of a community
 3 college shall have met all general education requirements and
 4 must be granted admission to the upper division of a state
 5 university except to a limited access or teacher certification
 6 program or a major program requiring an audition. After
 7 admission has been granted to students under provisions of
 8 this section and to university students who have successfully
 9 completed 60 credit hours of coursework, including 36 hours of
 10 general education, and met the requirements of s. 1008.29,
 11 admission shall be granted to state university and community
 12 college students who have successfully completed 60 credit
 13 hours of work, including 36 hours of general education.
 14 Community college associate in arts graduates shall receive
 15 priority for admission to a state university over out-of-state
 16 students. Orientation programs and student handbooks provided
 17 to freshman enrollees and transfer students at state
 18 universities must include an explanation of this provision of
 19 the articulation agreement.

20 (3) The articulation agreement must guarantee the
 21 statewide articulation of appropriate workforce development
 22 programs and courses between school districts and community
 23 colleges and specifically provide that every applied
 24 technology diploma graduate must be granted the same amount of
 25 credit upon admission to an associate in science degree or
 26 associate in applied science degree program unless it is a
 27 limited access program. Preference for admission must be given
 28 to graduates who are residents of Florida.

29 (4) The articulation agreement must guarantee the
 30 statewide articulation of appropriate courses within associate
 31 in science degree programs to baccalaureate degree programs.

1 Courses within an associate in applied science degree program
2 may articulate into a baccalaureate degree program on an
3 individual or block basis as authorized in local
4 interinstitutional articulation agreements.

5 Section 349. Section 1007.235, Florida Statutes, is
6 created to read:

7 1007.235 District interinstitutional articulation
8 agreements.--

9 (1) District school superintendents and community
10 college presidents shall jointly develop and implement a
11 comprehensive articulated acceleration program for the
12 students enrolled in their respective school districts and
13 service areas. Within this general responsibility, each
14 superintendent and president shall develop a comprehensive
15 interinstitutional articulation agreement for the school
16 district and community college that serves the school
17 district. The district school superintendent and president
18 shall establish an articulation committee for the purpose of
19 developing this agreement. Each state university president is
20 encouraged to designate a university representative to
21 participate in the development of the interinstitutional
22 articulation agreements for each school district within the
23 university service area.

24 (2) The district interinstitutional articulation
25 agreement for each school year must be completed before high
26 school registration for the fall term of the following school
27 year. The agreement must include, but is not limited to, the
28 following components:

29 (a) A ratification or modification of all existing
30 articulation agreements.

31

1 (b)1. A delineation of courses and programs available
2 to students eligible to participate in dual enrollment. This
3 delineation must include a plan for the community college to
4 provide guidance services to participating students on the
5 selection of courses in the dual enrollment program. The
6 process of community college guidance should make maximum use
7 of the automated advisement system for community colleges. The
8 plan must assure that each dual enrollment student is
9 encouraged to identify a postsecondary education objective
10 with which to guide the course selection. At a minimum, each
11 student's plan should include a list of courses that will
12 result in an Applied Technology Diploma, an Associate in
13 Science degree, or an Associate in Arts degree. If the student
14 identifies a baccalaureate degree as the objective, the plan
15 must include courses that will meet the general education
16 requirements and any prerequisite requirements for entrance
17 into a selected baccalaureate degree program.

18 2. A delineation of the process by which students and
19 their parents are informed about opportunities to participate
20 in articulated acceleration programs.

21 3. A delineation of the process by which students and
22 their parents exercise their option to participate in an
23 articulated acceleration program.

24 4. A delineation of high school credits earned for
25 completion of each dual enrollment course.

26 5. Provision for postsecondary courses that meet the
27 criteria for inclusion in a district articulated acceleration
28 program to be counted toward meeting the graduation
29 requirements of s. 1003.43.

30 6. An identification of eligibility criteria for
31 student participation in dual enrollment courses and programs.

1 7. A delineation of institutional responsibilities
2 regarding student screening prior to enrollment and monitoring
3 student performance subsequent to enrollment in dual
4 enrollment courses and programs.

5 8. An identification of the criteria by which the
6 quality of dual enrollment courses and programs are to be
7 judged and a delineation of institutional responsibilities for
8 the maintenance of instructional quality.

9 9. A delineation of institutional responsibilities for
10 assuming the cost of dual enrollment courses and programs that
11 includes such responsibilities for student instructional
12 materials.

13 10. An identification of responsibility for providing
14 student transportation if the dual enrollment instruction is
15 conducted at a facility other than the high school campus.

16 11. A delineation of the process for converting
17 college credit hours earned through dual enrollment and early
18 admission programs to high school credit based on mastery of
19 course outcomes as determined by the Department of Education
20 in accordance with s. 1007.271(6).

21 (c) Mechanisms and strategies for reducing the
22 incidence of postsecondary remediation in math, reading, and
23 writing for first-time-enrolled recent high school graduates,
24 based upon the findings in the postsecondary
25 readiness-for-college report produced pursuant to s. 1008.37.
26 Each articulation committee shall annually analyze and assess
27 the effectiveness of the mechanisms toward meeting the goal of
28 reducing postsecondary remediation needs. Results of the
29 assessment shall be annually presented to participating
30 district school boards and community college boards of
31 trustees and shall include, but not be limited to:

- 1 1. Mechanisms currently being initiated.
- 2 2. An analysis of problems and corrective actions.
- 3 3. Anticipated outcomes.
- 4 4. Strategies for the better preparation of students
5 upon graduation from high school.
- 6 5. An analysis of costs associated with the
7 implementation of postsecondary remedial education and
8 secondary-level corrective actions.
- 9 6. The identification of strategies for reducing costs
10 of the delivery of postsecondary remediation for recent high
11 school graduates, including the consideration and assessment
12 of alternative instructional methods and services such as
13 those produced by private providers.
- 14
- 15 Wherever possible, public schools and community colleges are
16 encouraged to share resources, form partnerships with private
17 industries, and implement innovative strategies and mechanisms
18 such as distance learning, summer student and faculty
19 workshops, parental involvement activities, and the
20 distribution of information over the Internet.
- 21 (d) Mechanisms and strategies for promoting "tech
22 prep" programs of study. Such mechanisms should raise
23 awareness about the programs, promote enrollment in the
24 programs, and articulate students from a secondary portion
25 into a planned, related postsecondary portion of a sequential
26 program of study that leads to a terminal postsecondary career
27 or technical education degree or certificate.
- 28 (3) The district interinstitutional articulation
29 agreement shall include a plan that outlines the mechanisms
30 and strategies for improving the preparation of elementary,
31 middle, and high school teachers. Effective collaboration

1 among school districts, postsecondary institutions, and
 2 practicing educators is essential to improving teaching in
 3 Florida's elementary and secondary schools and consequently,
 4 the retention and success of students through high school
 5 graduation and into postsecondary education. Professional
 6 development programs shall be developed cooperatively and
 7 include curricular content which focuses upon local and state
 8 needs and responds to state, national, and district policy and
 9 program priorities. School districts and community colleges
 10 are encouraged to develop plans which utilize new
 11 technologies, address critical needs in their implementation,
 12 and include both preservice and inservice initiatives.

13 (4) The district school superintendent is responsible
 14 for incorporating, either directly or by reference, all dual
 15 enrollment courses contained within the district
 16 interinstitutional articulation agreement within the district
 17 school board's student progression plan.

18 (5) The Department of Education shall review each
 19 articulation agreement and certify the statewide course number
 20 of postsecondary courses that meet each district's graduation
 21 requirements.

22 (6) District school boards and community colleges may
 23 enter into additional interinstitutional articulation
 24 agreements with state universities for the purposes of this
 25 section. School districts may also enter into
 26 interinstitutional articulation agreements with eligible
 27 independent colleges and universities pursuant to s.
 28 1011.62(1)(i).

29 (7) State universities and community colleges may
 30 enter into interinstitutional articulation agreements with
 31 nonpublic secondary schools pursuant to s. 1007.271(2).

1 Section 350. Section 1007.24, Florida Statutes, is
2 created to read:

3 1007.24 Statewide course numbering system.--

4 (1) The Department of Education shall develop,
5 coordinate, and maintain a statewide course numbering system
6 for postsecondary and dual enrollment education in school
7 districts, public postsecondary educational institutions, and
8 participating nonpublic postsecondary educational institutions
9 that will improve program planning, increase communication
10 among all delivery systems, and facilitate student
11 acceleration and the transfer of students and credits between
12 public school districts, public postsecondary educational
13 institutions, and participating nonpublic educational
14 institutions. The continuing maintenance of the system shall
15 be accomplished with the assistance of appropriate faculty
16 committees representing public and participating nonpublic
17 educational institutions.

18 (2) The Commissioner of Education shall appoint
19 faculty committees representing faculties of participating
20 institutions to recommend a single level for each course,
21 including postsecondary career and technical education
22 courses, included in the statewide course numbering system.

23 (a) Any course designated as an upper-division-level
24 course must be characterized by a need for advanced academic
25 preparation and skills that a student would be unlikely to
26 achieve without significant prior coursework.

27 (b) A course that is offered as part of an associate
28 in science degree program and as an upper-division course for
29 a baccalaureate degree shall be designated for both the lower
30 and upper division.

31

1 (c) A course designated as lower-division may be
2 offered by any community college.

3 (3) The Commissioner of Education shall recommend to
4 the State Board of Education the levels for the courses.

5 (4) The statewide course numbering system shall
6 include the courses at the recommended levels.

7 (5) The registration process at each state university
8 and community college shall include the courses at their
9 designated levels and statewide course number.

10 (6) Nonpublic colleges and schools that are fully
11 accredited by a regional or national accrediting agency
12 recognized by the United States Department of Education and
13 are either eligible to participate in the William L. Boyd, IV,
14 Florida Resident Access Grant or have been issued a regular
15 license pursuant to s. 1005.31, may participate in the
16 statewide course numbering system pursuant to s. 1007.24.
17 Participating colleges and schools shall bear the costs
18 associated with inclusion in the system and shall meet the
19 terms and conditions for institutional participation in the
20 system. The department shall adopt a fee schedule that
21 includes the expenses incurred through data processing,
22 faculty task force travel and per diem, and staff and clerical
23 support time. Such fee schedule may differentiate between the
24 costs associated with initial course inclusion in the system
25 and costs associated with subsequent course maintenance in the
26 system. Decisions regarding initial course inclusion and
27 subsequent course maintenance must be made within 360 days
28 after submission of the required materials and fees by the
29 institution. The Department of Education may select a date by
30 which colleges must submit requests for new courses to be
31 included, and may delay review of courses submitted after that

1 date until the next year's cycle. Any college that currently
 2 participates in the system, and that participated in the
 3 system prior to July 1, 1986, shall not be required to pay the
 4 costs associated with initial course inclusion in the system.
 5 Fees collected for participation in the statewide course
 6 numbering system pursuant to the provisions of this section
 7 shall be deposited in the Institutional Assessment Trust Fund.
 8 Any nonpublic, nonprofit college or university that is
 9 eligible to participate in the statewide course numbering
 10 system shall not be required to pay the costs associated with
 11 participation in the system. No college or school shall
 12 record student transcripts or document courses offered by the
 13 college or school in accordance with this subsection unless
 14 the college or school is actually participating in the system
 15 pursuant to rules of the State Board of Education. Any
 16 college or school deemed to be in violation of this section
 17 shall be subject to the provisions of s. 1005.38.

18 (7) Any student who transfers among postsecondary
 19 institutions that are fully accredited by a regional or
 20 national accrediting agency recognized by the United States
 21 Department of Education and that participate in the statewide
 22 course numbering system shall be awarded credit by the
 23 receiving institution for courses satisfactorily completed by
 24 the student at the previous institutions. Credit shall be
 25 awarded if the courses are judged by the appropriate statewide
 26 course numbering system faculty committees representing school
 27 districts, public postsecondary educational institutions, and
 28 participating nonpublic postsecondary educational institutions
 29 to be academically equivalent to courses offered at the
 30 receiving institution, including equivalency of faculty
 31 credentials, regardless of the public or nonpublic control of

1 the previous institution. The Department of Education shall
2 ensure that credits to be accepted by a receiving institution
3 are generated in courses for which the faculty possess
4 credentials that are comparable to those required by the
5 accrediting association of the receiving institution. The
6 award of credit may be limited to courses that are entered in
7 the statewide course numbering system. Credits awarded
8 pursuant to this subsection shall satisfy institutional
9 requirements on the same basis as credits awarded to native
10 students.

11 (8) The State Board of Education shall adopt rules
12 that provide for the conduct of regularly scheduled purges of
13 courses that are listed in the statewide course numbering
14 system but have not been taught at an institution for the
15 preceding 5 years. These rules must include waiver provisions
16 that allow course continuation if an institution has
17 reasonable cause for having not offered a course within the
18 5-year limit and an expectation that the course will be
19 offered again within the following 5 years.

20 Section 351. Section 1007.25, Florida Statutes, is
21 created to read:

22 1007.25 General education courses; common
23 prerequisites; and other degree requirements.--

24 (1) The department shall identify the degree programs
25 offered by public postsecondary educational institutions.

26 (2) The department shall identify postsecondary career
27 and technical education programs offered by community colleges
28 and district school boards. The department shall also identify
29 career and technical courses designated as college credit
30 courses applicable toward a career and technical education
31

1 diploma or degree. Such courses must be identified within the
 2 statewide course numbering system.

3 (3) The department shall identify those courses that
 4 meet general education requirements within the subject areas
 5 of communication, mathematics, social sciences, humanities,
 6 and natural sciences. The courses shall be identified by their
 7 statewide course code number. All public postsecondary
 8 educational institutions shall accept these general education
 9 courses.

10 (4) The department shall identify those courses
 11 offered by universities and accepted for credit toward a
 12 degree. The department shall identify courses designated as
 13 either general education or required as a prerequisite for a
 14 degree. The courses shall be identified by their statewide
 15 course number.

16 (5) The department shall identify common prerequisite
 17 courses and course substitutions for degree programs across
 18 all institutions. Common degree program prerequisites shall be
 19 offered and accepted by all state universities and community
 20 colleges, except in cases approved by the State Board of
 21 Education pursuant to s. 1001.02(2)(x). The department shall
 22 develop a centralized database containing the list of courses
 23 and course substitutions that meet the prerequisite
 24 requirements for each baccalaureate degree program.

25 (6) The boards of trustees of the community colleges
 26 and state universities shall identify their core curricula,
 27 which shall include courses required by the State Board of
 28 Education. The universities and community colleges shall work
 29 with their school districts to assure that high school
 30 curricula coordinate with the core curricula and to prepare
 31 students for college-level work. Core curricula for associate

1 in arts programs shall be adopted in rule by the State Board
 2 of Education and shall include 36 semester hours of general
 3 education courses in the subject areas of communication,
 4 mathematics, social sciences, humanities, and natural
 5 sciences.

6 (7) An associate in arts degree shall require no more
 7 than 60 semester hours of college credit, including 36
 8 semester hours of general education coursework. Except for
 9 college-preparatory coursework required pursuant to s.
 10 1008.30, all required coursework shall count toward the
 11 associate in arts degree or the baccalaureate degree.

12 (8) A baccalaureate degree program shall require no
 13 more than 120 semester hours of college credit, including 36
 14 semester hours of general education coursework, unless prior
 15 approval has been granted by the State Board of Education.

16 (9) A student who received an associate in arts degree
 17 for successfully completing 60 semester credit hours may
 18 continue to earn additional credits at a community college.
 19 The university must provide credit toward the student's
 20 baccalaureate degree for an additional community college
 21 course if, according to the statewide course numbering, the
 22 community college course is a course listed in the university
 23 catalog as required for the degree or as prerequisite to a
 24 course required for the degree. Of the courses required for
 25 the degree, at least half of the credit hours required for the
 26 degree shall be achievable through courses designated as lower
 27 division, except in degree programs approved by the State
 28 Board of Education.

29 (10) Students at state universities may request
 30 associate in arts certificates if they have successfully
 31 completed the minimum requirements for the degree of associate

1 in arts (A.A.). The university must grant the student an
2 associate in arts degree if the student has successfully
3 completed minimum requirements for college-level communication
4 and computation skills adopted by the State Board of Education
5 and 60 academic semester hours or the equivalent within a
6 degree program area, with 36 semester hours in general
7 education courses in the subject areas of communication,
8 mathematics, social sciences, humanities, and natural
9 sciences, consistent with the general education requirements
10 specified in the articulation agreement pursuant to s.
11 1007.23.

12 (11) The Commissioner of Education shall appoint
13 faculty committees representing both community college and
14 public school faculties to recommend to the commissioner for
15 approval by the State Board of Education a standard program
16 length and appropriate occupational completion points for each
17 postsecondary career and technical certificate program,
18 diploma, and degree.

19 Section 352. Section 1007.261, Florida Statutes, is
20 created to read:

21 1007.261 State universities; admissions of
22 students.--Each university board of trustees is authorized to
23 adopt rules governing the admission of students, subject to
24 this section and rules of the State Board of Education.

25 (1) Minimum academic standards for undergraduate
26 admission to a university include:

27 (a) Each student must have received a high school
28 diploma pursuant to s. 1003.43, or its equivalent, except as
29 provided in s. 1007.271(2)-(5) or completed a home education
30 program according to s. 1002.41.

31

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

1 (a) Successful completion of any course identified in
2 the Department of Education course code directory as level two
3 or higher in one or more of the following subject areas:
4 English, mathematics, natural science, social science, and
5 foreign language;

6 (b) Successful completion of any course identified in
7 the Department of Education course code directory as level
8 three in the same or related disciplines;

9 (c) Any combination of the courses identified in
10 paragraphs (a) and (b); or

11 (d) Successful completion of two credits from the
12 courses identified in paragraph (a), plus no more than two
13 total credits from the following categories of courses:

14 1. Courses identified in the Department of Education
15 course code directory as ROTC and military training;

16 2. Courses identified in the Department of Education
17 course code directory as level two in art-visual arts, dance,
18 drama-theatre arts, language arts, or music; or

19 3. Any additional courses determined to be equivalent
20 by the Department of Education.

21 (3) Each university may admit a limited number of
22 students notwithstanding the admission requirements of
23 paragraph (1)(b) relating to credits in foreign language, if
24 there is evidence that the applicant is expected to do
25 successful academic work at the admitting university. The
26 percent of applicants admitted under this subsection may not
27 exceed a level established for the university by the State
28 Board of Education. Any lower-division student admitted
29 without meeting the foreign language requirement must earn
30 such credits prior to admission to the upper division of a
31 state university. Any associate in arts degree graduate from a

1 community college or university in Florida, or other
 2 upper-division transfer student, admitted without meeting the
 3 foreign language requirement, must earn such credits prior to
 4 graduation from a state university. Students shall be exempt
 5 from the provisions of this subsection if they can demonstrate
 6 proficiency in American sign language equivalent to that of
 7 students who have completed two credits of such instruction in
 8 high school.

9 (4) Nonresident students may be admitted to the
 10 university upon such terms as the university may establish.
 11 However, such terms shall include, but shall not be limited
 12 to: completion of a secondary school curriculum which
 13 includes 4 years of English; 3 years each of mathematics,
 14 science, and social sciences; and 2 years of a foreign
 15 language.

16 (5) Within the admission standards provided for in
 17 subsection (1), the State Board of Education shall develop
 18 procedures for weighting courses which are necessary to meet
 19 the requirements of a college-preparatory curriculum at a
 20 higher value than less rigorous courses. Credits received in
 21 such courses shall be given greater value in determining
 22 admission by universities than cumulative grade point averages
 23 in high school.

24 (6) Consideration shall be given to the past actions
 25 of any person applying for admission as a student to any state
 26 university, either as a new applicant, an applicant for
 27 continuation of studies, or a transfer student, when such
 28 actions have been found to disrupt or interfere with the
 29 orderly conduct, processes, functions, or programs of any
 30 other university, college, or community college.

31

1 (7) In any application for admission by a student as a
2 citizen of the state, the applicant, if 18 years of age, or,
3 if a minor, his or her parents or guardian shall make and file
4 with such application a written statement under oath that such
5 applicant is a citizen and resident of the state and entitled,
6 as such, to admission upon the terms and conditions prescribed
7 for citizens and residents of the state.

8 (8) Rules of the State Board of Education shall
9 require the use of scores on tests of college-level
10 communication and computation skills provided in s. 1008.29 as
11 a condition for admission of students to upper-division
12 instructional programs from community colleges, including
13 those who have been awarded associate in arts degrees. Use of
14 such test scores as an admission requirement shall extend
15 equally and uniformly to students enrolled in lower divisions
16 in a state university and to transfer students from other
17 colleges and universities. The tests shall be required for
18 community college students seeking associate in arts degrees
19 and students seeking admission to upper-division instructional
20 programs in a state university. The use of test scores prior
21 to August 1, 1984, shall be limited to student counseling and
22 curriculum improvement.

23 (9) For the purposes of this section, American sign
24 language constitutes a foreign language. Florida high schools
25 may offer American sign language as a for-credit elective or
26 as a substitute for any already authorized foreign language
27 requirement.

28 (10) A Florida resident who is denied admission as an
29 undergraduate to a state university for failure to meet the
30 high school grade point average requirement may appeal the
31 decision to the university and request a recalculation of the

1 grade point average including in the revised calculation the
 2 grades earned in up to three credits of advanced fine arts
 3 courses. The university shall provide the student with a
 4 description of the appeals process at the same time as
 5 notification of the admissions decision. The university shall
 6 recalculate the student's grade point average using the
 7 additional courses and advise the student of any changes in
 8 the student's admission status. For purposes of this section,
 9 fine arts courses include courses in music, drama, painting,
 10 sculpture, speech, debate, or a course in any art form that
 11 requires manual dexterity. Advanced level fine arts courses
 12 include fine arts courses identified in the course code
 13 directory as Advanced Placement, pre-International
 14 Baccalaureate, or International Baccalaureate, or fine arts
 15 courses taken in the third or fourth year of a fine arts
 16 curriculum.

17 Section 353. Section 1007.262, Florida Statutes, is
 18 created to read:

19 1007.262 Foreign language competence; equivalence
 20 determinations.--The Department of Education shall identify
 21 the competencies demonstrated by students upon the successful
 22 completion of 2 credits of sequential high school foreign
 23 language instruction. For the purpose of determining
 24 postsecondary equivalence pursuant to s. 1007.261(1)(b), the
 25 department shall develop rules through which community
 26 colleges correlate such competencies to the competencies
 27 required of students in the colleges' respective courses.
 28 Based on this correlation, each community college shall
 29 identify the minimum number of postsecondary credits that
 30 students must earn in order to demonstrate a level of
 31 competence in a foreign language at least equivalent to that

1 of students who have completed 2 credits of such instruction
2 in high school. The department may also specify alternative
3 means by which students can demonstrate equivalent foreign
4 language competence, including means by which a student whose
5 native language is not English may demonstrate proficiency in
6 the native language. A student who demonstrates proficiency in
7 a native language other than English is exempt from the
8 requirement of completing foreign language courses at the
9 secondary or postsecondary level.

10 Section 354. Section 1007.263, Florida Statutes, is
11 created to read:

12 1007.263 Community colleges; admissions of
13 students.--Each community college board of trustees is
14 authorized to adopt rules governing admissions of students
15 subject to this section and rules of the State Board of
16 Education. These rules shall include the following:

17 (1) Admissions counseling shall be provided to all
18 students entering college credit programs, which counseling
19 shall utilize tests to measure achievement of college-level
20 communication and computation competencies by all students
21 entering college credit programs.

22 (2) Admission to associate degree programs is subject
23 to minimum standards adopted by the State Board of Education
24 and shall require:

25 (a) A standard high school diploma, a high school
26 equivalency diploma as prescribed in s. 1003.435, previously
27 demonstrated competency in college credit postsecondary
28 coursework, or, in the case of a student who is home educated,
29 a signed affidavit submitted by the student's parent or legal
30 guardian attesting that the student has completed a home
31 education program pursuant to the requirements of s. 1002.41.

1 Students who are enrolled in a dual enrollment or early
2 admission program pursuant to ss. 1007.27 and 1007.271 and
3 secondary students enrolled in college-level instruction
4 creditable toward the associate degree, but not toward the
5 high school diploma, shall be exempt from this requirement.

6 (b) A demonstrated level of achievement of
7 college-level communication and computation skills.

8 (c) Any other requirements established by the board of
9 trustees.

10 (3) Admission to other programs within the community
11 college shall include education requirements as established by
12 the board of trustees.

13
14 Each board of trustees shall establish policies that notify
15 students about, and place students into, adult basic
16 education, adult secondary education, or other instructional
17 programs that provide students with alternatives to
18 traditional college-preparatory instruction, including private
19 provider instruction. A student is prohibited from enrolling
20 in additional college-level courses until the student scores
21 above the cut-score on all sections of the common placement
22 test.

23 Section 355. Section 1007.264, Florida Statutes, is
24 created to read:

25 1007.264 Impaired and learning disabled persons;
26 admission and graduation, substitute requirements; rules.--Any
27 person who is hearing impaired, visually impaired, or
28 dyslexic, or who has a specific learning disability, shall be
29 eligible for reasonable substitution for any requirement for
30 admission into a public postsecondary educational institution,
31 admission into a program of study, or graduation, where

1 documentation can be provided that the person's failure to
2 meet the requirement is related to the disability and where
3 the failure to meet the graduation requirement or program
4 admission requirement does not constitute a fundamental
5 alteration in the nature of the program. The State Board of
6 Education shall adopt rules to implement this section and
7 shall develop substitute requirements where appropriate.

8 Section 356. Section 1007.27, Florida Statutes, is
9 created to read:

10 1007.27 Articulated acceleration mechanisms.--

11 (1) It is the intent of the Legislature that a variety
12 of articulated acceleration mechanisms be available for
13 secondary and postsecondary students attending public
14 educational institutions. It is intended that articulated
15 acceleration serve to shorten the time necessary for a student
16 to complete the requirements associated with the conference of
17 a high school diploma and a postsecondary degree, broaden the
18 scope of curricular options available to students, or increase
19 the depth of study available for a particular subject.

20 Articulated acceleration mechanisms shall include, but not be
21 limited to, dual enrollment as provided for in s. 1007.271,
22 early admission, advanced placement, credit by examination,
23 the International Baccalaureate Program, and the Advanced
24 International Certificate of Education Program. Credit earned
25 through the Florida Virtual School shall provide additional
26 opportunities for early graduation and acceleration.

27 (2) The Department of Education shall identify the
28 minimum scores, maximum credit, and course or courses for
29 which credit is to be awarded for each College Level
30 Examination Program (CLEP) general examination, CLEP subject
31 examination, College Board Advanced Placement Program

1 examination, and International Baccalaureate examination. In
 2 addition, the department shall identify such courses in the
 3 general education core curriculum of each state university and
 4 community college.

5 (3) Each community college and state university must
 6 award credit for specific courses for which competency has
 7 been demonstrated by successful passage of one of the
 8 examinations in subsection (2) unless the award of credit
 9 duplicates credit already awarded. Community colleges and
 10 state universities may not exempt students from courses
 11 without the award of credit if competencies have been so
 12 demonstrated.

13 (4) It is the intent of the Legislature to provide
 14 articulated acceleration mechanisms for students who are in
 15 home education programs, as defined in s. 1003.01(11),
 16 consistent with the educational opportunities available to
 17 public and private secondary school students. Home education
 18 students may participate in dual enrollment, career and
 19 technical dual enrollment, early admission, and credit by
 20 examination. Credit earned by home education students through
 21 dual enrollment shall apply toward the completion of a home
 22 education program that meets the requirements of s. 1002.41.

23 (5) Early admission shall be a form of dual enrollment
 24 through which eligible secondary students enroll in a
 25 postsecondary institution on a full-time basis in courses that
 26 are creditable toward the high school diploma and the
 27 associate or baccalaureate degree. Students enrolled pursuant
 28 to this subsection shall be exempt from the payment of
 29 registration, matriculation, and laboratory fees.

30 (6) Advanced placement shall be the enrollment of an
 31 eligible secondary student in a course offered through the

1 Advanced Placement Program administered by the College Board.
2 Postsecondary credit for an advanced placement course shall be
3 limited to students who score a minimum of 3, on a 5-point
4 scale, on the corresponding Advanced Placement Examination.
5 The specific courses for which students receive such credit
6 shall be determined by the department. Students of Florida
7 public secondary schools enrolled pursuant to this subsection
8 shall be exempt from the payment of any fees for
9 administration of the examination regardless of whether or not
10 the student achieves a passing score on the examination.

11 (7) Credit by examination shall be the program through
12 which secondary and postsecondary students generate
13 postsecondary credit based on the receipt of a specified
14 minimum score on nationally standardized general or
15 subject-area examinations. For the purpose of statewide
16 application, such examinations and the corresponding minimum
17 scores required for an award of credit shall be delineated by
18 the State Board of Education in the statewide articulation
19 agreement. The maximum credit generated by a student pursuant
20 to this subsection shall be mitigated by any related
21 postsecondary credit earned by the student prior to the
22 administration of the examination. This subsection shall not
23 preclude community colleges and universities from awarding
24 credit by examination based on student performance on
25 examinations developed within and recognized by the individual
26 postsecondary institutions.

27 (8) The International Baccalaureate Program shall be
28 the curriculum in which eligible secondary students are
29 enrolled in a program of studies offered through the
30 International Baccalaureate Program administered by the
31 International Baccalaureate Office. The State Board of

1 Education shall establish rules which specify the cutoff
 2 scores and International Baccalaureate Examinations which will
 3 be used to grant postsecondary credit at community colleges
 4 and universities. Any such rules, which have the effect of
 5 raising the required cutoff score or of changing the
 6 International Baccalaureate Examinations which will be used to
 7 grant postsecondary credit, shall only apply to students
 8 taking International Baccalaureate Examinations after such
 9 rules are adopted by the State Board of Education. Students
 10 shall be awarded a maximum of 30 semester credit hours
 11 pursuant to this subsection. The specific course for which a
 12 student receives such credit shall be determined by the
 13 department. Students enrolled pursuant to this subsection
 14 shall be exempt from the payment of any fees for
 15 administration of the examinations regardless of whether or
 16 not the student achieves a passing score on the examination.

17 (9) The Advanced International Certificate of
 18 Education Program shall be the curriculum in which eligible
 19 secondary students are enrolled in a program of studies
 20 offered through the Advanced International Certificate of
 21 Education Program administered by the University of Cambridge
 22 Local Examinations Syndicate. The State Board of Education
 23 shall establish rules which specify the cutoff scores and
 24 Advanced International Certificate of Education examinations
 25 which will be used to grant postsecondary credit at community
 26 colleges and universities. Any such rules, which have the
 27 effect of raising the required cutoff score or of changing the
 28 Advanced International Certification of Education examinations
 29 which will be used to grant postsecondary credit, shall apply
 30 to students taking Advanced International Certificate of
 31 Education Examinations after such rules are adopted by the

1 State Board of Education. Students shall be awarded a maximum
2 of 30 semester credit hours pursuant to this subsection. The
3 specific course for which a student receives such credit shall
4 be determined by the community college or university that
5 accepts the student for admission. Students enrolled pursuant
6 to this subsection shall be exempt from the payment of any
7 fees for administration of the examinations regardless of
8 whether or not the student achieves a passing score on the
9 examination.

10 (10) Any student who earns 9 or more credits from one
11 or more of the acceleration mechanisms provided for in this
12 section is exempt from any requirement of a public
13 postsecondary educational institution mandating enrollment
14 during a summer term.

15 Section 357. Section 1007.271, Florida Statutes, is
16 created to read:

17 1007.271 Dual enrollment programs.--

18 (1) The dual enrollment program is the enrollment of
19 an eligible secondary student or home education student in a
20 postsecondary course creditable toward a career and technical
21 certificate or an associate or baccalaureate degree.

22 (2) For the purpose of this section, an eligible
23 secondary student is a student who is enrolled in a Florida
24 public secondary school or in a Florida private secondary
25 school which is in compliance with s. 1002.42(2) and conducts
26 a secondary curriculum pursuant to s. 1003.43. Students
27 enrolled in postsecondary instruction that is not creditable
28 toward the high school diploma shall not be classified as dual
29 enrollments. Students who are eligible for dual enrollment
30 pursuant to this section shall be permitted to enroll in dual
31 enrollment courses conducted during school hours, after school

1 hours, and during the summer term. Instructional time for such
2 enrollment may exceed 900 hours; however, the school district
3 may only report the student for a maximum of 1.0 FTE, as
4 provided in s. 1011.61(4). Any student so enrolled is exempt
5 from the payment of registration, matriculation, and
6 laboratory fees. Vocational-preparatory instruction,
7 college-preparatory instruction and other forms of
8 precollegiate instruction, as well as physical education
9 courses that focus on the physical execution of a skill rather
10 than the intellectual attributes of the activity, are
11 ineligible for inclusion in the dual enrollment program.
12 Recreation and leisure studies courses shall be evaluated
13 individually in the same manner as physical education courses
14 for potential inclusion in the program.

15 (3) The Department of Education shall adopt guidelines
16 designed to achieve comparability across school districts of
17 both student qualifications and teacher qualifications for
18 dual enrollment courses. Student qualifications must
19 demonstrate readiness for college-level coursework if the
20 student is to be enrolled in college courses. Student
21 qualifications must demonstrate readiness for career and
22 technical-level coursework if the student is to be enrolled in
23 career and technical courses. In addition to the common
24 placement examination, student qualifications for enrollment
25 in college credit dual enrollment courses must include a 3.0
26 unweighted grade point average, and student qualifications for
27 enrollment in career and technical certificate dual enrollment
28 courses must include a 2.0 unweighted grade point average.
29 Exceptions to the required grade point averages may be granted
30 if the educational entities agree and the terms of the
31 agreement are contained within the dual enrollment

1 interinstitutional articulation agreement. Community college
 2 boards of trustees may establish additional admissions
 3 criteria, which shall be included in the district
 4 interinstitutional articulation agreement developed according
 5 to s. 1007.235, to ensure student readiness for postsecondary
 6 instruction. Additional requirements included in the agreement
 7 shall not arbitrarily prohibit students who have demonstrated
 8 the ability to master advanced courses from participating in
 9 dual enrollment courses. District school boards may not refuse
 10 to enter into an agreement with a local community college if
 11 that community college has the capacity to offer dual
 12 enrollment courses.

13 (4) Career and technical dual enrollment shall be
 14 provided as a curricular option for secondary students to
 15 pursue in order to earn a series of elective credits toward
 16 the high school diploma. However, career and technical dual
 17 enrollment shall not supplant student acquisition of the
 18 diploma. Career and technical dual enrollment shall be
 19 available for secondary students seeking a degree or
 20 certificate from a complete job-preparatory program, but shall
 21 not sustain student enrollment in isolated career and
 22 technical courses. It is the intent of the Legislature that
 23 career and technical dual enrollment reflect the interests and
 24 aptitudes of the student. The provision of a comprehensive
 25 academic and career and technical dual enrollment program
 26 within the area technical center or community college is
 27 supportive of legislative intent; however, such provision is
 28 not mandatory.

29 (5) Each district school board shall inform all
 30 secondary students of dual enrollment as an educational option
 31 and mechanism for acceleration. Students shall be informed of

1 eligibility criteria, the option for taking dual enrollment
2 courses beyond the regular school year, and the 24 minimum
3 academic credits required for graduation. District school
4 boards shall annually assess the demand for dual enrollment
5 and other advanced courses, and the district school board
6 shall consider strategies and programs to meet that demand.

7 (6) The Commissioner of Education shall appoint
8 faculty committees representing public school, community
9 college, and university faculties to identify postsecondary
10 courses that meet the high school graduation requirements of
11 s. 1003.43, and to establish the number of postsecondary
12 semester credit hours of instruction and equivalent high
13 school credits earned through dual enrollment pursuant to s.
14 1007.271 that are necessary to meet high school graduation
15 requirements. Such equivalencies shall be determined solely on
16 comparable course content and not on seat time traditionally
17 allocated to such courses in high school. The Commissioner of
18 Education shall recommend to the State Board of Education
19 those courses identified to meet high school graduation
20 requirements, based on mastery of course outcomes, by their
21 statewide course number, and all high schools shall accept
22 these postsecondary education courses toward meeting the
23 requirements of s. 1003.43.

24 (7) Early admission shall be a form of dual enrollment
25 through which eligible secondary students enroll in a
26 postsecondary institution on a full-time basis in courses that
27 are creditable toward the high school diploma and the
28 associate or baccalaureate degree. Students enrolled pursuant
29 to this subsection shall be exempt from the payment of
30 registration, matriculation, and laboratory fees.

31

1 (8) Career and technical early admission is a form of
2 career and technical dual enrollment through which eligible
3 secondary students enroll full time in an area technical
4 center or a community college in courses that are creditable
5 toward the high school diploma and the certificate or
6 associate degree. Participation in the career and technical
7 early admission program shall be limited to students who have
8 completed a minimum of 6 semesters of full-time secondary
9 enrollment, including studies undertaken in the ninth grade.
10 Students enrolled pursuant to this section are exempt from the
11 payment of registration, matriculation, and laboratory fees.

12 (9) The State Board of Education shall adopt rules for
13 any dual enrollment programs involving requirements for high
14 school graduation.

15 (10)(a) The dual enrollment program for home education
16 students consists of the enrollment of an eligible home
17 education secondary student in a postsecondary course
18 creditible toward an associate degree, a career or technical
19 certificate, or a baccalaureate degree. To participate in the
20 dual enrollment program, an eligible home education secondary
21 student must:

22 1. Provide proof of enrollment in a home education
23 program pursuant to s. 1002.41.

24 2. Be responsible for his or her own instructional
25 materials and transportation unless provided for otherwise.

26 (b) Each technical center, community college, and
27 state university shall:

28 1. Delineate courses and programs for dually enrolled
29 home education students. Courses and programs may be added,
30 revised, or deleted at any time.

31

1 2. Identify eligibility criteria for home education
2 student participation, not to exceed those required of other
3 dually enrolled students.

4 (11) The Department of Education shall approve any
5 course for inclusion in the dual enrollment program that is
6 contained within the statewide course numbering system.
7 However, college-preparatory and other forms of precollegiate
8 instruction, and physical education and other courses that
9 focus on the physical execution of a skill rather than the
10 intellectual attributes of the activity, may not be so
11 approved, but must be evaluated individually for potential
12 inclusion in the dual enrollment program.

13 (12) The Department of Education shall develop a
14 statement on transfer guarantees which will inform students,
15 prior to enrollment in a dual enrollment course, of the
16 potential for the dual enrollment course to articulate as an
17 elective or a general education course into a postsecondary
18 education certificate or degree program. The statement shall
19 be provided to each district school superintendent, who shall
20 include the statement in the information provided to all
21 secondary students as required pursuant to this subsection.
22 The statement may also include additional information,
23 including, but not limited to, dual enrollment options,
24 guarantees, privileges, and responsibilities.

25 (13) It is the intent of the Legislature that students
26 who meet the eligibility requirements of this subsection and
27 who choose to participate in dual enrollment programs be
28 exempt from the payment of registration, matriculation, and
29 laboratory fees.

30 (14) Instructional materials assigned for use within
31 dual enrollment courses shall be made available to dual

1 enrollment students from Florida public high schools free of
2 charge. This subsection shall not be construed to prohibit a
3 community college from providing instructional materials at no
4 cost to a home education student or student from a private
5 school. Students enrolled in postsecondary instruction not
6 creditable toward a high school diploma shall not be
7 considered dual enrollments and shall be required to assume
8 the cost of instructional materials necessary for such
9 instruction.

10 (15) Instructional materials purchased by a district
11 school board or community college board of trustees on behalf
12 of dual enrollment students shall be the property of the board
13 against which the purchase is charged.

14 (16) School districts and community colleges must
15 weigh college-level dual enrollment courses the same as honors
16 courses and advanced placement courses when grade point
17 averages are calculated. Alternative grade calculation or
18 weighting systems that discriminate against dual enrollment
19 courses are prohibited.

20 (17) The Commissioner of Education may approve dual
21 enrollment agreements for limited course offerings that have
22 statewide appeal. Such programs shall be limited to a single
23 site with multiple county participation.

24 Section 358. Section 1007.272, Florida Statutes, is
25 created to read:

26 1007.272 Joint dual enrollment and advanced placement
27 instruction.--

28 (1) Each school district, community college, and state
29 university may conduct advanced placement instruction within
30 dual enrollment courses. Each joint dual enrollment and
31 advanced placement course shall be incorporated within and

1 subject to the provisions of the district interinstitutional
 2 articulation agreement pursuant to s. 1007.235. Such agreement
 3 shall certify that each joint dual enrollment and advanced
 4 placement course integrates, at a minimum, the course
 5 structure recommended by the College Board and the structure
 6 that corresponds to the common course number.

7 (2) Each student enrolled in a joint dual enrollment
 8 and advanced placement course may be funded pursuant to either
 9 the dual enrollment or advanced placement formula specified in
 10 s. 1011.62; however, no student shall be funded through both
 11 programs for enrollment in a course provided through this
 12 section. The district school board reporting enrollments for
 13 such courses shall utilize the funding formula that more
 14 closely approximates the cost of conducting the course. No
 15 student shall be reported for advanced placement funding who
 16 fails to meet the examination requirement for such funding.

17 (3) Postsecondary credit for student completion of a
 18 joint dual enrollment and advanced placement course shall be
 19 awarded, based on the stated preference of the student, as
 20 either dual enrollment or advanced placement credit; however,
 21 an award of advanced placement credit shall be limited to
 22 students who score a minimum of 3, on a 5-point scale, on the
 23 Advanced Placement Examination. No student shall claim double
 24 credit based on the completion of a single joint dual
 25 enrollment and advanced placement course, nor shall any
 26 student enrolled pursuant to this section be required to
 27 complete the Advanced Placement Examination.

28 Section 359. Section 1007.28, Florida Statutes, is
 29 created to read:

30 1007.28 Computer-assisted student advising
 31 system.--The State Board of Education shall establish and

1 maintain within the Department of Education a single,
 2 statewide computer-assisted student advising system, which
 3 must be an integral part of the process of advising,
 4 registering, and certifying students for graduation. It is
 5 intended that an advising system be the primary advising and
 6 tracking tool for students enrolled in public postsecondary
 7 educational institutions and be accessible to all Florida
 8 students. The state universities and community colleges shall
 9 interface institutional systems with the computer-assisted
 10 advising system required by this section. The State Board of
 11 Education shall prescribe by rule the roles and
 12 responsibilities of the department, the state universities,
 13 and the community colleges in the design, implementation,
 14 promotion, development, and analysis of the system. The system
 15 shall consist of a degree audit and an articulation component
 16 that includes the following characteristics:

17 (1) The system shall constitute an integral part of
 18 the process of advising students and assisting them in course
 19 selection. The system shall be accessible to students in the
 20 following ways:

21 (a) A student must be able to access the system, at
 22 any time, to identify course options that will meet the
 23 requirements of a selected path toward a degree.

24 (b) A status report from the system shall be generated
 25 and sent with each grade report to each student enrolled in
 26 public postsecondary educational institutions with a declared
 27 major.

28 (2) The system shall be an integral part of the
 29 registration process at public postsecondary educational
 30 institutions. As part of the process, the system shall:

31

1 (a) Provide reports that document each student's
2 status toward completion of a degree.

3 (b) Verify that a student has completed requirements
4 for graduation.

5 (3) The system must provide students information
6 related to career descriptions and corresponding educational
7 requirements, admissions requirements, and available sources
8 of student financial assistance. Such advising must enable
9 students to examine their interests and aptitudes for the
10 purpose of curricular and career planning.

11 (4) The system must provide management information to
12 decisionmakers, including information relating student
13 enrollment patterns and course demands to plans for
14 corresponding course offerings and information useful in
15 planning the student registration process.

16 Section 360. Part III of chapter 1007, Florida
17 Statutes, shall be entitled "Access to Postsecondary
18 Education" and shall consist of ss. 1007.31-1007.34.

19 Section 361. Section 1007.31, Florida Statutes, is
20 created to read:

21 1007.31 Limited access programs.--

22 (1) The State Board of Education shall establish
23 criteria for assigning limited access status to an educational
24 program and a process for the periodic review of such programs
25 so that a university board of trustees can determine the need
26 for retention or removal of limited access status.

27 (2) Each university board of trustees shall monitor
28 limited access programs within the university and conduct
29 periodic reviews of such programs to determine the need for
30 retention or removal of the limited access status.

31

1 Section 362. Section 1007.32, Florida Statutes, is
2 created to read:

3 1007.32 Transfer students.--

4 (1) Each university shall provide registration
5 opportunities for transfer students that allow such students
6 access to high demand courses comparable to that provided
7 native students.

8 (2) Each university that provides an orientation
9 program for freshman enrollees shall also provide orientation
10 programs for transfer students.

11 Section 363. Section 1007.33, Florida Statutes, is
12 created to read:

13 1007.33 Site-determined baccalaureate degree access.--

14 (1) The Legislature recognizes that public and private
15 postsecondary educational institutions play essential roles in
16 improving the quality of life and economic well-being of the
17 state and its residents. The Legislature also recognizes that
18 economic development needs and the educational needs of
19 place-bound, nontraditional students have increased the demand
20 for local access to baccalaureate degree programs. In some,
21 but not all, geographic regions, baccalaureate degree programs
22 are being delivered successfully at the local community
23 college through agreements between the community college and
24 4-year postsecondary institutions within or outside of the
25 state. It is therefore the intent of the Legislature to
26 further expand access to baccalaureate degree programs through
27 the use of community colleges.

28 (2) A community college may enter into a formal
29 agreement pursuant to the provisions of s. 1007.22 for the
30 delivery of specified baccalaureate degree programs.

31

1 (3) A community college may develop a proposal to
2 deliver specified baccalaureate degree programs in its
3 district to meet local workforce needs. The proposal must be
4 submitted to the State Board of Education for approval. The
5 community college's proposal must include the following
6 information:

7 (a) Demand for the baccalaureate degree program is
8 identified by the workforce development board, local
9 businesses and industry, local chambers of commerce, and
10 potential students.

11 (b) Substantiation of the unmet need for graduates of
12 the proposed degree program is substantiated.

13 (c) Evidence that the community college has the
14 facilities and academic resources to cost-effectively deliver
15 the program.

16 (d) Documentation of any efforts to offer the
17 specified baccalaureate program through cooperative
18 arrangements with other institutions.

19 (e) Documentation of any formal agreements with
20 institutions to deliver specified baccalaureate programs.

21
22 The proposal must be submitted to the Council for Education
23 Policy Research and Improvement for review and comment. Upon
24 approval of the State Board of Education for the specific
25 degree program or programs, the community college shall pursue
26 regional accreditation by the Commission on Colleges of the
27 Southern Association of Colleges and Schools. Any additional
28 baccalaureate degree programs the community college wishes to
29 offer must be approved by the State Board of Education.

30 (4) A community college may not terminate its
31 associate in arts or associate in science degree programs as a

1 result of the authorization provided in subsection (3). The
2 Legislature intends that the primary mission of a community
3 college, including a community college that offers
4 baccalaureate degree programs, continues to be the provision
5 of associate degrees that provide access to a university.

6 Section 364. Section 1007.34, Florida Statutes, is
7 created to read:

8 1007.34 College reach-out program.--

9 (1) There is established a college reach-out program
10 to increase the number of low-income educationally
11 disadvantaged students in grades 6-12 who, upon high school
12 graduation, are admitted to and successfully complete
13 postsecondary education. Participants should be students who
14 otherwise would be unlikely to seek admission to a community
15 college, state university, or independent postsecondary
16 institution without special support and recruitment efforts.
17 The State Board of Education shall adopt rules that provide
18 for the following:

19 (a) Definition of "low-income educationally
20 disadvantaged student."

21 (b) Specific criteria and guidelines for selection of
22 college reach-out participants.

23 (2) In developing the definition for "low-income
24 educationally disadvantaged student," the State Board of
25 Education shall include such factors as: the family's taxable
26 income; family receipt of temporary cash assistance in the
27 preceding year; family receipt of public assistance in the
28 preceding year; the student's cumulative grade point average;
29 the student's promotion and attendance patterns; the student's
30 performance on state standardized tests; the student's
31

1 enrollment in mathematics and science courses; and the
2 student's participation in a dropout prevention program.

3 (3) To participate in the college reach-out program, a
4 postsecondary educational institution may submit a proposal to
5 the Department of Education. The State Board of Education
6 shall consider the proposals and determine which proposals to
7 implement as programs that will strengthen the educational
8 motivation and preparation of low-income educationally
9 disadvantaged students.

10 (4) Postsecondary educational institutions that
11 participate in the program must provide procedures for
12 continuous contact with students from the point at which they
13 are selected for participation until they enroll in a
14 postsecondary educational institution. These procedures must
15 assist students in selecting courses required for graduation
16 from high school and admission to a postsecondary educational
17 institution and ensure that students continue to participate
18 in program activities. Institutions that participate must
19 provide on-campus academic and advisory activities during
20 summer vacation and provide opportunities for interacting with
21 college and university students as mentors, tutors, or role
22 models. Proposals submitted by universities and consortia
23 involving universities must provide students with an
24 opportunity to live on campus.

25 (5) In selecting proposals for approval, the State
26 Board of Education shall give preference to:

27 (a) Proposals submitted jointly by two or more
28 eligible postsecondary educational institutions.

29 (b) A program that will use institutional, federal, or
30 private resources to supplement state appropriations.

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1 (c) An applicant that has demonstrated success in
2 conducting similar programs.

3 (d) A program that includes innovative approaches,
4 provides a great variety of activities, and includes a large
5 percentage of low-income educationally disadvantaged minority
6 students in the college reach-out program.

7 (e) An applicant that demonstrates commitment to the
8 program by proposing to match the grant funds at least
9 one-to-one in cash or services, with cash being the preferred
10 match.

11 (f) An applicant that demonstrates an interest in
12 cultural diversity and that addresses the unmet regional needs
13 of varying communities.

14 (6) A participating postsecondary educational
15 institution is encouraged to use its resources to meet program
16 objectives. A participating postsecondary educational
17 institution must establish an advisory committee composed of
18 high school and middle school personnel, as well as community
19 leaders, to provide advice and assistance in implementing its
20 program.

21 (7) A proposal must contain the following information:

22 (a) A statement of purpose that includes a description
23 of the need for, and the results expected from, the proposed
24 program.

25 (b) An identification of the service area that names
26 the schools to be served, provides community and school
27 demographics, and sets forth the postsecondary enrollment
28 rates of high school graduates within the area.

29 (c) An identification of existing programs for
30 enhancing the academic performance of minority and low-income
31

1 educationally disadvantaged students for enrollment in
2 postsecondary education.

3 (d) A description of the proposed program that
4 describes criteria to be used to identify schools for
5 participation in the program. At least 60 percent of the
6 students recruited in any one year must be in grades 6-9.

7 (e) A description of the program activities that must
8 support the following goals:

9 1. Motivate students to pursue a postsecondary
10 education.

11 2. Enhance students' basic learning skills and
12 performance.

13 3. Strengthen students' and parents' understanding of
14 the benefits of postsecondary education.

15 4. Foster academic, personal, and career development
16 through supplemental instruction.

17 (f) An evaluation component that provides for the
18 collection, maintenance, retrieval, and analysis of the data
19 required by this paragraph. The data must be used to assess
20 the extent to which programs have accomplished specific
21 objectives and achieved the goals of the college reach-out
22 program. The Department of Education shall develop
23 specifications and procedures for the collection and
24 transmission of the data. The annual project evaluation
25 component must contain:

26 1. The student identification number and social
27 security number, if available; the name of the public school
28 attended; gender; ethnicity; grade level; and grade point
29 average of each participant at the time of entry into the
30 program.

31

1 2. The grade point average, grade, and promotion
2 status of each of the participants in the program at the end
3 of the academic year and any suspension or expulsion of a
4 participant, if applicable.

5 3. The number and percentage of high school
6 participants who satisfactorily complete 2 sequential years of
7 a foreign language and Level 2 and 3 mathematics and science
8 courses.

9 4. The number and percentage of participants eligible
10 for high school graduation who receive a standard high school
11 diploma or a high school equivalency diploma, pursuant to s.
12 229.814.

13 5. The number and percentage of 12th grade
14 participants who are accepted for enrollment and who enroll in
15 a postsecondary educational institution.

16 6. The number of participants who receive
17 scholarships, grant aid, and work-study awards.

18 7. The number and percentage of participants who
19 enroll in a public postsecondary educational institution and
20 who fail to achieve a passing score, as defined in State Board
21 of Education rule, on college placement tests pursuant to s.
22 1008.30.

23 8. The number and percentage of participants who
24 enroll in a postsecondary educational institution and have a
25 minimum cumulative 2.0 grade point average on a 4.0 scale by
26 the end of the second semester.

27 9. The number of disabled students participating in
28 the project and the nature of their disabilities.

29 (8) Proposals must be funded competitively in
30 accordance with the following methodology:

31

1 (a) The funds appropriated must be distributed to
2 projects on the basis of minimum standards that include:

3 1. A summer residency program of at least 1 week in
4 duration.

5 2. A minimum number of hours of academic instructional
6 and developmental activities, career counseling, and personal
7 counseling.

8 (b) Subject to legislative appropriations,
9 continuation projects that satisfy the minimum requirements
10 should have their funds increased each year by the same
11 percentage as the rate of inflation. Projects funded for 3
12 consecutive years should have a cumulative institutional cash
13 match of not less than 50 percent of the total cost of the
14 project over the 3-year period. Any college reach-out program
15 project operating for 3 years which does not provide the
16 minimum 50-percent institutional cash match must not be
17 considered for continued funding.

18 (9) The Commissioner of Education shall appoint an
19 advisory council to review the proposals and recommend to the
20 State Board of Education an order of priority for funding the
21 proposals.

22 (10) On or before February 15 of each year, each
23 participating institution shall submit to the Department of
24 Education an interim report containing program expenditures
25 and participant information as required in State Board of
26 Education rules.

27 (11) On or before November 1 of each year,
28 postsecondary educational institutions participating in the
29 program shall submit to the Department of Education an
30 end-of-the-year report on the effectiveness of their
31

1 participation in the program. The end-of-the-year report must
2 include, without limitation:

3 (a) A copy of the certificate-of-expenditures form
4 showing expenditures by category, state grant funds, and
5 institutional matching in cash and in-kind services.

6 (b) A listing of students participating in the program
7 by grade level, gender, and race.

8 (c) A statement of how the program addresses the four
9 program goals identified in paragraph (7)(e).

10 (d) A brief description and analysis of program
11 characteristics and activities critical to program success.

12 (e) A description of the cooperation received from
13 other units or organizations.

14 (f) An explanation of the program's outcomes,
15 including data related to student performance on the measures
16 provided for in paragraph (7)(f).

17 (12) By February 15 of each year, the Department of
18 Education shall submit to the President of the Senate, the
19 Speaker of the House of Representatives, the Commissioner of
20 Education, and the Governor a report that evaluates the
21 effectiveness of the college reach-out program. To the extent
22 feasible, the performance of college reach-out program
23 participants must be compared to the performance of comparable
24 cohorts of students in public school and postsecondary
25 education.

26 (13) Funding for the college reach-out program shall
27 be provided in the General Appropriations Act.

28 Section 365. Chapter 1008, Florida Statutes, shall be
29 entitled "Assessment and Accountability" and shall consist of
30 ss. 1008.01-1008.51.

31

1 Section 366. Part I of chapter 1008, Florida Statutes,
2 shall be entitled "Assessment, K-20" and shall consist of ss.
3 1008.21-1008.30.

4 Section 367. Effective upon this act becoming a law,
5 section 1008.21, Florida Statutes, is created to read:

6 1008.21 School readiness uniform screening
7 (kindergarten).--

8 (1) The Department of Education shall implement the
9 school readiness uniform screening developed by the Florida
10 Partnership for School Readiness, and shall require that all
11 school districts administer the kindergarten uniform screening
12 to each kindergarten student in the district school system
13 upon the student's entry into kindergarten.

14 (2)(a) The Department of Education shall implement the
15 school readiness uniform screening to validate the system
16 recommended by the Florida Partnership for School Readiness as
17 part of a comprehensive evaluation design. Beginning with the
18 2002-2003 school year, the department shall require that all
19 school districts administer the school readiness uniform
20 screening to each kindergarten student in the district school
21 system upon the student's entry into kindergarten. Children
22 who enter public school for the first time in first grade must
23 be administered the school readiness uniform screening adopted
24 for use in first grade. The department shall incorporate
25 school readiness data into the K-20 data warehouse for
26 longitudinal tracking.

27 (b) The uniform screening shall provide objective data
28 regarding the following expectations for school readiness
29 which shall include, at a minimum:

30
31

- 1 1. The child's immunizations and other health
2 requirements as necessary, including appropriate vision and
3 hearing screening and examinations.
- 4 2. The child's physical development.
- 5 3. The child's compliance with rules, limitations, and
6 routines.
- 7 4. The child's ability to perform tasks.
- 8 5. The child's interactions with adults.
- 9 6. The child's interactions with peers.
- 10 7. The child's ability to cope with challenges.
- 11 8. The child's self-help skills.
- 12 9. The child's ability to express his or her needs.
- 13 10. The child's verbal communication skills.
- 14 11. The child's problem-solving skills.
- 15 12. The child's ability to follow verbal directions.
- 16 13. The child's demonstration of curiosity,
17 persistence, and exploratory behavior.
- 18 14. The child's interest in books and other printed
19 materials.
- 20 15. The child's ability to pay attention to stories.
- 21 16. The child's participation in art and music
22 activities.
- 23 17. The child's ability to identify colors, geometric
24 shapes, letters of the alphabet, numbers, and spatial and
25 temporal relationships.

26 Section 368. Section 1008.22, Florida Statutes, is
27 created to read:

28 1008.22 Student assessment program for public
29 schools.--

30 (1) PURPOSE.--The primary purposes of the student
31 assessment program are to provide information needed to

1 improve the public schools by enhancing the learning gains of
2 all students and to inform parents of the educational progress
3 of their public school children. The program must be designed
4 to:

5 (a) Assess the annual learning gains of each student
6 toward achieving the Sunshine State Standards appropriate for
7 the student's grade level.

8 (b) Provide data for making decisions regarding school
9 accountability and recognition.

10 (c) Identify the educational strengths and needs of
11 students and the readiness of students to be promoted to the
12 next grade level or to graduate from high school with a
13 standard high school diploma.

14 (d) Assess how well educational goals and performance
15 standards are met at the school, district, and state levels.

16 (e) Provide information to aid in the evaluation and
17 development of educational programs and policies.

18 (f) Provide information on the performance of Florida
19 students compared with others across the United States.

20 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
21 intent to participate in the measurement of national
22 educational goals. The Commissioner of Education shall direct
23 Florida school districts to participate in the administration
24 of the National Assessment of Educational Progress, or a
25 similar national assessment program, both for the national
26 sample and for any state-by-state comparison programs which
27 may be initiated. Such assessments must be conducted using
28 the data collection procedures, the student surveys, the
29 educator surveys, and other instruments included in the
30 National Assessment of Educational Progress or similar program
31 being administered in Florida. The results of these

1 assessments shall be included in the annual report of the
 2 Commissioner of Education specified in this section. The
 3 administration of the National Assessment of Educational
 4 Progress or similar program shall be in addition to and
 5 separate from the administration of the statewide assessment
 6 program.

7 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
 8 shall design and implement a statewide program of educational
 9 assessment that provides information for the improvement of
 10 the operation and management of the public schools, including
 11 schools operating for the purpose of providing educational
 12 services to youth in Department of Juvenile Justice programs.
 13 Pursuant to the statewide assessment program, the commissioner
 14 shall:

15 (a) Submit to the State Board of Education a list that
 16 specifies student skills and competencies to which the goals
 17 for education specified in the state plan apply, including,
 18 but not limited to, reading, writing, science, and
 19 mathematics. The skills and competencies must include
 20 problem-solving and higher-order skills as appropriate and
 21 shall be known as the Sunshine State Standards as defined in
 22 s. 1000.21. The commissioner shall select such skills and
 23 competencies after receiving recommendations from educators,
 24 citizens, and members of the business community. The
 25 commissioner shall submit to the State Board of Education
 26 revisions to the list of student skills and competencies in
 27 order to maintain continuous progress toward improvements in
 28 student proficiency.

29 (b) Develop and implement a uniform system of
 30 indicators to describe the performance of public school
 31 students and the characteristics of the public school

1 districts and the public schools. These indicators must
2 include, without limitation, information gathered by the
3 comprehensive management information system created pursuant
4 to s. 1008.385 and student achievement information obtained
5 pursuant to this section.

6 (c) Develop and implement a student achievement
7 testing program known as the Florida Comprehensive Assessment
8 Test (FCAT) as part of the statewide assessment program, to be
9 administered annually in grades 3 through 10 to measure
10 reading, writing, science, and mathematics. Other content
11 areas may be included as directed by the commissioner. The
12 testing program must be designed so that:

13 1. The tests measure student skills and competencies
14 adopted by the State Board of Education as specified in
15 paragraph (a). The tests must measure and report student
16 proficiency levels in reading, writing, mathematics, and
17 science. The commissioner shall provide for the tests to be
18 developed or obtained, as appropriate, through contracts and
19 project agreements with private vendors, public vendors,
20 public agencies, postsecondary educational institutions, or
21 school districts. The commissioner shall obtain input with
22 respect to the design and implementation of the testing
23 program from state educators and the public.

24 2. The testing program will include a combination of
25 norm-referenced and criterion-referenced tests and include, to
26 the extent determined by the commissioner, questions that
27 require the student to produce information or perform tasks in
28 such a way that the skills and competencies he or she uses can
29 be measured.

30 3. Each testing program, whether at the elementary,
31 middle, or high school level, includes a test of writing in

1 which students are required to produce writings that are then
 2 scored by appropriate methods.

3 4. A score is designated for each subject area tested,
 4 below which score a student's performance is deemed
 5 inadequate. The school districts shall provide appropriate
 6 remedial instruction to students who score below these levels.

7 5. Students must earn a passing score on the grade 10
 8 assessment test described in this paragraph in reading,
 9 writing, and mathematics to qualify for a regular high school
 10 diploma. The State Board of Education shall designate a
 11 passing score for each part of the grade 10 assessment test.
 12 In establishing passing scores, the state board shall consider
 13 any possible negative impact of the test on minority students.

14 All students who took the grade 10 FCAT during the 2000-2001
 15 school year shall be required to earn the passing scores in
 16 reading and mathematics established by the State Board of
 17 Education for the March 2001 test administration. Such
 18 students who did not earn the established passing scores and
 19 must repeat the grade 10 FCAT are required to earn the passing
 20 scores established for the March 2001 test administration.

21 All students who take the grade 10 FCAT for the first time in
 22 March 2002 and thereafter shall be required to earn the
 23 passing scores in reading and mathematics established by the
 24 State Board of Education for the March 2002 test
 25 administration. The State Board of Education shall adopt
 26 rules which specify the passing scores for the grade 10 FCAT.
 27 Any such rules, which have the effect of raising the required
 28 passing scores, shall only apply to students taking the grade
 29 10 FCAT after such rules are adopted by the State Board of
 30 Education.

31

1 6. Participation in the testing program is mandatory
 2 for all students attending public school, including students
 3 served in Department of Juvenile Justice programs, except as
 4 otherwise prescribed by the commissioner. If a student does
 5 not participate in the statewide assessment, the district must
 6 notify the student's parent and provide the parent with
 7 information regarding the implications of such
 8 nonparticipation. If modifications are made in the student's
 9 instruction to provide accommodations that would not be
 10 permitted on the statewide assessment tests, the district must
 11 notify the student's parent of the implications of such
 12 instructional modifications. A parent must provide signed
 13 consent for a student to receive instructional modifications
 14 that would not be permitted on the statewide assessments and
 15 must acknowledge in writing that he or she understands the
 16 implications of such accommodations. The State Board of
 17 Education shall adopt rules, based upon recommendations of the
 18 commissioner, for the provision of test accommodations and
 19 modifications of procedures as necessary for students in
 20 exceptional education programs and for students who have
 21 limited English proficiency.

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

25 8. District school boards must provide instruction to
 26 prepare students to demonstrate proficiency in the skills and
 27 competencies necessary for successful grade-to-grade
 28 progression and high school graduation. If a student is
 29 provided with accommodations or modifications that are not
 30 allowable in the statewide assessment program, as described in
 31 the test manuals, the district must inform the parent in

1 writing and must provide the parent with information regarding
2 the impact on the student's ability to meet expected
3 proficiency levels in reading, writing, and math. The
4 commissioner shall conduct studies as necessary to verify that
5 the required skills and competencies are part of the district
6 instructional programs.

7 9. The Department of Education must develop, or
8 select, and implement a common battery of assessment tools
9 that will be used in all juvenile justice programs in the
10 state. These tools must accurately measure the skills and
11 competencies established in the Florida Sunshine State
12 Standards.

13
14 The commissioner may design and implement student testing
15 programs, for any grade level and subject area, necessary to
16 effectively monitor educational achievement in the state.

17 (d) Conduct ongoing research to develop improved
18 methods of assessing student performance, including, without
19 limitation, the use of technology to administer tests, score,
20 or report the results of, the use of electronic transfer of
21 data, the development of work-product assessments, and the
22 development of process assessments.

23 (e) Conduct ongoing research and analysis of student
24 achievement data, including, without limitation, monitoring
25 trends in student achievement, identifying school programs
26 that are successful, and analyzing correlates of school
27 achievement.

28 (f) Provide technical assistance to school districts
29 in the implementation of state and district testing programs
30 and the use of the data produced pursuant to such programs.

31

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.

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1 (6) REQUIRED ANALYSES.--The commissioner shall
2 provide, at a minimum, for the following analyses of data
3 produced by the student achievement testing program:

4 (a) The statistical system for the annual assessments
5 shall use measures of student learning, such as the FCAT, to
6 determine teacher, school, and school district statistical
7 distributions, which shall be determined using available data
8 from the FCAT, and other data collection as deemed appropriate
9 by the Department of Education, to measure the differences in
10 student prior year achievement compared to the current year
11 achievement for the purposes of accountability and
12 recognition.

13 (b) The statistical system shall provide the best
14 estimates of teacher, school, and school district effects on
15 student progress. The approach used by the department shall be
16 approved by the commissioner before implementation.

17 (c) The annual testing program shall be administered
18 to provide for valid statewide comparisons of learning gains
19 to be made for purposes of accountability and recognition. The
20 commissioner shall establish a schedule for the administration
21 of the statewide assessments. In establishing such schedule,
22 the commissioner is charged with the duty to accomplish the
23 latest possible administration of the statewide assessments
24 and the earliest possible provision of the results to the
25 school districts feasible within available technology and
26 specific appropriation. District school boards shall not
27 establish school calendars that jeopardize or limit the valid
28 testing and comparison of student learning gains.

29 (7) LOCAL ASSESSMENTS.--Measurement of the learning
30 gains of students in all subjects and grade levels other than
31 subjects and grade levels required for the state student

1 achievement testing program is the responsibility of the
2 school districts.

3 (8) APPLICABILITY OF TESTING STANDARDS.--A student
4 must meet the testing requirements for high school graduation
5 that were in effect at the time the student entered 9th grade,
6 provided the student's enrollment was continuous.

7 (9) RULES.--The State Board of Education shall adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this section.

10 Section 369. Section 1008.23, Florida Statutes, is
11 created to read:

12 1008.23 Confidentiality of assessment
13 instruments.--All examination and assessment instruments,
14 including developmental materials and workpapers directly
15 related thereto, which are prepared, prescribed, or
16 administered pursuant to ss. 1003.43, 1008.22, and 1008.25
17 shall be confidential and exempt from the provisions of s.
18 119.07(1) and from s. 1001.52. Provisions governing access,
19 maintenance, and destruction of such instruments and related
20 materials shall be prescribed by rules of the State Board of
21 Education.

22 Section 370. Section 1008.24, Florida Statutes, is
23 created to read:

24 1008.24 Test security.--
25 (1) It is unlawful for anyone knowingly and willfully
26 to violate test security rules adopted by the State Board of
27 Education for mandatory tests administered by or through the
28 State Board of Education or the Commissioner of Education to
29 students, educators, or applicants for certification or
30 administered by school districts pursuant to s. 1008.22, or,
31 with respect to any such test, knowingly and willfully to:

1 (a) Give examinees access to test questions prior to
2 testing;

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

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

8 (d) Make answer keys available to examinees;

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

12 (f) Fail to follow test administration directions
13 specified in the test administration manuals; or

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

16 (2) Any person who violates this section commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 (3) A district school superintendent, a president of a
20 public postsecondary educational institution, or a president
21 of a nonpublic postsecondary educational institution shall
22 cooperate with the Commissioner of Education in any
23 investigation concerning the administration of a test
24 administered pursuant to state statute or rule.

25 Section 371. Section 1008.25, Florida Statutes, is
26 created to read:

27 1008.25 Public school student progression; remedial
28 instruction; reporting requirements.--

29 (1) INTENT.--It is the intent of the Legislature that
30 each student's progression from one grade to another be
31 determined, in part, upon proficiency in reading, writing,

1 science, and mathematics; that district school board policies
2 facilitate such proficiency; and that each student and his or
3 her parent be informed of that student's academic progress.

4 (2) COMPREHENSIVE PROGRAM.--Each district school board
5 shall establish a comprehensive program for student
6 progression which must include:

7 (a) Standards for evaluating each student's
8 performance, including how well he or she masters the
9 performance standards approved by the State Board of
10 Education.

11 (b) Specific levels of performance in reading,
12 writing, science, and mathematics for each grade level,
13 including the levels of performance on statewide assessments
14 as defined by the commissioner, below which a student must
15 receive remediation, or be retained within an intensive
16 program that is different from the previous year's program and
17 that takes into account the student's learning style.

18 (c) Appropriate alternative placement for a student
19 who has been retained 2 or more years.

20 (3) ALLOCATION OF RESOURCES.--District school boards
21 shall allocate remedial and supplemental instruction resources
22 to students in the following priority:

23 (a) Students who are deficient in reading by the end
24 of grade 3.

25 (b) Students who fail to meet performance levels
26 required for promotion consistent with the district school
27 board's plan for student progression required in paragraph
28 (2)(b).

29 (4) ASSESSMENT AND REMEDIATION.--

30 (a) Each student must participate in the statewide
31 assessment tests required by s. 1008.22. Each student who does

1 not meet specific levels of performance as determined by the
 2 district school board in reading, writing, science, and
 3 mathematics for each grade level, or who does not meet
 4 specific levels of performance as determined by the
 5 commissioner on statewide assessments at selected grade
 6 levels, must be provided with additional diagnostic
 7 assessments to determine the nature of the student's
 8 difficulty and areas of academic need.

9 (b) The school in which the student is enrolled must
 10 develop, in consultation with the student's parent, and must
 11 implement an academic improvement plan designed to assist the
 12 student in meeting state and district expectations for
 13 proficiency. Beginning with the 2002-2003 school year, if the
 14 student has been identified as having a deficiency in reading,
 15 the academic improvement plan shall identify the student's
 16 specific areas of deficiency in phonemic awareness, phonics,
 17 fluency, comprehension, and vocabulary; the desired levels of
 18 performance in these areas; and the instructional and support
 19 services to be provided to meet the desired levels of
 20 performance. Schools shall also provide for the frequent
 21 monitoring of the student's progress in meeting the desired
 22 levels of performance. District school boards shall assist
 23 schools and teachers to implement research-based reading
 24 activities that have been shown to be successful in teaching
 25 reading to low-performing students. Remedial instruction
 26 provided during high school may not be in lieu of English and
 27 mathematics credits required for graduation.

28 (c) Upon subsequent evaluation, if the documented
 29 deficiency has not been remediated in accordance with the
 30 academic improvement plan, the student may be retained. Each
 31 student who does not meet the minimum performance expectations

1 defined by the Commissioner of Education for the statewide
 2 assessment tests in reading, writing, science, and mathematics
 3 must continue to be provided with remedial or supplemental
 4 instruction until the expectations are met or the student
 5 graduates from high school or is not subject to compulsory
 6 school attendance.

7 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

8 (a) It is the ultimate goal of the Legislature that
 9 every student read at or above grade level. Any student who
 10 exhibits a substantial deficiency in reading, based upon
 11 locally determined or statewide assessments conducted in
 12 kindergarten or grade 1, grade 2, or grade 3, or through
 13 teacher observations, must be given intensive reading
 14 instruction immediately following the identification of the
 15 reading deficiency. The student's reading proficiency must be
 16 reassessed by locally determined assessments or through
 17 teacher observations at the beginning of the grade following
 18 the intensive reading instruction. The student must continue
 19 to be provided with intensive reading instruction until the
 20 reading deficiency is remedied.

21 (b) Beginning with the 2002-2003 school year, if the
 22 student's reading deficiency, as identified in paragraph (a),
 23 is not remedied by the end of grade 3, as demonstrated by
 24 scoring at Level 2 or higher on the statewide assessment test
 25 in reading for grade 3, the student must be retained.

26 (c) Beginning with the 2002-2003 school year, the
 27 parent of any student who exhibits a substantial deficiency in
 28 reading, as described in paragraph (a), must be notified in
 29 writing of the following:

- 30 1. That his or her child has been identified as having
 31 a substantial deficiency in reading.

1 2. A description of the current services that are
2 provided to the child.

3 3. A description of the proposed supplemental
4 instructional services and supports that will be provided to
5 the child that are designed to remediate the identified area
6 of reading deficiency.

7 4. That if the child's reading deficiency is not
8 remediated by the end of grade 3, the child must be retained
9 unless he or she is exempt from mandatory retention for good
10 cause.

11 (6) ELIMINATION OF SOCIAL PROMOTION.--

12 (a) No student may be assigned to a grade level based
13 solely on age or other factors that constitute social
14 promotion.

15 (b) The district school board may only exempt students
16 from mandatory retention, as provided in paragraph (5)(b), for
17 good cause. Good cause exemptions shall be limited to the
18 following:

19 1. Limited English proficient students who have had
20 less than 2 years of instruction in an English for Speakers of
21 Other Languages program.

22 2. Students with disabilities whose individual
23 education plan indicates that participation in the statewide
24 assessment program is not appropriate, consistent with the
25 requirements of State Board of Education rule.

26 3. Students who demonstrate an acceptable level of
27 performance on an alternative standardized reading assessment
28 approved by the State Board of Education.

29 4. Students who demonstrate, through a student
30 portfolio, that the student is reading on grade level as
31 evidenced by demonstration of mastery of the Sunshine State

1 Standards in reading equal to at least a Level 2 performance
2 on the FCAT.

3 5. Students with disabilities who participate in the
4 FCAT and who have an individual education plan or a Section
5 504 plan that reflects that the student has received the
6 intensive remediation in reading, as required by paragraph
7 (4)(b), for more than 2 years but still demonstrates a
8 deficiency in reading and was previously retained in
9 kindergarten, grade 1, or grade 2.

10 6. Students who have received the intensive
11 remediation in reading as required by paragraph (4)(b) for 2
12 or more years but still demonstrate a deficiency in reading
13 and who were previously retained in kindergarten, grade 1, or
14 grade 2 for a total of 2 years. Intensive reading instruction
15 for students so promoted must include an altered instructional
16 day based upon an academic improvement plan that includes
17 specialized diagnostic information and specific reading
18 strategies for each student. The district school board shall
19 assist schools and teachers to implement reading strategies
20 that research has shown to be successful in improving reading
21 among low performing readers.

22 (c) Requests for good cause exemptions for students
23 from the mandatory retention requirement as described in
24 subparagraphs (b)3. and 4. shall be made consistent with the
25 following:

26 1. Documentation shall be submitted from the student's
27 teacher to the school principal that indicates that the
28 promotion of the student is appropriate and is based upon the
29 student's academic record. In order to minimize paperwork
30 requirements, such documentation shall consist only of the
31

1 existing academic improvement plan, individual educational
2 plan, if applicable, report card, or student portfolio.

3 2. The school principal shall review and discuss such
4 recommendation with the teacher and make the determination as
5 to whether the student should be promoted or retained. If the
6 school principal determines that the student should be
7 promoted, the school principal shall make such recommendation
8 in writing to the district school superintendent. The
9 district school superintendent shall accept or reject the
10 school principal's recommendation in writing.

11 (7) ANNUAL REPORT.--

12 (a) In addition to the requirements in paragraph
13 (5)(b), each district school board must annually report to the
14 parent of each student the progress of the student towards
15 achieving state and district expectations for proficiency in
16 reading, writing, science, and mathematics. The district
17 school board must report to the parent the student's results
18 on each statewide assessment test. The evaluation of each
19 student's progress must be based upon the student's classroom
20 work, observations, tests, district and state assessments, and
21 other relevant information. Progress reporting must be
22 provided to the parent in writing in a format adopted by the
23 district school board.

24 (b) Beginning with the 2001-2002 school year, each
25 district school board must annually publish in the local
26 newspaper, and report in writing to the State Board of
27 Education by September 1 of each year, the following
28 information on the prior school year:

29 1. The provisions of this section relating to public
30 school student progression and the district school board's
31 policies and procedures on student retention and promotion.

1 2. By grade, the number and percentage of all students
2 in grades 3 through 10 performing at Levels 1 and 2 on the
3 reading portion of the FCAT.

4 3. By grade, the number and percentage of all students
5 retained in grades 3 through 10.

6 4. Information on the total number of students who
7 were promoted for good cause, by each category of good cause
8 as specified in paragraph (6)(b).

9 5. Any revisions to the district school board's policy
10 on student retention and promotion from the prior year.

11 (8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

12 (a) The State Board of Education shall have authority
13 as provided in s. 1008.32 to enforce this section.

14 (b) The State Board of Education shall adopt rules
15 pursuant to ss. 120.536(1) and 120.54 for the administration
16 of this section.

17 (9) TECHNICAL ASSISTANCE.--The department shall
18 provide technical assistance as needed to aid district school
19 boards in administering this section.

20 Section 372. Section 1008.29, Florida Statutes, is
21 created to read:

22 1008.29 College-level communication and mathematics
23 skills examination (CLAST).--

24 (1) It is the intent of the Legislature that the
25 examination of college-level communication and mathematics
26 skills provided in s. 1008.345(3) serve as a mechanism for
27 students to demonstrate that they have mastered the academic
28 competencies prerequisite to upper-division undergraduate
29 instruction. It is further intended that the examination
30 serve as both a summative evaluation instrument prior to
31 student enrollment in upper-division programs and as a source

1 of information for student advisers. It is not intended that
 2 student passage of the examination supplant the need for a
 3 student to complete the general education curriculum
 4 prescribed by an institution.

5 (2) Public postsecondary educational institutions
 6 shall administer a minimum of two administrations, one of
 7 which may consist of an alternative administration, of the
 8 college-level communication and computation skills examination
 9 per academic term. Such administrations shall be available to
 10 all lower-division students seeking associate in arts or
 11 baccalaureate degrees upon completion of at least 18 semester
 12 hours or the equivalent. Public postsecondary educational
 13 institutions shall report at a minimum the examination scores
 14 of all students tested at each administration of the
 15 college-level communication and computation skills
 16 examination.

17 (3) No public postsecondary educational institution
 18 shall confer an associate in arts or baccalaureate degree upon
 19 any student who fails to complete successfully the examination
 20 of college-level communication and computation skills.
 21 Students who received their associate in arts degree prior to
 22 September 1, 1982, shall be exempt from the provisions of this
 23 subsection.

24 (4) The State Board of Education, by rule, shall set
 25 the minimum scores that constitute successful completion of
 26 the examination. In establishing the minimum scores that
 27 constitute successful completion of the examination, the State
 28 Board of Education shall consider any possible negative impact
 29 of the tests on minority students. Determinations regarding a
 30 student's successful completion of the examination shall be
 31

1 based on the minimum standards prescribed by rule for the date
 2 the student initially takes the examination.

3 (5) Any student who, in the best professional opinion
 4 of the university, has a specific learning disability such
 5 that the student can not demonstrate successful completion of
 6 one or more sections of the college-level communication and
 7 computation skills examination and is achieving at the college
 8 level in every area except that of the disability, and whose
 9 diagnosis indicates that further remediation will not succeed
 10 in overcoming the disability, may appeal through the
 11 appropriate dean to a committee appointed by the president or
 12 vice president for academic affairs for special consideration.
 13 The committee shall examine the evidence of the student's
 14 academic and medical records and may hear testimony relevant
 15 to the case. The committee may grant a waiver for one or more
 16 sections of the college-level communication and computation
 17 skills examination based on the results of its review.

18 (6) Each public postsecondary educational institution
 19 president shall establish a committee to consider requests for
 20 waivers from the provisions of subsection (3). The committee
 21 shall be chaired by the chief academic officer of the
 22 institution and shall have four additional members appointed
 23 by the president: a member of the mathematics department, a
 24 member of the English department, the institutional test
 25 administrator, and a fourth faculty member from a department
 26 other than English or mathematics. Any student who has taken a
 27 subtest of the examination required by this section at least
 28 four times and has not achieved a passing score, but has
 29 otherwise demonstrated proficiency in coursework in the same
 30 subject area, may request a waiver from that particular
 31 subtest. Waivers shall be considered only after students have

1 been provided test accommodations or other administrative
2 adjustments to permit the accurate measurement of the
3 student's proficiency in the subject areas measured by the
4 examination authorized in this section. The committee shall
5 consider the student's educational records and other evidence
6 as to whether the student should be able to pass the subtest
7 under consideration. A waiver may be recommended to the
8 president upon majority vote of the committee. The president
9 may approve or disapprove the recommendation. The president
10 may not approve a request which the committee has disapproved.
11 If a waiver for a given subtest is approved, the student's
12 transcript shall include a statement that the student did not
13 meet the requirements of subsection (3) and that a waiver was
14 granted.

15 (7) The State Board of Education, by rule, shall
16 establish fees for the administration of the examination to
17 private postsecondary students.

18 (8) The State Board of Education, by rule, shall
19 establish fees for the administration of the examination at
20 times other than regularly scheduled dates to accommodate
21 examinees who are unable to be tested on those dates. The
22 board shall establish the conditions under which examinees may
23 be admitted to the special administrations.

24 (9) Any student fulfilling one or both of the
25 following requirements before completion of associate in arts
26 degree requirements or baccalaureate degree requirements is
27 exempt from the testing requirements of this section:

28 (a) Achieves a score that meets or exceeds a minimum
29 score on a nationally standardized examination, as established
30 by the State Board of Education; or
31

1 (b) Demonstrates successful remediation of any
2 academic deficiencies identified by the college placement test
3 and achieves a cumulative grade point average of 2.5 or above,
4 on a 4.0 scale, in postsecondary-level coursework identified
5 by the State Board of Education. The Department of Education
6 shall specify the means by which a student may demonstrate
7 successful remediation.

8
9 Any student denied a degree prior to January 1, 1996, based on
10 the failure of at least one subtest of the CLAST may use
11 either of the alternatives specified in this subsection for
12 receipt of a degree if such student meets all degree program
13 requirements at the time of application for the degree under
14 the exemption provisions of this subsection. This section does
15 not require a student to take the CLAST before being given the
16 opportunity to use any of the alternatives specified in this
17 subsection. The exemptions provided herein do not apply to
18 requirements for certification as provided in s. 1012.56.

19 Section 373. Section 1008.30, Florida Statutes, is
20 created to read:

21 1008.30 Common placement testing for public
22 postsecondary education.--

23 (1) The State Board of Education shall develop and
24 implement a common placement test for the purpose of assessing
25 the basic computation and communication skills of students who
26 intend to enter a degree program at any public postsecondary
27 educational institution. The State Board of Education shall
28 adopt rules which enable public postsecondary educational
29 institutions to implement appropriate modifications of the
30 test instruments or test procedures for students with
31 disabilities.

1 (2) The common placement testing program shall include
 2 at a minimum the following: the capacity to diagnose basic
 3 competencies in the areas of English, reading, and mathematics
 4 which are essential to perform college-level work;
 5 prerequisite skills that relate to progressively advanced
 6 instruction in mathematics, such as algebra and geometry;
 7 prerequisite skills that relate to progressively advanced
 8 instruction in language arts, such as English composition and
 9 literature; prerequisite skills which relate to the College
 10 Level Academic Skills Test (CLAST); and provision of test
 11 information to students on the specific deficiencies.

12 (3) The State Board of Education shall adopt rules
 13 that would require high schools to give the common placement
 14 test prescribed in this section, or an equivalent test
 15 identified by the State Board of Education, at the beginning
 16 of the tenth grade year before enrollment in the eleventh
 17 grade year in public high school for the purpose of obtaining
 18 remedial instruction prior to entering public postsecondary
 19 education.

20 (4)(a) Public postsecondary educational institution
 21 students who have been identified as requiring additional
 22 preparation pursuant to subsection (1) shall enroll in
 23 college-preparatory or other adult education pursuant to s.
 24 1004.93 in community colleges to develop needed college-entry
 25 skills. These students shall be permitted to take courses
 26 within their degree program concurrently in other curriculum
 27 areas for which they are qualified while enrolled in
 28 college-preparatory instruction courses. A student enrolled
 29 in a college-preparatory course may concurrently enroll only
 30 in college credit courses that do not require the skills
 31 addressed in the college-preparatory course. The State Board

1 of Education shall specify the college credit courses that are
2 acceptable for students enrolled in each college-preparatory
3 skill area, pursuant to s. 1001.02(7)(g). A student who wishes
4 to earn an associate in arts or a baccalaureate degree, but
5 who is required to complete a college-preparatory course, must
6 successfully complete the required college-preparatory studies
7 by the time the student has accumulated 12 hours of
8 lower-division college credit degree coursework; however, a
9 student may continue enrollment in degree-earning coursework
10 provided the student maintains enrollment in
11 college-preparatory coursework for each subsequent semester
12 until college-preparatory coursework requirements are
13 completed, and the student demonstrates satisfactory
14 performance in degree-earning coursework. A passing score on
15 a standardized, institutionally developed test must be
16 achieved before a student is considered to have met basic
17 computation and communication skills requirements; however, no
18 student shall be required to retake any test or subtest that
19 was previously passed by said student. Credit awarded for
20 college-preparatory instruction may not be counted towards
21 fulfilling the number of credits required for a degree.

22 (b) The university board of trustees may contract with
23 a community college board of trustees for the community
24 college to provide such instruction on the state university
25 campus. Any state university in which the percentage of
26 incoming students requiring college-preparatory instruction
27 equals or exceeds the average percentage of such students for
28 the community college system may offer college-preparatory
29 instruction without contracting with a community college;
30 however, any state university offering college-preparatory
31

1 instruction as of January 1, 1996, may continue to provide
2 such services.

3 (5) A student may not be enrolled in a college credit
4 mathematics or English course on a dual enrollment basis
5 unless the student has demonstrated adequate precollegiate
6 preparation on the section of the basic computation and
7 communication skills assessment required pursuant to
8 subsection (1) that is appropriate for successful student
9 participation in the course.

10 Section 374. Part II of chapter 1008, Florida
11 Statutes, shall be entitled "Accountability, K-20" and shall
12 consist of ss. 1008.31-1008.46.

13 Section 375. Section 1008.31, Florida Statutes, is
14 created to read:

15 1008.31 Florida's K-20 education performance
16 accountability system; legislative intent; performance-based
17 funding; mission, goals, and systemwide measures.--

18 (1) LEGISLATIVE INTENT.--It is the intent of the
19 Legislature that:

20 (a) The performance accountability system implemented
21 to assess the effectiveness of Florida's seamless K-20
22 education delivery system provide answers to the following
23 questions in relation to its mission and goals:

24 1. What is the public receiving in return for funds it
25 invests in education?

26 2. How effectively is Florida's K-20 education system
27 educating its students?

28 3. How effectively are the major delivery sectors
29 promoting student achievement?

30 4. How are individual schools and postsecondary
31 education institutions performing their responsibility to

1 educate their students as measured by how students are
2 performing and how much they are learning?

3 (b) The State Board of Education recommend to the
4 Legislature systemwide performance standards; the Legislature
5 establish systemwide performance measures and standards; and
6 the systemwide measures and standards provide Floridians with
7 information on what the public is receiving in return for the
8 funds it invests in education and how well the K-20 system
9 educates its students.

10 (c) The State Board of Education establish performance
11 measures and set performance standards for individual
12 components of the public education system, including
13 individual schools and postsecondary educational institutions,
14 with measures and standards based primarily on student
15 achievement.

16 (2) PERFORMANCE-BASED FUNDING.--The State Board of
17 Education shall cooperate with the Commissioner of Education
18 and each delivery system to develop proposals for
19 performance-based funding, using performance measures
20 established by the Legislature. The proposals must provide
21 that at least 10 percent of the state funds appropriated for
22 the K-20 education system are conditional upon meeting or
23 exceeding established performance standards. The State Board
24 of Education must submit the recommendations to the
25 Legislature in the following sequence:

26 (a) By December 1, 2002, recommendations for state
27 universities, for consideration by the 2003 Legislature and
28 implementation in the 2003-2004 fiscal year.

29 (b) By December 1, 2003, recommendations for public
30 schools and workforce education, for consideration by the 2004
31 Legislature and implementation in the 2004-2005 fiscal year.

1 (c) By December 1, 2004, recommendations for community
2 colleges, for consideration by the 2005 Legislature and
3 implementation in the 2005-2006 fiscal year.

4 (d) By December 1, 2005, recommendations for all other
5 programs that receive state funds within the Department of
6 Education.

7 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
8 mission of Florida's K-20 education system shall be to
9 increase the proficiency of all students within one seamless,
10 efficient system, by allowing them the opportunity to expand
11 their knowledge and skills through learning opportunities and
12 research valued by students, parents, and communities, and to
13 maintain an accountability system that measures student
14 progress toward the following goals:

15 (a) Highest student achievement, as measured by:
16 student FCAT performance and annual learning gains; the number
17 and percentage of schools that improve at least one school
18 performance grade designation or maintain a school performance
19 grade designation of "A" pursuant to s. 1008.34; graduation or
20 completion rates at all learning levels; and other measures
21 identified in law or rule.

22 (b) Seamless articulation and maximum access, as
23 measured by: the percentage of students who demonstrate
24 readiness for the educational level they are entering, from
25 kindergarten through postsecondary education and into the
26 workforce; the number and percentage of students needing
27 remediation; the percentage of Floridians who complete
28 associate, baccalaureate, professional, and postgraduate
29 degrees; the number and percentage of credits that articulate;
30 the extent to which each set of exit-point requirements
31

1 matches the next set of entrance-point requirements; and other
2 measures identified in law or rule.

3 (c) Skilled workforce and economic development, as
4 measured by: the number and percentage of graduates employed
5 in their areas of preparation; the percentage of Floridians
6 with high school diplomas and postsecondary education
7 credentials; the percentage of business and community members
8 who find that Florida's graduates possess the skills they
9 need; and other measures identified in law or rule.

10 (d) Quality efficient services, as measured by: cost
11 per completer or graduate; average cost per noncompleter at
12 each educational level; cost disparity across institutions
13 offering the same degrees; the percentage of education
14 customers at each educational level who are satisfied with the
15 education provided; and other measures identified in law or
16 rule.

17 (4) SYSTEMWIDE DATA COLLECTION.--School districts and
18 public postsecondary educational institutions shall maintain
19 information systems that will provide the State Board of
20 Education and the Legislature with information and reports at
21 a level of comprehensiveness and quality no less than that
22 which was available as of June 30, 2001.

23 Section 376. Section 1008.32, Florida Statutes, is
24 created to read:

25 1008.32 State Board of Education oversight enforcement
26 authority.--The State Board of Education shall oversee the
27 performance of district school boards and public postsecondary
28 educational institution boards in enforcement of all laws and
29 rules. District school boards and public postsecondary
30 educational institution boards shall be primarily responsible
31 for compliance with law and state board rule.

1 (1) In order to ensure compliance with law or state
2 board rule, the State Board of Education shall have the
3 authority to request and receive information, data, and
4 reports from school districts and public postsecondary
5 educational institutions. District school superintendents and
6 public postsecondary educational institution presidents are
7 responsible for the accuracy of the information and data
8 reported to the state board.

9 (2) The Commissioner of Education may investigate
10 allegations of noncompliance with law or state board rule and
11 determine probable cause, the commissioner shall report to the
12 State Board of Education which shall require the district
13 school board or public postsecondary educational institution
14 board to document compliance with law or state board rule.

15 (3) If the district school board or public
16 postsecondary educational institution board cannot
17 satisfactorily document compliance, the State Board of
18 Education may order compliance within a specified timeframe.

19 (4) If the State Board of Education determines that a
20 district school board or public postsecondary educational
21 institution board is unwilling or unable to comply with law or
22 state board rule within the specified time, the state board
23 shall have the authority to initiate any of the following
24 actions:

25 (a) Report to the Legislature that the school district
26 or public postsecondary educational institution has been
27 unwilling or unable to comply with law or state board rule and
28 recommend action to be taken by the Legislature.

29 (b) Reduce the discretionary lottery appropriation
30 until the school district or public postsecondary education
31 institution complies with the law or state board rule.

1 (c) Withhold the transfer of state funds,
2 discretionary grant funds, or any other funds specified as
3 eligible for this purpose by the Legislature until the school
4 district or public postsecondary educational institution
5 complies with the law or state board rule.

6 (d) Declare the school district or public
7 postsecondary educational institution ineligible for
8 competitive grants.

9 (e) Require monthly or periodic reporting on the
10 situation related to noncompliance until it is remedied.

11 (5) Nothing in this section shall be construed to
12 create a private cause of action or create any rights for
13 individuals or entities in addition to those provided
14 elsewhere in law or rule.

15 Section 377. Section 1008.33, Florida Statutes, is
16 created to read:

17 1008.33 Authority to enforce public school
18 improvement.--It is the intent of the Legislature that all
19 public schools be held accountable for students performing at
20 acceptable levels. A system of school improvement and
21 accountability that assesses student performance by school,
22 identifies schools in which students are not making adequate
23 progress toward state standards, institutes appropriate
24 measures for enforcing improvement, and provides rewards and
25 sanctions based on performance shall be the responsibility of
26 the State Board of Education.

27 (1) Pursuant to Art. IX of the State Constitution
28 prescribing the duty of the State Board of Education to
29 supervise Florida's public school system and notwithstanding
30 any other statutory provisions to the contrary, the State
31 Board of Education shall intervene in the operation of a

1 district school system when one or more schools in the school
 2 district have failed to make adequate progress for 2 school
 3 years in a 4-year period. For purposes of determining when a
 4 school is eligible for state board action and opportunity
 5 scholarships for its students, the terms "2 years in any
 6 4-year period" and "2 years in a 4-year period" mean that in
 7 any year that a school has a grade of "F," the school is
 8 eligible for state board action and opportunity scholarships
 9 for its students if it also has had a grade of "F" in any of
 10 the previous 3 school years. The State Board of Education may
 11 determine that the school district or school has not taken
 12 steps sufficient for students in the school to be academically
 13 well served. Considering recommendations of the Commissioner
 14 of Education, the State Board of Education shall recommend
 15 action to a district school board intended to improve
 16 educational services to students in each school that is
 17 designated as performance grade category "F." Recommendations
 18 for actions to be taken in the school district shall be made
 19 only after thorough consideration of the unique
 20 characteristics of a school, which shall include student
 21 mobility rates, the number and type of exceptional students
 22 enrolled in the school, and the availability of options for
 23 improved educational services. The state board shall adopt by
 24 rule steps to follow in this process. Such steps shall
 25 provide school districts sufficient time to improve student
 26 performance in schools and the opportunity to present evidence
 27 of assistance and interventions that the district school board
 28 has implemented.

29 (2) The State Board of Education may recommend one or
 30 more of the following actions to district school boards to
 31 enable students in schools designated as performance grade

1 category "F" to be academically well served by the public
2 school system:

3 (a) Provide additional resources, change certain
4 practices, and provide additional assistance if the state
5 board determines the causes of inadequate progress to be
6 related to school district policy or practice;

7 (b) Implement a plan that satisfactorily resolves the
8 education equity problems in the school;

9 (c) Contract for the educational services of the
10 school, or reorganize the school at the end of the school year
11 under a new school principal who is authorized to hire new
12 staff and implement a plan that addresses the causes of
13 inadequate progress;

14 (d) Allow parents of students in the school to send
15 their children to another district school of their choice; or

16 (e) Other action appropriate to improve the school's
17 performance.

18 (3) In recommending actions to district school boards,
19 the State Board of Education shall specify the length of time
20 available to implement the recommended action. The State
21 Board of Education may adopt rules to further specify how it
22 may respond in specific circumstances. No action taken by the
23 State Board of Education shall relieve a school from state
24 accountability requirements.

25 (4) The State Board of Education may require the
26 Department of Education or Comptroller to withhold any
27 transfer of state funds to the school district if, within the
28 timeframe specified in state board action, the school district
29 has failed to comply with the action ordered to improve the
30 district's low-performing schools. Withholding the transfer of
31 funds shall occur only after all other recommended actions for

1 school improvement have failed to improve performance. The
2 State Board of Education may impose the same penalty on any
3 district school board that fails to develop and implement a
4 plan for assistance and intervention for low-performing
5 schools as specified in s. 1001.42(16)(c).

6 Section 378. Section 1008.34, Florida Statutes, is
7 created to read:

8 1008.34 School grading system; district performance
9 grade.--

10 (1) ANNUAL REPORTS.--The Commissioner of Education
11 shall prepare annual reports of the results of the statewide
12 assessment program which describe student achievement in the
13 state, each district, and each school. The commissioner shall
14 prescribe the design and content of these reports, which must
15 include, without limitation, descriptions of the performance
16 of all schools participating in the assessment program and all
17 of their major student populations as determined by the
18 Commissioner of Education, and must also include the median
19 scores of all eligible students who scored at or in the lowest
20 25th percentile of the state in the previous school year;
21 provided, however, that the provisions of s. 1002.22
22 pertaining to student records apply to this section.

23 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
24 report shall identify schools as being in one of the following
25 grade categories defined according to rules of the State Board
26 of Education:

- 27 (a) "A," schools making excellent progress.
28 (b) "B," schools making above average progress.
29 (c) "C," schools making satisfactory progress.
30 (d) "D," schools making less than satisfactory
31 progress.

1 (e) "F," schools failing to make adequate progress.

2

3 Each school designated in performance grade category "A,"
4 making excellent progress, or having improved at least two
5 performance grade categories, shall have greater authority
6 over the allocation of the school's total budget generated
7 from the FEFP, state categoricals, lottery funds, grants, and
8 local funds, as specified in state board rule. The rule must
9 provide that the increased budget authority shall remain in
10 effect until the school's performance grade declines.

11 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
12 CATEGORIES.--School performance grade category designations
13 itemized in subsection (2) shall be based on the following:

14 (a) Timeframes.--

15 1. School performance grade category designations
16 shall be based on the school's current year performance and
17 the school's annual learning gains.

18 2. A school's performance grade category designation
19 shall be based on a combination of student achievement scores,
20 student learning gains as measured by annual FCAT assessments
21 in grades 3 through 10, and improvement of the lowest 25th
22 percentile of students in the school in reading, math, or
23 writing on the FCAT, unless these students are performing
24 above satisfactory performance.

25 (b) Student assessment data.--Student assessment data
26 used in determining school performance grade categories shall
27 include:

28 1. The aggregate scores of all eligible students
29 enrolled in the school who have been assessed on the FCAT.

30 2. The aggregate scores of all eligible students
31 enrolled in the school who have been assessed on the FCAT,

1 including Florida Writes, and who have scored at or in the
 2 lowest 25th percentile of students in the school in reading,
 3 math, or writing, unless these students are performing above
 4 satisfactory performance.

5
 6 The Department of Education shall study the effects of
 7 mobility on the performance of highly mobile students and
 8 recommend programs to improve the performance of such
 9 students. The State Board of Education shall adopt appropriate
 10 criteria for each school performance grade category. The
 11 criteria must also give added weight to student achievement in
 12 reading. Schools designated as performance grade category "C,"
 13 making satisfactory progress, shall be required to demonstrate
 14 that adequate progress has been made by students in the school
 15 who are in the lowest 25th percentile in reading, math, or
 16 writing on the FCAT, including Florida Writes, unless these
 17 students are performing above satisfactory performance.

18 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
 19 shall identify each school's performance as having improved,
 20 remained the same, or declined. This school improvement rating
 21 shall be based on a comparison of the current year's and
 22 previous year's student and school performance data. Schools
 23 that improve at least one performance grade category are
 24 eligible for school recognition awards pursuant to s. 1008.36.

25 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
 26 RATING REPORTS.--School performance grade category
 27 designations and improvement ratings shall apply to each
 28 school's performance for the year in which performance is
 29 measured. Each school's designation and rating shall be
 30 published annually by the Department of Education and the
 31 school district. Parents shall be entitled to an easy-to-read

1 report card about the designation and rating of the school in
2 which their child is enrolled.

3 (6) RULES.--The State Board of Education shall adopt
4 rules pursuant to ss. 120.536(1) and 120.54 to implement the
5 provisions of this section.

6 (7) PERFORMANCE-BASED FUNDING.--The Legislature may
7 factor in the performance of schools in calculating any
8 performance-based funding policy that is provided for annually
9 in the General Appropriations Act.

10 (8) DISTRICT PERFORMANCE GRADE.--The annual report
11 required by subsection (1) shall include district performance
12 grades, which shall consist of weighted district average
13 grades, by level, for all elementary schools, middle schools,
14 and high schools in the district. A district's weighted
15 average grade shall be calculated by weighting individual
16 school grades determined pursuant to subsection (2) by school
17 enrollment.

18 Section 379. Section 1008.345, Florida Statutes, is
19 created to read:

20 1008.345 Implementation of state system of school
21 improvement and education accountability.--

22 (1) The Commissioner of Education is responsible for
23 implementing and maintaining a system of intensive school
24 improvement and stringent education accountability, which
25 shall include policies and programs to implement the
26 following:

27 (a) A system of data collection and analysis that will
28 improve information about the educational success of
29 individual students and schools, including schools operating
30 for the purpose of providing educational services to youth in
31 Department of Juvenile Justice programs. The information and

1 analyses must be capable of identifying educational programs
2 or activities in need of improvement, and reports prepared
3 pursuant to this paragraph shall be distributed to the
4 appropriate district school boards prior to distribution to
5 the general public. This provision shall not preclude access
6 to public records as provided in chapter 119.

7 (b) A program of school improvement that will analyze
8 information to identify schools, including schools operating
9 for the purpose of providing educational services to youth in
10 Department of Juvenile Justice programs, educational programs,
11 or educational activities in need of improvement.

12 (c) A method of delivering services to assist school
13 districts and schools to improve, including schools operating
14 for the purpose of providing educational services to youth in
15 Department of Juvenile Justice programs.

16 (d) A method of coordinating with the state
17 educational goals and school improvement plans any other state
18 program that creates incentives for school improvement.

19 (2) The commissioner shall be held responsible for the
20 implementation and maintenance of the system of school
21 improvement and education accountability outlined in this
22 section. There shall be an annual determination of whether
23 adequate progress is being made toward implementing and
24 maintaining a system of school improvement and education
25 accountability.

26 (3) The annual feedback report shall be developed by
27 the Department of Education.

28 (4) The commissioner shall review each district school
29 board's feedback report and submit findings to the State Board
30 of Education. If adequate progress is not being made toward
31 implementing and maintaining a system of school improvement

1 and education accountability, the State Board of Education
 2 shall direct the commissioner to prepare and implement a
 3 corrective action plan. The commissioner and State Board of
 4 Education shall monitor the development and implementation of
 5 the corrective action plan.

6 (5) The commissioner shall report to the Legislature
 7 and recommend changes in state policy necessary to foster
 8 school improvement and education accountability. Included in
 9 the report shall be a list of the schools, including schools
 10 operating for the purpose of providing educational services to
 11 youth in Department of Juvenile Justice programs, for which
 12 district school boards have developed assistance and
 13 intervention plans and an analysis of the various strategies
 14 used by the school boards. School reports shall be distributed
 15 pursuant to this subsection and s. 1001.42(16)(e) and
 16 according to rules adopted by the State Board of Education.

17 (6)(a) The Department of Education shall implement a
 18 training program to develop among state and district educators
 19 a cadre of facilitators of school improvement. These
 20 facilitators shall assist schools and districts to conduct
 21 needs assessments and develop and implement school improvement
 22 plans to meet state goals.

23 (b) Upon request, the department shall provide
 24 technical assistance and training to any school, including any
 25 school operating for the purpose of providing educational
 26 services to youth in Department of Juvenile Justice programs,
 27 school advisory council, district, or district school board
 28 for conducting needs assessments, developing and implementing
 29 school improvement plans, developing and implementing
 30 assistance and intervention plans, or implementing other
 31 components of school improvement and accountability. Priority

1 for these services shall be given to schools designated as
 2 performance grade category "D" or "F" and school districts in
 3 rural and sparsely populated areas of the state.

4 (c) Pursuant to s. 24.121(5)(d), the department shall
 5 not release funds from the Educational Enhancement Trust Fund
 6 to any district in which a school, including schools operating
 7 for the purpose of providing educational services to youth in
 8 Department of Juvenile Justice programs, does not have an
 9 approved school improvement plan, pursuant to s. 1001.42(16),
 10 after 1 full school year of planning and development, or does
 11 not comply with school advisory council membership composition
 12 requirements pursuant to s. 1001.452. The department shall
 13 send a technical assistance team to each school without an
 14 approved plan to develop such school improvement plan or to
 15 each school without appropriate school advisory council
 16 membership composition to develop a strategy for corrective
 17 action. The department shall release the funds upon approval
 18 of the plan or upon establishment of a plan of corrective
 19 action. Notice shall be given to the public of the
 20 department's intervention and shall identify each school
 21 without a plan or without appropriate school advisory council
 22 membership composition.

23 (d) The department shall assign a community assessment
 24 team to each school district with a school designated as
 25 performance grade category "D" or "F" to review the school
 26 performance data and determine causes for the low performance.
 27 The team shall make recommendations to the school board, to
 28 the department, and to the State Board of Education for
 29 implementing an assistance and intervention plan that will
 30 address the causes of the school's low performance. The
 31 assessment team shall include, but not be limited to, a

1 department representative, parents, business representatives,
2 educators, and community activists, and shall represent the
3 demographics of the community from which they are appointed.

4 (7)(a) Schools designated in performance grade
5 category "A," making excellent progress, shall, if requested
6 by the school, be given deregulated status as specified in s.
7 1003.63(5), (7), (8), (9), and (10).

8 (b) Schools that have improved at least two
9 performance grade categories and that meet the criteria of the
10 Florida School Recognition Program pursuant to s. 1008.36 may
11 be given deregulated status as specified in s. 1003.63(5),
12 (7), (8), (9), and (10).

13 (8) As a part of the system of educational
14 accountability, the Department of Education shall:

15 (a) Develop minimum performance standards for various
16 grades and subject areas, as required in ss. 1001.03, 1008.22,
17 and 1008.34.

18 (b) Administer the statewide assessment testing
19 program created by s. 1008.22.

20 (c) Review the school advisory councils of each
21 district as required by s. 1001.452.

22 (d) Conduct the program evaluations required by s.
23 1001.03.

24 (e) Maintain a listing of college-level communication
25 and mathematics skills defined by the State Board of Education
26 as being associated with successful student performance
27 through the baccalaureate level and submit the same to the
28 State Board of Education for approval.

29 (f) Maintain a listing of tests and other assessment
30 procedures which measure and diagnose student achievement of
31

1 college-level communication and computation skills and submit
2 the same to the State Board of Education for approval.

3 (g) Maintain for the information of the State Board of
4 Education and the Legislature a file of data to reflect
5 achievement of college-level communication and mathematics
6 competencies by students in state universities and community
7 colleges.

8 (h) Develop or contract for, and submit to the State
9 Board of Education for approval, tests which measure and
10 diagnose student achievement of college-level communication
11 and mathematics skills. Any tests and related documents
12 developed are exempt from the provisions of s. 119.07(1). The
13 commissioner shall maintain statewide responsibility for the
14 administration of such tests and may assign administrative
15 responsibilities for the tests to any state university or
16 community college. The state board, upon recommendation of
17 the commissioner, may enter into contracts for such services
18 beginning in one fiscal year and continuing into the next year
19 which are paid from the appropriation for either or both
20 fiscal years.

21 (i) Perform any other functions that may be involved
22 in educational planning, research, and evaluation or that may
23 be required by the commissioner, the State Board of Education,
24 or law.

25 Section 380. Section 1008.35, Florida Statutes, is
26 created to read:

27 1008.35 Best financial management practices for school
28 districts; standards; reviews; designation of school
29 districts.--

30 (1) The purpose of best financial management practices
31 reviews is to improve Florida school district management and

1 use of resources and to identify cost savings. The Office of
2 Program Policy Analysis and Government Accountability (OPPAGA)
3 and the Office of the Auditor General are directed to develop
4 a system for reviewing the financial management practices of
5 school districts. In this system, the Auditor General shall
6 assist OPPAGA in examining district operations to determine
7 whether they meet "best financial management practices."

8 (2) The best financial management practices adopted by
9 the Commissioner of Education may be updated periodically
10 after consultation with the Legislature, the Governor, the
11 Department of Education, school districts, and the Auditor
12 General. OPPAGA shall submit to the Commissioner of Education
13 for review and adoption proposed revisions to the best
14 financial management practices adopted by the commissioner.
15 The best financial management practices, at a minimum, must
16 instill public confidence by addressing the school district's
17 use of resources, identifying ways that the district could
18 save funds, and improving districts' performance
19 accountability systems, including public accountability. To
20 achieve these objectives, best practices shall be developed
21 for, but need not be limited to, the following areas:

22 (a) Management structures.

23 (b) Performance accountability.

24 (c) Efficient delivery of educational services,
25 including instructional materials.

26 (d) Administrative and instructional technology.

27 (e) Personnel systems and benefits management.

28 (f) Facilities construction.

29 (g) Facilities maintenance.

30 (h) Student transportation.

31 (i) Food service operations.

1 (j) Cost control systems, including asset management,
2 risk management, financial management, purchasing, internal
3 auditing, and financial auditing.

4
5 In areas for which the commissioner has not adopted best
6 practices, OPPAGA may develop additional best financial
7 management practices, with input from a broad range of
8 stakeholders. OPPAGA shall present any additional best
9 practices to the commissioner for review and adoption. Revised
10 best financial management practices adopted by the
11 commissioner must be used in the next year's scheduled school
12 district reviews conducted according to this section.

13 (3) OPPAGA shall contract with a private firm selected
14 through a formal request for proposal process to perform the
15 review, to the extent that funds are provided for this purpose
16 in the General Appropriations Act each year. When sufficient
17 funds are not provided to contract for all the scheduled best
18 financial management practices reviews, OPPAGA shall conduct
19 the remaining reviews scheduled for that year, except as
20 otherwise provided in this act. At least one member of the
21 private firm review team shall have expertise in school
22 district finance. The scope of the review shall focus on the
23 best practices adopted by the Commissioner of Education,
24 pursuant to subsection (2). OPPAGA may include additional
25 items in the scope of the review after seeking input from the
26 school district and the Department of Education.

27 (4) OPPAGA shall consult with the Commissioner of
28 Education throughout the best practices review process to
29 ensure that the technical expertise of the Department of
30 Education benefits the review process and supports the school
31 districts before, during, and after the review.

1 (5) It is the intent of the Legislature that each
2 school district shall be subject to a best financial
3 management practices review. The Legislature also intends that
4 all school districts shall be reviewed on a continuing 5-year
5 cycle, as follows, unless specified otherwise in the General
6 Appropriations Act, or as provided in this section:

7 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
8 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
9 Monroe, Osceola, and Bradford.

10 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
11 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
12 and Franklin.

13 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
14 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
15 Liberty, and Lafayette.

16 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
17 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
18 Hardee, DeSoto, and Glades.

19 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
20 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
21 Washington, and Calhoun.

22 (6)(a) The Joint Legislative Auditing Committee may
23 adjust the schedule of districts to be reviewed when
24 unforeseen circumstances prevent initiation of reviews
25 scheduled in a given year.

26 (b) Once the 5-year cycle has been completed, reviews
27 shall continue, beginning again with those districts included
28 in year one of the cycle unless a district has requested and
29 received a waiver as provided in subsection (17).

30 (7) At the direction of the Joint Legislative Auditing
31 Committee or the President of the Senate and the Speaker of

1 the House of Representatives, and subject to funding by the
2 Legislature, OPPAGA may conduct, or contract with a private
3 firm to conduct, up to two additional best financial
4 management practices reviews in districts not scheduled for
5 review during that year if such review is necessary to address
6 adverse financial conditions.

7 (8) Reviews shall be conducted by OPPAGA and the
8 consultant to the extent specifically funded by the
9 Legislature in the General Appropriations Act for this
10 purpose. Such funds may be used for the cost of reviews by
11 OPPAGA and private consultants contracted by the director of
12 OPPAGA. Costs may include professional services, travel
13 expenses of OPPAGA and staff of the Auditor General, and any
14 other necessary expenses incurred as part of a best financial
15 management practices review.

16 (9) Districts scheduled for review must complete a
17 self-assessment instrument provided by OPPAGA which indicates
18 the school district's evaluation of its performance on each
19 best practice. The district must begin the self-assessment not
20 later than 60 days prior to the commencement of the review.
21 The completed self-assessment instrument and supporting
22 documentation must be submitted to OPPAGA not later than the
23 date of commencement of the review as notified by OPPAGA. The
24 best practice review team will use this self-assessment
25 information during their review of the district.

26 (10) During the review, OPPAGA and the consultant
27 conducting the review, if any, shall hold at least one
28 advertised public forum as part of the review in order to
29 explain the best financial management practices review process
30 and obtain input from students, parents, the business
31 community, and other district residents regarding their

1 concerns about the operations and management of the school
2 district.

3 (11) District reviews conducted under this section
4 must be completed within 6 months after commencement. OPPAGA
5 shall issue a final report to the President of the Senate, the
6 Speaker of the House of Representatives, and the district
7 regarding the district's use of best financial management
8 practices and cost savings recommendations within 60 days
9 after completing the reviews. Copies of the final report shall
10 be provided to the Governor, the Commissioner of Education,
11 and to the chairs of school advisory councils and district
12 advisory councils established pursuant to s. 229.58(1)(a) and
13 (b). The district school board shall notify all members of
14 the school advisory councils and district advisory council by
15 mail that the final report has been delivered to the school
16 district and to the council chairs. The notification shall
17 also inform members of the OPPAGA website address at which an
18 electronic copy of the report is available.

19 (12) After receipt of the final report and before the
20 district school board votes whether to adopt the action plan,
21 or if no action plan was required because the district was
22 found to be using the best practices, the district school
23 board shall hold an advertised public forum to accept public
24 input and review the findings and recommendations of the
25 report. The district school board shall advertise and promote
26 this forum in a manner appropriate to inform school and
27 district advisory councils, parents, school district
28 employees, the business community, and other district
29 residents of the opportunity to attend this meeting. OPPAGA
30 and the consultant, if any, shall also be represented at this
31 forum.

1 (13)(a) If the district is found not to conform to
 2 best financial management practices, the report must contain
 3 an action plan detailing how the district could meet the best
 4 practices within 2 years. The district school board must
 5 decide, by a majority plus one vote within 90 days after
 6 receipt of the final report, whether or not to implement the
 7 action plan and pursue a "Seal of Best Financial Management"
 8 awarded by the State Board of Education to qualified school
 9 districts. If a district fails to vote on the action plan
 10 within 90 days, district school board members may be required
 11 to appear and present testimony before a legislative
 12 committee, pursuant to s. 11.143.

13 (b) The district school board may vote to reverse a
 14 decision not to implement an action plan, provided that the
 15 action plan is implemented and there is still sufficient time,
 16 as determined by the district school board, to meet the best
 17 practices within 2 years after issuance of the final report.

18 (c) Within 90 days after the receipt of the final
 19 report, the district school board must notify OPPAGA and the
 20 Commissioner of Education in writing of the date and outcome
 21 of the district school board vote on whether to adopt the
 22 action plan. If the district school board fails to vote on
 23 whether to adopt the action plan, the district school
 24 superintendent must notify OPPAGA and the Commissioner of
 25 Education. The Department of Education may contact the school
 26 district, assess the situation, urge the district school board
 27 to vote, and offer technical assistance, if needed.

28 (14) If a district school board votes to implement the
 29 action plan:

30 (a) No later than 1 year after receipt of the final
 31 report, the district school board must submit an initial

1 status report to the President of the Senate, the Speaker of
2 the House of Representatives, the Governor, OPPAGA, the
3 Auditor General, the State Board of Education, and the
4 Commissioner of Education on progress made towards
5 implementing the action plan and whether changes have occurred
6 in other areas of operation that would affect compliance with
7 the best practices.

8 (b) A second status report must be submitted by the
9 school district to the President of the Senate, the Speaker of
10 the House of Representatives, the Governor, OPPAGA, the
11 Auditor General, the Commissioner of Education, and the State
12 Board of Education no later than 1 year after submission of
13 the initial report.

14
15 Status reports are not required once OPPAGA concludes that the
16 district is using best practices.

17 (15) After receipt of each of a district's two status
18 reports required by subsection (14), OPPAGA shall assess the
19 district's implementation of the action plan and progress
20 toward implementing the best financial management practices in
21 areas covered by the plan. Following each assessment, OPPAGA
22 shall issue a report to the President of the Senate, the
23 Speaker of the House of Representatives, and the district
24 indicating whether the district has successfully implemented
25 the best financial management practices. Copies of the report
26 must be provided to the Governor, the Auditor General, the
27 Commissioner of Education, and the State Board of Education.
28 If a district has failed to implement an action plan adopted
29 pursuant to subsection (13), district school board members and
30 the district school superintendent may be required to appear
31 before a legislative committee, pursuant to s. 11.143, to

1 present testimony regarding the district's failure to
 2 implement such action plan.

3 (16) District school boards that successfully
 4 implement the best financial management practices within 2
 5 years, or are determined in the review to be using the best
 6 practices, are eligible to receive a "Seal of Best Financial
 7 Management." Upon notification to the Commissioner of
 8 Education and the State Board of Education by OPPAGA that a
 9 district has been found to be using the best financial
 10 management practices, the State Board of Education shall award
 11 that district a "Seal of Best Financial Management" certifying
 12 that the district is adhering to the state's best financial
 13 management practices. The State Board of Education designation
 14 shall be effective for 5 years from the certification date or
 15 until the next review is completed, whichever is later. During
 16 the designation period, the district school board shall
 17 annually, not later than the anniversary date of the
 18 certification, notify OPPAGA, the Auditor General, the
 19 Commissioner of Education, and the State Board of Education of
 20 any changes in policies or operations or any other situations
 21 that would not conform to the state's best financial
 22 management practices. The State Board of Education may revoke
 23 the designation of a district school board at any time if it
 24 determines that a district is no longer complying with the
 25 state's best financial management practices. If no such
 26 changes have occurred and the district school board determines
 27 that the school district continues to conform to the best
 28 financial management practices, the district school board
 29 shall annually report that information to the State Board of
 30 Education, with copies to OPPAGA, the Auditor General, and the
 31 Commissioner of Education.

1 (17)(a) A district school board that has been awarded
2 a "Seal of Best Financial Management" by the State Board of
3 Education and has annually reported to the State Board of
4 Education that the district is still conforming to the best
5 financial management practices may request a waiver from
6 undergoing its next scheduled Best Financial Management
7 Practices review.

8 (b) To apply for such waiver, not later than September
9 1 of the fiscal year prior to the fiscal year in which the
10 district is next scheduled for review, the district school
11 board shall certify to OPPAGA and the Department of Education
12 the district school board's determination that the school
13 district is still conforming to the best financial management
14 practices.

15 (c) After consultation with the Department of
16 Education and review of the district school board's
17 determination, OPPAGA may recommend to the Legislative Budget
18 Commission that the district be granted a waiver for the next
19 scheduled Best Financial Management Practices review. If
20 approved for waiver, OPPAGA shall notify the school district
21 and the Department of Education that no review of that
22 district will be conducted during the next scheduled review
23 cycle. In that event, the district school board must continue
24 annual reporting to the State Board of Education as required
25 in subsection (16). District school boards granted a waiver
26 for one review cycle are not eligible for waiver of the next
27 scheduled review cycle.

28 (18) District school boards that receive a best
29 financial management practices review must maintain records
30 that will enable independent verification of the
31

1 implementation of the action plan and any related fiscal
2 impacts.

3 (19) Unrestricted cost savings resulting from
4 implementation of the best financial management practices must
5 be spent at the school and classroom levels for teacher
6 salaries, teacher training, improved classroom facilities,
7 student supplies, textbooks, classroom technology, and other
8 direct student instruction activities. Cost savings identified
9 for a program that has restrictive expenditure requirements
10 shall be used for the enhancement of the specific program.

11 Section 381. Section 1008.36, Florida Statutes, is
12 created to read:

13 1008.36 Florida School Recognition Program.--

14 (1) The Legislature finds that there is a need for a
15 performance incentive program for outstanding faculty and
16 staff in highly productive schools. The Legislature further
17 finds that performance-based incentives are commonplace in the
18 private sector and should be infused into the public sector as
19 a reward for productivity.

20 (2) The Florida School Recognition Program is created
21 to provide financial awards to public schools that:

22 (a) Sustain high performance by receiving a school
23 grade of "A," making excellent progress; or

24 (b) Demonstrate exemplary improvement due to
25 innovation and effort by improving a letter grade.

26 (3) All public schools, including charter schools,
27 that receive a school grade pursuant to s. 1008.34 are
28 eligible to participate in the program.

29 (4) All selected schools shall receive financial
30 awards depending on the availability of funds appropriated and
31 the number and size of schools selected to receive an award.

1 Funds must be distributed to the school's fiscal agent and
2 placed in the school's account and must be used for purposes
3 listed in subsection (5) as determined jointly by the school's
4 staff and school advisory council. If school staff and the
5 school advisory council cannot reach agreement by November 1,
6 the awards must be equally distributed to all classroom
7 teachers currently teaching in the school.

8 (5) School recognition awards must be used for the
9 following:

10 (a) Nonrecurring bonuses to the faculty and staff;

11 (b) Nonrecurring expenditures for educational
12 equipment or materials to assist in maintaining and improving
13 student performance; or

14 (c) Temporary personnel for the school to assist in
15 maintaining and improving student performance.

16
17 Notwithstanding statutory provisions to the contrary,
18 incentive awards are not subject to collective bargaining.

19 Section 382. Section 1008.37, Florida Statutes, is
20 created to read:

21 1008.37 Postsecondary feedback of information to high
22 schools.--

23 (1) The State Board of Education shall adopt rules
24 that require the Commissioner of Education to report to the
25 State Board of Education, the Legislature, and the district
26 school boards on the performance of each
27 first-time-in-postsecondary education student from each public
28 high school in this state who is enrolled in a public
29 postsecondary institution or public technical center. Such
30 reports must be based on information databases maintained by
31 the Department of Education. In addition, the public

1 postsecondary educational institutions and technical centers
2 shall provide district school boards access to information on
3 student performance in regular and preparatory courses and
4 shall indicate students referred for remediation pursuant to
5 s. 1008.30 or s. 1008.28.

6 (2) The Commissioner of Education shall report, by
7 high school, to the State Board of Education and the
8 Legislature, no later than November 31 of each year, on the
9 number of prior year Florida high school graduates who
10 enrolled for the first time in public postsecondary education
11 in this state during the previous summer, fall, or spring
12 term, indicating the number of students whose scores on the
13 common placement test indicated the need for remediation
14 through college-preparatory or vocational-preparatory
15 instruction pursuant to s. 1004.91 or s. 1008.30.

16 (3) The Commissioner of Education shall organize
17 school summary reports and student-level records by school
18 district and high school in which the postsecondary education
19 students were enrolled and report the information to each
20 school district no later than January 31 of each year.

21 (4) As a part of the school improvement plan pursuant
22 to s. 1008.345, the State Board of Education shall ensure that
23 each school district and high school develops strategies to
24 improve student readiness for the public postsecondary level
25 based on annual analysis of the feedback report data.

26 (5) The Commissioner of Education shall annually
27 recommend to the Legislature statutory changes to reduce the
28 incidence of postsecondary remediation in mathematics,
29 reading, and writing for first-time-enrolled recent high
30 school graduates.

31

1 Section 383. Section 1008.38, Florida Statutes, is
2 created to read:

3 1008.38 Articulation accountability process.--The
4 State Board of Education shall develop articulation
5 accountability measures which assess the status of systemwide
6 articulation processes authorized under s. 1007.23. The State
7 Board of Education shall establish an articulation
8 accountability process which at a minimum shall address:

9 (1) The impact of articulation processes on ensuring
10 educational continuity and the orderly and unobstructed
11 transition of students between public secondary and
12 postsecondary education systems and facilitating the
13 transition of students between the public and private sectors.

14 (2) The adequacy of preparation of public secondary
15 students to smoothly articulate to a public postsecondary
16 institution.

17 (3) The effectiveness of articulated acceleration
18 mechanisms available to secondary students.

19 (4) The smooth transfer of community college associate
20 in arts degree graduates to a state university.

21 (5) An examination of degree requirements that exceed
22 the parameters of 60 credit hours for an associate degree and
23 120 hours for a baccalaureate degree in public postsecondary
24 programs.

25 (6) The relationship between the College Level
26 Academic Skills Test Program and articulation to the upper
27 division in public postsecondary institutions.

28 Section 384. Section 1008.385, Florida Statutes, is
29 created to read:

30 1008.385 Educational planning and information
31 systems.--

1 (1) EDUCATIONAL PLANNING.--

2 (a) The Commissioner of Education is responsible for
3 all planning functions for the department, including
4 collection, analysis, and interpretation of all data,
5 information, test results, evaluations, and other indicators
6 that are used to formulate policy, identify areas of concern
7 and need, and serve as the basis for short-range and
8 long-range planning. Such planning shall include assembling
9 data, conducting appropriate studies and surveys, and
10 sponsoring research and development activities designed to
11 provide information about educational needs and the effect of
12 alternative educational practices.

13 (b) Each district school board shall maintain a
14 continuing system of planning and budgeting designed to aid in
15 identifying and meeting the educational needs of students and
16 the public. Provision shall be made for coordination between
17 district school boards and community college boards of
18 trustees concerning the planning for career and technical
19 education and adult educational programs. The major emphasis
20 of the system shall be upon locally determined goals and
21 objectives, the state plan for education, and the Sunshine
22 State Standards developed by the Department of Education and
23 adopted by the State Board of Education. The district
24 planning and budgeting system must include consideration of
25 student achievement data obtained pursuant to ss. 1008.22 and
26 1008.34. The system shall be structured to meet the specific
27 management needs of the district and to align the budget
28 adopted by the district school board with the plan the board
29 has also adopted. Each district school board shall utilize its
30 system of planning and budgeting to emphasize a system of
31 school-based management in which individual school centers

1 become the principal planning units and to integrate planning
2 and budgeting at the school level.

3 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
4 Commissioner of Education shall develop and implement an
5 integrated information system for educational management. The
6 system must be designed to collect, via electronic transfer,
7 all student and school performance data required to ascertain
8 the degree to which schools and school districts are meeting
9 state performance standards, and must be capable of producing
10 data for a comprehensive annual report on school and district
11 performance. In addition, the system shall support, as
12 feasible, the management decisions to be made in each division
13 of the department and at the individual school and district
14 levels. Similar data elements among divisions and levels
15 shall be compatible. The system shall be based on an overall
16 conceptual design; the information needed for such decisions,
17 including fiscal, student, program, personnel, facility,
18 community, evaluation, and other relevant data; and the
19 relationship between cost and effectiveness. The system shall
20 be managed and administered by the commissioner and shall
21 include a district subsystem component to be administered at
22 the district level, with input from the reports-and-forms
23 control management committees. Each district school system
24 with a unique management information system shall assure that
25 compatibility exists between its unique system and the
26 district component of the state system so that all data
27 required as input to the state system is made available via
28 electronic transfer and in the appropriate input format.

29 (a) The specific responsibilities of the commissioner
30 shall include:

31

- 1 1. Consulting with school district representatives in
2 the development of the system design model and implementation
3 plans for the management information system for public school
4 education management;
- 5 2. Providing operational definitions for the proposed
6 system;
- 7 3. Determining the information and specific data
8 elements required for the management decisions made at each
9 educational level, recognizing that the primary unit for
10 information input is the individual school and recognizing
11 that time and effort of instructional personnel expended in
12 collection and compilation of data should be minimized;
- 13 4. Developing standardized terminology and procedures
14 to be followed at all levels of the system;
- 15 5. Developing a standard transmittal format to be used
16 for collection of data from the various levels of the system;
- 17 6. Developing appropriate computer programs to assure
18 integration of the various information components dealing with
19 students, personnel, facilities, fiscal, program, community,
20 and evaluation data;
- 21 7. Developing the necessary programs to provide
22 statistical analysis of the integrated data provided in
23 subparagraph 6. in such a way that required reports may be
24 disseminated, comparisons may be made, and relationships may
25 be determined in order to provide the necessary information
26 for making management decisions at all levels;
- 27 8. Developing output report formats which will provide
28 district school systems with information for making management
29 decisions at the various educational levels;
- 30 9. Developing a phased plan for distributing computer
31 services equitably among all public schools and school

1 districts in the state as rapidly as possible. The plan shall
2 describe alternatives available to the state in providing such
3 computing services and shall contain estimates of the cost of
4 each alternative, together with a recommendation for action.
5 In developing the plan, the feasibility of shared use of
6 computing hardware and software by school districts, community
7 colleges, and universities shall be examined. Laws or
8 administrative rules regulating procurement of data processing
9 equipment, communication services, or data processing services
10 by state agencies shall not be construed to apply to local
11 agencies which share computing facilities with state agencies;
12 10. Assisting the district school systems in
13 establishing their subsystem components and assuring
14 compatibility with current district systems;
15 11. Establishing procedures for continuous evaluation
16 of system efficiency and effectiveness;
17 12. Initiating a reports-management and
18 forms-management system to ascertain that duplication in
19 collection of data does not exist and that forms and reports
20 for reporting under state and federal requirements and other
21 forms and reports are prepared in a logical and uncomplicated
22 format, resulting in a reduction in the number and complexity
23 of required reports, particularly at the school level; and
24 13. Initiating such other actions as are necessary to
25 carry out the intent of the Legislature that a management
26 information system for public school management needs be
27 implemented. Such other actions shall be based on criteria
28 including, but not limited to:
29 a. The purpose of the reporting requirement;
30 b. The origination of the reporting requirement;
31

- 1 c. The date of origin of the reporting requirement;
2 and
3 d. The date of repeal of the reporting requirement.
4 (b) The specific responsibilities of each district
5 school system shall include:
6 1. Establishing, at the district level, a
7 reports-control and forms-control management system committee
8 composed of school administrators and classroom teachers. The
9 district school board shall appoint school administrator
10 members and classroom teacher members or, in school districts
11 where appropriate, the classroom teacher members shall be
12 appointed by the bargaining agent. Teachers shall constitute a
13 majority of the committee membership. The committee shall
14 periodically recommend procedures to the district school board
15 for eliminating, reducing, revising, and consolidating
16 paperwork and data collection requirements and shall submit to
17 the district school board an annual report of its findings.
18 2. With assistance from the commissioner, developing
19 systems compatibility between the state management information
20 system and unique local systems.
21 3. Providing, with the assistance of the department,
22 inservice training dealing with management information system
23 purposes and scope, a method of transmitting input data, and
24 the use of output report information.
25 4. Establishing a plan for continuous review and
26 evaluation of local management information system needs and
27 procedures.
28 5. Advising the commissioner of all district
29 management information needs.
30
31

1 6. Transmitting required data input elements to the
2 appropriate processing locations in accordance with guidelines
3 established by the commissioner.

4 7. Determining required reports, comparisons, and
5 relationships to be provided to district school systems by the
6 system output reports, continuously reviewing these reports
7 for usefulness and meaningfulness, and submitting recommended
8 additions, deletions, and change requirements in accordance
9 with the guidelines established by the commissioner.

10 8. Being responsible for the accuracy of all data
11 elements transmitted to the department.

12 (c) It is the intent of the Legislature that the
13 expertise in the state system of public education, as well as
14 contracted services, be utilized to hasten the plan for full
15 implementation of a comprehensive management information
16 system.

17 (3) RULES.--The State Board of Education shall adopt
18 rules to administer this section.

19 Section 385. Section 1008.386, Florida Statutes, is
20 created to read:

21 1008.386 Social security numbers used as student
22 identification numbers.--Each district school board shall
23 request that each student enrolled in a public school in this
24 state provide his or her social security number. Each school
25 district shall use social security numbers as student
26 identification numbers in the management information system
27 maintained by the school district. However, a student is not
28 required to provide his or her social security number as a
29 condition for enrollment or graduation. A student satisfies
30 this requirement by presenting to school enrollment officials
31 his or her social security card or a copy of the card. The

1 school district shall include the social security number in
2 the student's permanent records and shall indicate if the
3 student identification number is not a social security number.
4 The Commissioner of Education shall provide assistance to
5 school districts to assure that the assignment of student
6 identification numbers other than social security numbers is
7 kept to a minimum and to avoid duplication of any student
8 identification number.

9 Section 386. Section 1008.39, Florida Statutes, is
10 created to read:

11 1008.39 Florida Education and Training Placement
12 Information Program.--

13 (1) The Department of Education shall develop and
14 maintain a continuing program of information management named
15 the "Florida Education and Training Placement Information
16 Program," the purpose of which is to compile, maintain, and
17 disseminate information concerning the educational histories,
18 placement and employment, enlistments in the United States
19 armed services, and other measures of success of former
20 participants in state educational and workforce development
21 programs. Placement and employment information shall contain
22 data appropriate to calculate job retention and job retention
23 rates.

24 (2) Any project conducted by the Department of
25 Education or the workforce development system that requires
26 placement information shall use information provided through
27 the Florida Education and Training Placement Information
28 Program, and shall not initiate automated matching of records
29 in duplication of methods already in place in the Florida
30 Education and Training Placement Information Program. The
31 department shall implement an automated system which matches

1 the social security numbers of former participants in state
 2 educational and training programs with information in the
 3 files of state and federal agencies that maintain educational,
 4 employment, and United States armed service records and shall
 5 implement procedures to identify the occupations of those
 6 former participants whose social security numbers are found in
 7 employment records, as required by Specific Appropriation
 8 337A, chapter 84-220, Laws of Florida; Specific Appropriation
 9 337B, chapter 85-119, Laws of Florida; Specific Appropriation
 10 350A, chapter 86-167, Laws of Florida; and Specific
 11 Appropriation 351, chapter 87-98, Laws of Florida.

12 (3) The Florida Education and Training Placement
 13 Information Program must not make public any information that
 14 could identify an individual or the individual's employer. The
 15 Department of Education must ensure that the purpose of
 16 obtaining placement information is to evaluate and improve
 17 public programs or to conduct research for the purpose of
 18 improving services to the individuals whose social security
 19 numbers are used to identify their placement. If an agreement
 20 assures that this purpose will be served and that privacy will
 21 be protected, the Department of Education shall have access to
 22 the unemployment insurance wage reports maintained by the
 23 Department of Labor and Employment Security, the files of the
 24 Department of Children and Family Services that contain
 25 information about the distribution of public assistance, the
 26 files of the Department of Corrections that contain records of
 27 incarcerations, and the files of the Department of Business
 28 and Professional Regulation that contain the results of
 29 licensure examination.

30 (4) The Florida Education and Training Placement
 31 Information Program may perform longitudinal analyses for all

1 levels of education and workforce development. These analyses
2 must include employment stability, annual earnings, and
3 relatedness of employment to education.

4 Section 387. Section 1008.40, Florida Statutes, is
5 created to read:

6 1008.40 Workforce Development Information System.--The
7 Department of Education shall:

8 (1) Design specifications for the collection and
9 reporting of data and performance specifications for the
10 Workforce Development Information System. This design must
11 enable parallel reporting and state-level access of workforce
12 data necessary to use the data reports as a basis for
13 calculating funding allocations. In addition, the design must
14 be capable of providing reports necessary to comply with other
15 program performance documentation required by state or federal
16 law, without requiring additional data collection or reporting
17 from local educational agencies.

18 (2) Develop the computer programs, software, and edit
19 processes necessary for local and state users to produce a
20 single, unified Workforce Development Information System.

21 Section 388. Section 1008.405, Florida Statutes, is
22 created to read:

23 1008.405 Adult student information.--Each school
24 district and community college shall maintain sufficient
25 information for each student enrolled in workforce development
26 education to allow local and state administrators to locate
27 such student upon the termination of instruction and to
28 determine the appropriateness of student placement in specific
29 instructional programs. The State Board of Education shall
30 adopt, in rule, specific information that must be maintained
31 and acceptable means of maintaining that information.

1 Section 389. Section 1008.41, Florida Statutes, is
2 created to read:

3 1008.41 Workforce Development Education; management
4 information system.--

5 (1) The Commissioner of Education shall coordinate
6 uniform program structures, common definitions, and uniform
7 management information systems for workforce development
8 education for all divisions within the department. In
9 performing these functions, the commissioner shall designate
10 deadlines after which data elements may not be changed for the
11 coming fiscal or school year. School districts and community
12 colleges shall be notified of data element changes at least 90
13 days prior to the start of the subsequent fiscal or school
14 year. Such systems must provide for:

15 (a) Individual student reporting.

16 (b) Compliance with state and federal confidentiality
17 requirements, except that the department shall have access to
18 the unemployment insurance wage reports to collect and report
19 placement information about former students. Such placement
20 reports must not disclose the individual identities of former
21 students.

22 (c) Maximum use of automated technology and records in
23 existing data bases and data systems. To the extent feasible,
24 the Florida Information Resource Network shall be employed for
25 this purpose.

26 (d) Annual reports of student enrollment, completion,
27 and placement by program.

28 (2) The State Board of Education shall identify, by
29 rule, the components to be included in the workforce
30 development education management information system. All such
31

1 components shall be comparable between school districts and
2 community colleges.

3 (3) Planning and evaluation of job-preparatory
4 programs shall be based on standard sources of data and use
5 standard occupational definitions and coding structures,
6 including, but not limited to:

7 (a) The Florida Occupational Information System;

8 (b) The Florida Education and Training Placement
9 Information Program;

10 (c) The Agency for Workforce Innovation;

11 (d) The United States Department of Labor; and

12 (e) Other sources of data developed using
13 statistically valid procedures.

14 Section 390. Section 1008.42, Florida Statutes, is
15 created to read:

16 1008.42 Public information on career and technical
17 education programs.--

18 (1) The Department of Education shall disseminate
19 information derived from the reports required by s. 1008.43.
20 The department shall ensure that the information disseminated
21 does not name or otherwise identify a student, a former
22 student, or the student's employer.

23 (2) The dissemination shall be conducted in accordance
24 with the following procedures:

25 (a) Annually, the Department of Education shall
26 publish the placement rates and average quarterly earnings for
27 students who complete each type of technical certificate
28 program and technical degree program. This information must be
29 aggregated to the state level and must be included in any
30 accountability reports. A program that was created or modified
31

1 so that placement rates cannot be calculated must be so
 2 identified in such reports.

3 (b)1. Each district school board shall publish, at a
 4 minimum, the most recently available placement rate for each
 5 technical certificate program conducted by that school
 6 district at the secondary school level and at the technical
 7 degree level. The placement rates for the preceding 3 years
 8 shall be published if available, shall be included in each
 9 publication that informs the public of the availability of the
 10 program, and shall be made available to each school guidance
 11 counselor. If a program does not have a placement rate, a
 12 publication that lists or describes that program must state
 13 that the rate is unavailable.

14 2. Each community college shall publish, at a minimum,
 15 the most recent placement rate for each technical certificate
 16 program and for each technical degree program in its annual
 17 catalog. The placement rates for the preceding 3 years shall
 18 be published, if available, and shall be included in any
 19 publication that informs the public of the availability of the
 20 program. If a program does not have a placement rate, the
 21 publication that lists or describes that program must state
 22 that the rate is unavailable.

23 3. If a school district or a community college has
 24 calculated for a program a placement rate that differs from
 25 the rate reported by the department, and if each record of a
 26 placement was obtained through a process that was capable of
 27 being audited, procedurally sound, and consistent statewide,
 28 the district or the community college may use the locally
 29 calculated placement rate in the report required by this
 30 section. However, that rate may not be combined with the rate
 31 maintained in the computer files of the Department of

1 Education's Florida Education and Training Placement
2 Information Program.

3 4. An independent career and technical, trade, or
4 business school may not publish a placement rate unless the
5 placement rate was determined as provided by this section.

6 Section 391. Section 1008.43, Florida Statutes, is
7 created to read:

8 1008.43 Career and technical program reporting
9 requirements.--

10 (1)(a) The Department of Education shall develop a
11 system of performance measures in order to evaluate the career
12 and technical education programs as required in s. 1008.42.
13 This system must measure program enrollment, completion rates,
14 placement rates, and amount of earnings at the time of
15 placement. Placement and employment information, where
16 applicable, shall contain data relevant to job retention,
17 including retention rates. The State Board of Education shall
18 adopt by rule the specific measures and any definitions needed
19 to establish the system of performance measures.

20 (b) To measure and report program enrollment and
21 completion rates, the Department of Education shall use data
22 in the automated student databases generated by the public
23 schools and community colleges. To measure and report
24 placement rates and amount of earnings at the time of
25 placement, the department shall use data in the reports
26 produced by the Florida Education and Training Placement
27 Information Program as required in s. 1008.39. If any
28 placement information is not available from the Florida
29 Education and Training Placement Information Program, the
30 school district or the community college may provide placement
31 information collected by the school district or the community

1 college. However, this supplemental information must be
2 verifiable by the department and must not be commingled with
3 the database maintained by the Florida Education and Training
4 Placement Information Program. The State Board of Education
5 shall specify by rule the statistically valid, verifiable,
6 uniform procedures by which school districts and community
7 colleges may collect and report placement information to
8 supplement the reports from the Florida Education and Training
9 Placement Information Program.

10 (c) The State Board of Education shall adopt standards
11 for the department, district school boards, and community
12 college district boards of trustees to use in program
13 planning, program review, and program evaluation. The
14 standards must include, at a minimum, the completion rates,
15 placement rates, and earnings from employment of former
16 students of career and technical education programs.

17 (2) The State Board of Education shall adopt
18 procedures for reviewing the career and technical education
19 programs administered by the district school boards and the
20 community college district boards of trustees when program
21 performance falls below the standards required by this
22 section.

23 (3) Annually the department shall compile the reports
24 submitted in compliance with the rules adopted under this
25 section and shall produce a statewide report that addresses
26 the extent to which school districts and community colleges
27 are meeting the standards established under paragraph (1)(c).

28 (4) The State Board of Education may adopt rules
29 necessary to administer this section.

30 Section 392. Section 1008.45, Florida Statutes, is
31 created to read:

1 1008.45 Community college accountability process.--
2 (1) It is the intent of the Legislature that a
3 management and accountability process be implemented which
4 provides for the systematic, ongoing improvement and
5 assessment of the improvement of the quality and efficiency of
6 the Florida community colleges. Accordingly, the State Board
7 of Education and the community college boards of trustees
8 shall develop and implement an accountability plan to improve
9 and evaluate the instructional and administrative efficiency
10 and effectiveness of the Florida Community College System.
11 This plan shall be designed in consultation with staff of the
12 Governor and the Legislature and must address the following
13 issues:
14 (a) Graduation rates of A.A. and A.S. degree-seeking
15 students compared to first-time-enrolled students seeking the
16 associate degree.
17 (b) Minority student enrollment and retention rates.
18 (c) Student performance, including student performance
19 in college-level academic skills, mean grade point averages
20 for community college A.A. transfer students, and community
21 college student performance on state licensure examinations.
22 (d) Job placement rates of community college career
23 and technical students.
24 (e) Student progression by admission status and
25 program.
26 (f) Career and technical accountability standards
27 identified in s. 1008.42.
28 (g) Institutional assessment efforts related to the
29 requirements of s. III in the Criteria for Accreditation of
30 the Commission on Colleges of the Southern Association of
31 Colleges and Schools.

1 (h) Other measures as identified by the Council for
2 Education Policy Research and Improvement and approved by the
3 State Board of Education.

4 (2) The State Board of Education shall submit an
5 annual report, to coincide with the submission of the agency
6 strategic plan required by law, providing the results of
7 initiatives taken during the prior year and the initiatives
8 and related objective performance measures proposed for the
9 next year.

10 (3) The State Board of Education shall address within
11 the annual evaluation of the performance of the executive
12 director, and the community college boards of trustees shall
13 address within the annual evaluation of the presidents, the
14 achievement of the performance goals established by the
15 accountability process.

16 Section 393. Section 1008.46, Florida Statutes, is
17 created to read:

18 1008.46 State university accountability process.--It
19 is the intent of the Legislature that an accountability
20 process be implemented that provides for the systematic,
21 ongoing evaluation of quality and effectiveness of state
22 universities. It is further the intent of the Legislature that
23 this accountability process monitor performance at the system
24 level in each of the major areas of instruction, research, and
25 public service, while recognizing the differing missions of
26 each of the state universities. The accountability process
27 shall provide for the adoption of systemwide performance
28 standards and performance goals for each standard identified
29 through a collaborative effort involving state universities,
30 the Legislature, and the Governor's Office. These standards
31 and goals shall be consistent with s. 216.011(1) to maintain

1 congruity with the performance-based budgeting process. This
2 process requires that university accountability reports
3 reflect measures defined through performance-based budgeting.
4 The performance-based budgeting measures must also reflect the
5 elements of teaching, research, and service inherent in the
6 missions of the state universities.

7 (1) By December 31 of each year, the State Board of
8 Education shall submit an annual accountability report
9 providing information on the implementation of performance
10 standards, actions taken to improve university achievement of
11 performance goals, the achievement of performance goals during
12 the prior year, and initiatives to be undertaken during the
13 next year. The accountability reports shall be designed in
14 consultation with the Governor's Office, the Office of Program
15 Policy Analysis and Government Accountability, and the
16 Legislature.

17 (2) The State Board of Education shall recommend in
18 the annual accountability report any appropriate modifications
19 to this section.

20 Section 394. Part III of chapter 1008, Florida
21 Statutes, shall be entitled "Council for Education Policy
22 Research and Improvement (CEPRI)" and shall consist of s.
23 1008.51.

24 Section 395. Section 1008.51, Florida Statutes, is
25 created to read:

26 1008.51 Council for Education Policy Research and
27 Improvement.--The Council for Education Policy Research and
28 Improvement is created as an independent office under the
29 Office of Legislative Services, pursuant to s. 11.147. The
30 council shall conduct and review education research, provide
31 independent analysis on education progress, and provide

1 independent evaluation of education issues of statewide
 2 concern. The Office of Legislative Services shall provide
 3 administrative functions of the council, pursuant to joint
 4 policies of the Legislature.

5 (1) The council shall serve as a citizen board for
 6 independent policy research and analysis. The council shall be
 7 composed of five members appointed by the Governor, two
 8 members appointed by the Speaker of the House of
 9 Representatives, and two members appointed by the President of
 10 the Senate. Each member shall be appointed for a term of 6
 11 years. However, for purposes of continuity, the Governor shall
 12 appoint two members, the Speaker of the House of
 13 Representatives shall appoint one member, and the President of
 14 the Senate shall appoint one member for a first term of 4
 15 years. Members appointed for 4 years may be reappointed to one
 16 additional term. Members shall not include elected officials
 17 or employees of public or independent education entities.
 18 Members who miss two consecutive meetings may be replaced by
 19 the appointing officer.

20 (2) The council shall meet as often as it considers
 21 necessary to carry out its duties and responsibilities.
 22 Members shall be paid travel and per diem expenses as provided
 23 in s. 112.061 while performing their duties under this
 24 section.

25 (3) The council shall appoint an executive director,
 26 who shall serve at the pleasure of the council and shall
 27 perform the duties assigned to him or her by the council. The
 28 executive director is the chief administrative officer of the
 29 council and shall appoint all employees and staff members of
 30 the council, who shall serve under the executive director's
 31 direction and control.

1 (4) The council shall:

2 (a) Provide state policymakers, educators, and the
3 public with objective and timely information that supports the
4 seamless K-20 education system and the K-20 education
5 accountability process designed to provide all students an
6 opportunity for a high-quality education, in accordance with
7 the policies and guiding principles of s. 1000.02 and the
8 performance accountability system in s. 1008.31.

9 (b) Explore national and state emerging educational
10 issues and examine how these issues should be addressed by
11 education institutions in Florida.

12 (c) Prepare and submit to the State Board of Education
13 a long-range master plan for education. The plan must include
14 consideration of the promotion of quality, fundamental
15 educational goals, programmatic access, needs for remedial
16 education, regional and state economic development,
17 international education programs, demographic patterns,
18 student demand for programs, needs of particular subgroups of
19 the population, implementation of innovative educational
20 techniques and technology, and requirements of the labor
21 market. The plan must evaluate the capacity of existing
22 programs in public and independent institutions to respond to
23 identified needs, and the council shall recommend efficient
24 alternatives to address unmet needs. The council shall update
25 the master plan at least every 5 years.

26 (d) Prepare and submit for approval by the State Board
27 of Education a long-range performance plan for K-20 education
28 in Florida, and annually review and recommend improvement in
29 the implementation of the plan.

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1 (e) Annually report on the progress of public schools
2 and postsecondary education institutions toward meeting
3 educational goals and standards as defined by s. 1008.31.

4 (f) Recommend to the Legislature and the State Board
5 of Education legislation and rules for the educational
6 accountability system that support the policies and guiding
7 principles of s. 1000.02.

8 (g) Recommend to the State Board of Education
9 revisions and new initiatives to further improve the K-20
10 education accountability system.

11 (h) Provide public education institutions and the
12 public with information on the K-20 education accountability
13 system, recommend refinements and improvements, and evaluate
14 issues pertaining to student learning gains.

15 (i) On its own initiative or in response to the
16 Governor, the Legislature, the State Board of Education, or
17 the Commissioner of Education, issue reports and
18 recommendations on matters relating to any education sector.

19 (j) By January 1, 2003, and on a 3-year cycle
20 thereafter, review and make recommendations to the Legislature
21 regarding the activities of research centers and institutes
22 supported with state funds to assess the return on the state's
23 investment in research conducted by public postsecondary
24 education institutions, in coordination with the Leadership
25 Board for Applied Research and Public Service, created
26 pursuant to s. 1004.58.

27 (k) Apply for and receive grants for the study of K-20
28 education system improvement consistent with its
29 responsibilities.

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1 (1) Assist the State Board of Education in the conduct
2 of its educational responsibilities in such capacities as the
3 board considers appropriate.

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1 Section 396. Chapter 1009, Florida Statutes, shall be
2 entitled "Educational Scholarships, Fees, and Financial
3 Assistance" and shall consist of ss. 1009.01-1009.9994.

4 Section 397. Part I of chapter 1009, Florida Statutes,
5 shall be entitled "General Provisions" and shall consist of s.
6 1009.01.

7 Section 398. Section 1009.01, Florida Statutes, is
8 created to read:

9 1009.01 Definitions.--The term:

10 (1) "Tuition" means the basic fee charged to a student
11 for instruction provided by a public postsecondary educational
12 institution in this state. A charge for any other purpose
13 shall not be included within this fee.

14 (2) "Out-of-state fee" means the additional fee for
15 instruction provided by a public postsecondary educational
16 institution in this state, which fee is charged to a
17 non-Florida student as defined in rules of the State Board of
18 Education. A charge for any other purpose shall not be
19 included within this fee.

20 Section 399. Part II of chapter 1009, Florida
21 Statutes, shall be entitled "Postsecondary Student Fees" and
22 shall consist of ss. 1009.21-1009.29.

23 Section 400. Section 1009.21, Florida Statutes, is
24 created to read:

25 1009.21 Determination of resident status for tuition
26 purposes.--Students shall be classified as residents or
27 nonresidents for the purpose of assessing tuition in community
28 colleges and state universities.

29 (1) As used in this section:

30 (a) The term "dependent child" means any person,
31 whether or not living with his or her parent, who is eligible

1 to be claimed by his or her parent as a dependent under the
2 federal income tax code.

3 (b) The term "institution of higher education" means
4 any public community college or state university.

5 (c) A "legal resident" or "resident" is a person who
6 has maintained his or her residence in this state for the
7 preceding year, has purchased a home which is occupied by him
8 or her as his or her residence, or has established a domicile
9 in this state pursuant to s. 222.17.

10 (d) The term "parent" means the natural or adoptive
11 parent or legal guardian of a dependent child.

12 (e) A "resident for tuition purposes" is a person who
13 qualifies as provided in subsection (2) for the in-state
14 tuition rate; a "nonresident for tuition purposes" is a person
15 who does not qualify for the in-state tuition rate.

16 (2)(a) To qualify as a resident for tuition purposes:

17 1. A person or, if that person is a dependent child,
18 his or her parent or parents must have established legal
19 residence in this state and must have maintained legal
20 residence in this state for at least 12 months immediately
21 prior to his or her qualification.

22 2. Every applicant for admission to an institution of
23 higher education shall be required to make a statement as to
24 his or her length of residence in the state and, further,
25 shall establish that his or her presence or, if the applicant
26 is a dependent child, the presence of his or her parent or
27 parents in the state currently is, and during the requisite
28 12-month qualifying period was, for the purpose of maintaining
29 a bona fide domicile, rather than for the purpose of
30 maintaining a mere temporary residence or abode incident to
31 enrollment in an institution of higher education.

1 (b) However, with respect to a dependent child living
 2 with an adult relative other than the child's parent, such
 3 child may qualify as a resident for tuition purposes if the
 4 adult relative is a legal resident who has maintained legal
 5 residence in this state for at least 12 months immediately
 6 prior to the child's qualification, provided the child has
 7 resided continuously with such relative for the 5 years
 8 immediately prior to the child's qualification, during which
 9 time the adult relative has exercised day-to-day care,
 10 supervision, and control of the child.

11 (c) The legal residence of a dependent child whose
 12 parents are divorced, separated, or otherwise living apart
 13 will be deemed to be this state if either parent is a legal
 14 resident of this state, regardless of which parent is entitled
 15 to claim, and does in fact claim, the minor as a dependent
 16 pursuant to federal individual income tax provisions.

17 (3) An individual shall not be classified as a
 18 resident for tuition purposes and, thus, shall not be eligible
 19 to receive the in-state tuition rate until he or she has
 20 provided such evidence related to legal residence and its
 21 duration as may be required by officials of the institution of
 22 higher education from which he or she seeks the in-state
 23 tuition rate.

24 (4) With respect to a dependent child, the legal
 25 residence of such individual's parent or parents is prima
 26 facie evidence of the individual's legal residence, which
 27 evidence may be reinforced or rebutted, relative to the age
 28 and general circumstances of the individual, by the other
 29 evidence of legal residence required of or presented by the
 30 individual. However, the legal residence of an individual
 31 whose parent or parents are domiciled outside this state is

1 not prima facie evidence of the individual's legal residence
2 if that individual has lived in this state for 5 consecutive
3 years prior to enrolling or reregistering at the institution
4 of higher education at which resident status for tuition
5 purposes is sought.

6 (5) In making a domiciliary determination related to
7 the classification of a person as a resident or nonresident
8 for tuition purposes, the domicile of a married person,
9 irrespective of sex, shall be determined, as in the case of an
10 unmarried person, by reference to all relevant evidence of
11 domiciliary intent. For the purposes of this section:

12 (a) A person shall not be precluded from establishing
13 or maintaining legal residence in this state and subsequently
14 qualifying or continuing to qualify as a resident for tuition
15 purposes solely by reason of marriage to a person domiciled
16 outside this state, even when that person's spouse continues
17 to be domiciled outside of this state, provided such person
18 maintains his or her legal residence in this state.

19 (b) A person shall not be deemed to have established
20 or maintained a legal residence in this state and subsequently
21 to have qualified or continued to qualify as a resident for
22 tuition purposes solely by reason of marriage to a person
23 domiciled in this state.

24 (c) In determining the domicile of a married person,
25 irrespective of sex, the fact of the marriage and the place of
26 domicile of such person's spouse shall be deemed relevant
27 evidence to be considered in ascertaining domiciliary intent.

28 (6) Any nonresident person, irrespective of sex, who
29 marries a legal resident of this state or marries a person who
30 later becomes a legal resident may, upon becoming a legal
31 resident of this state, accede to the benefit of the spouse's

1 immediately precedent duration as a legal resident for
 2 purposes of satisfying the 12-month durational requirement of
 3 this section.

4 (7) A person shall not lose his or her resident status
 5 for tuition purposes solely by reason of serving, or, if such
 6 person is a dependent child, by reason of his or her parent's
 7 or parents' serving, in the Armed Forces outside this state.

8 (8) A person who has been properly classified as a
 9 resident for tuition purposes but who, while enrolled in an
 10 institution of higher education in this state, loses his or
 11 her resident tuition status because the person or, if he or
 12 she is a dependent child, the person's parent or parents
 13 establish domicile or legal residence elsewhere shall continue
 14 to enjoy the in-state tuition rate for a statutory grace
 15 period, which period shall be measured from the date on which
 16 the circumstances arose that culminated in the loss of
 17 resident tuition status and shall continue for 12 months.
 18 However, if the 12-month grace period ends during a semester
 19 or academic term for which such former resident is enrolled,
 20 such grace period shall be extended to the end of that
 21 semester or academic term.

22 (9) Any person who ceases to be enrolled at or who
 23 graduates from an institution of higher education while
 24 classified as a resident for tuition purposes and who
 25 subsequently abandons his or her domicile in this state shall
 26 be permitted to reenroll at an institution of higher education
 27 in this state as a resident for tuition purposes without the
 28 necessity of meeting the 12-month durational requirement of
 29 this section if that person has reestablished his or her
 30 domicile in this state within 12 months of such abandonment
 31 and continuously maintains the reestablished domicile during

1 the period of enrollment. The benefit of this subsection shall
2 not be accorded more than once to any one person.

3 (10) The following persons shall be classified as
4 residents for tuition purposes:

5 (a) Active duty members of the Armed Services of the
6 United States residing or stationed in this state, their
7 spouses, and dependent children.

8 (b) Active duty members of the Armed Services of the
9 United States and their spouses attending a public community
10 college or state university within 50 miles of the military
11 establishment where they are stationed, if such military
12 establishment is within a county contiguous to Florida.

13 (c) United States citizens living on the Isthmus of
14 Panama, who have completed 12 consecutive months of college
15 work at the Florida State University Panama Canal Branch, and
16 their spouses and dependent children.

17 (d) Full-time instructional and administrative
18 personnel employed by state public schools, community
19 colleges, and institutions of higher education, as defined in
20 s. 1000.04, and their spouses and dependent children.

21 (e) Students from Latin America and the Caribbean who
22 receive scholarships from the federal or state government.
23 Any student classified pursuant to this paragraph shall
24 attend, on a full-time basis, a Florida institution of higher
25 education.

26 (f) Southern Regional Education Board's Academic
27 Common Market graduate students attending Florida's state
28 universities.

29 (g) Full-time employees of state agencies or political
30 subdivisions of the state when the student fees are paid by
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1 the state agency or political subdivision for the purpose of
2 job-related law enforcement or corrections training.

3 (h) McKnight Doctoral Fellows and Finalists who are
4 United States citizens.

5 (i) United States citizens living outside the United
6 States who are teaching at a Department of Defense Dependent
7 School or in an American International School and who enroll
8 in a graduate level education program which leads to a Florida
9 teaching certificate.

10 (j) Active duty members of the Canadian military
11 residing or stationed in this state under the North American
12 Air Defense (NORAD) agreement, and their spouses and dependent
13 children, attending a community college or state university
14 within 50 miles of the military establishment where they are
15 stationed.

16 (11) The State Board of Education shall by rule
17 designate classifications of students as residents or
18 nonresidents for tuition purposes at community colleges and
19 state universities.

20 Section 401. Section 1009.22, Florida Statutes, is
21 created to read:

22 1009.22 Workforce development postsecondary student
23 fees.--

24 (1) This section applies to students enrolled in
25 workforce development programs who are reported for funding
26 through the Workforce Development Education Fund, except that
27 college credit fees for the community colleges are governed by
28 s. 1009.23.

29 (2) All students shall be charged fees except students
30 who are exempt from fees or students whose fees are waived.

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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.
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1 (4) A district school board or community college board
2 that has a service area that borders another state may
3 implement a plan for a differential out-of-state fee.

4 (5) Each district school board and community college
5 board of trustees may establish a separate fee for financial
6 aid purposes in an additional amount of up to 10 percent of
7 the student fees collected for workforce development programs
8 funded through the Workforce Development Education Fund. All
9 fees collected shall be deposited into a separate workforce
10 development student financial aid fee trust fund of the school
11 district or community college to support students enrolled in
12 workforce development programs. Any undisbursed balance
13 remaining in the trust fund and interest income accruing to
14 investments from the trust fund shall increase the total funds
15 available for distribution to workforce development education
16 students. Awards shall be based on student financial need and
17 distributed in accordance with a nationally recognized system
18 of need analysis approved by the State Board of Education.
19 Fees collected pursuant to this subsection shall be allocated
20 in an expeditious manner.

21 (6) Each district school board and community college
22 board of trustees may establish a separate fee for capital
23 improvements, technology enhancements, or equipping buildings
24 which may not exceed 5 percent of tuition for resident
25 students or 5 percent of tuition and out-of-state fees for
26 nonresident students. Funds collected by community colleges
27 through these fees may be bonded only for the purpose of
28 financing or refinancing new construction and equipment,
29 renovation, or remodeling of educational facilities. The fee
30 shall be collected as a component part of the tuition and
31 fees, paid into a separate account, and expended only to

1 construct and equip, maintain, improve, or enhance the
2 certificate career education or adult education facilities of
3 the school district or community college. Projects funded
4 through the use of the capital improvement fee must meet the
5 survey and construction requirements of chapter 1013. Pursuant
6 to s. 216.0158, each district school board and community
7 college board of trustees shall identify each project,
8 including maintenance projects, proposed to be funded in whole
9 or in part by such fee. Capital improvement fee revenues may
10 be pledged by a board of trustees as a dedicated revenue
11 source to the repayment of debt, including lease-purchase
12 agreements and revenue bonds, with a term not to exceed 20
13 years, and not to exceed the useful life of the asset being
14 financed, only for the new construction and equipment,
15 renovation, or remodeling of educational facilities. Community
16 colleges may use the services of the Division of Bond Finance
17 of the State Board of Administration to issue any bonds
18 authorized through the provisions of this subsection. Any such
19 bonds issued by the Division of Bond Finance shall be in
20 compliance with the provisions of the State Bond Act. Bonds
21 issued pursuant to the State Bond Act shall be validated in
22 the manner provided by chapter 75. The complaint for such
23 validation shall be filed in the circuit court of the county
24 where the seat of state government is situated, the notice
25 required to be published by s. 75.06 shall be published only
26 in the county where the complaint is filed, and the complaint
27 and order of the circuit court shall be served only on the
28 state attorney of the circuit in which the action is pending.
29 A maximum of 15 cents per credit hour may be allocated from
30 the capital improvement fee for child care centers conducted
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1 by the district school board or community college board of
2 trustees.

3 (7) Each district school board and community college
4 board of trustees is authorized to establish a separate fee
5 for technology, not to exceed \$1.80 per credit hour or
6 credit-hour equivalent for resident students and not more than
7 \$5.40 per credit hour or credit-hour equivalent for
8 nonresident students, or the equivalent, to be expended in
9 accordance with technology improvement plans. The technology
10 fee may apply only to associate degree programs and courses.
11 Fifty percent of technology fee revenues may be pledged by a
12 community college board of trustees as a dedicated revenue
13 source for the repayment of debt, including lease-purchase
14 agreements, not to exceed the useful life of the asset being
15 financed. Revenues generated from the technology fee may not
16 be bonded.

17 (8) Each district school board and community college
18 board of trustees is authorized to establish specific fees for
19 workforce development instruction not reported for state
20 funding purposes or for workforce development instruction not
21 reported as state funded full-time equivalent students.
22 District school boards and community college boards of
23 trustees are not required to charge any other fee specified in
24 this section for this type of instruction.

25 (9) Community college boards of trustees and district
26 school boards are not authorized to charge students enrolled
27 in workforce development programs any fee that is not
28 specifically authorized by statute. In addition to tuition,
29 out-of-state, financial aid, capital improvement, and
30 technology fees, as authorized in this section, community
31 college boards of trustees and district school boards are

1 authorized to establish fee schedules for the following user
 2 fees and fines: laboratory fees; parking fees and fines;
 3 library fees and fines; fees and fines relating to facilities
 4 and equipment use or damage; access or identification card
 5 fees; duplicating, photocopying, binding, or microfilming
 6 fees; standardized testing fees; diploma replacement fees;
 7 transcript fees; application fees; graduation fees; and late
 8 fees related to registration and payment. Such user fees and
 9 fees shall not exceed the cost of the services provided and
 10 shall only be charged to persons receiving the service.
 11 Parking fee revenues may be pledged by a community college
 12 board of trustees as a dedicated revenue source for the
 13 repayment of debt, including lease-purchase agreements and
 14 revenue bonds with terms not exceeding 20 years and not
 15 exceeding the useful life of the asset being financed.
 16 Community colleges shall use the services of the Division of
 17 Bond Finance of the State Board of Administration to issue any
 18 revenue bonds authorized by the provisions of this subsection.
 19 Any such bonds issued by the Division of Bond Finance shall be
 20 in compliance with the provisions of the State Bond Act. Bonds
 21 issued pursuant to the State Bond Act shall be validated in
 22 the manner established in chapter 75. The complaint for such
 23 validation shall be filed in the circuit court of the county
 24 where the seat of state government is situated, the notice
 25 required to be published by s. 75.06 shall be published only
 26 in the county where the complaint is filed, and the complaint
 27 and order of the circuit court shall be served only on the
 28 state attorney of the circuit in which the action is pending.
 29 (10) Each year the State Board of Education shall
 30 review and evaluate the percentage of the cost of adult
 31 programs and certificate career education programs supported

1 through student fees. For students who are residents for
2 tuition purposes, the schedule adopted pursuant to subsection
3 (3) must produce revenues equal to 25 percent of the prior
4 year's average program cost for college-preparatory and
5 certificate-level workforce development programs. Fees for
6 continuing workforce education shall be locally determined by
7 the district school board or community college board. However,
8 at least 50 percent of the expenditures for the continuing
9 workforce education program provided by the community college
10 or school district must be derived from fees. Except as
11 otherwise provided by law, fees for students who are not
12 residents for tuition purposes must offset the full cost of
13 instruction.

14 (11) Each school district and community college may
15 assess a service charge for the payment of tuition and fees in
16 installments. Such service charge must be approved by the
17 district school board or community college board of trustees.

18 (12) Any school district or community college that
19 reports students who have not paid fees in an approved manner
20 in calculations of full-time equivalent enrollments for state
21 funding purposes shall be penalized at a rate equal to 2 times
22 the value of such enrollments. Such penalty shall be charged
23 against the following year's allocation from the Florida
24 Workforce Development Education Fund or the Community College
25 Program Fund and shall revert to the General Revenue Fund.
26 The State Board of Education shall specify, in rule, approved
27 methods of student fee payment. Such methods must include,
28 but need not be limited to, student fee payment; payment
29 through federal, state, or institutional financial aid; and
30 employer fee payments.

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1 (13) Each school district and community college shall
2 report only those students who have actually enrolled in
3 instruction provided or supervised by instructional personnel
4 under contract with the district or community college in
5 calculations of actual full-time enrollments for state funding
6 purposes. A student who has been exempted from taking a
7 course or who has been granted academic or technical credit
8 through means other than actual coursework completed at the
9 granting institution may not be calculated for enrollment in
10 the course from which the student has been exempted or for
11 which the student has been granted credit. School districts
12 and community colleges that report enrollments in violation of
13 this subsection shall be penalized at a rate equal to 2 times
14 the value of such enrollments. Such penalty shall be charged
15 against the following year's allocation from the Workforce
16 Development Education Fund and shall revert to the General
17 Revenue Fund.

18 Section 402. Section 1009.23, Florida Statutes, is
19 created to read:

20 1009.23 Community college student fees.--

21 (1) Unless otherwise provided, the provisions of this
22 section apply only to fees charged for college credit
23 instruction leading to an associate in arts degree, an
24 associate in applied science degree, or an associate in
25 science degree and noncollege credit college-preparatory
26 courses defined in s. 1004.02.

27 (2) All students shall be charged fees except students
28 who are exempt from fees or students whose fees are waived.

29 (3) The State Board of Education shall adopt by
30 December 31 of each year a resident fee schedule for the
31 following fall for advanced and professional, associate in

1 science degree, and college-preparatory programs that produce
2 revenues in the amount of 25 percent of the full prior year's
3 cost of these programs. Fees for courses in
4 college-preparatory programs and associate in arts and
5 associate in science degree programs may be established at the
6 same level. In the absence of a provision to the contrary in
7 an appropriations act, the fee schedule shall take effect and
8 the colleges shall expend the funds on instruction. If the
9 Legislature provides for an alternative fee schedule in an
10 appropriations act, the fee schedule shall take effect the
11 subsequent fall semester.

12 (4) Each community college board of trustees shall
13 establish tuition and out-of-state fees, which may vary no
14 more than 10 percent below and 15 percent above the combined
15 total of the fee schedule adopted by the State Board of
16 Education and the technology fee adopted by a board of
17 trustees, provided that any amount from 10 to 15 percent above
18 the fee schedule is used only to support safety and security
19 purposes. In order to assess an additional amount for safety
20 and security purposes, a community college board of trustees
21 must provide written justification to the State Board of
22 Education based on criteria approved by the board of trustees,
23 including, but not limited to, criteria such as local crime
24 data and information, and strategies for the implementation of
25 local safety plans. Should a college decide to increase the
26 tuition fee, the funds raised by increasing the tuition fee
27 must be expended solely for additional safety and security
28 purposes and shall not supplant funding expended in the
29 1998-1999 budget for safety and security purposes.

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1 (5) Except as otherwise provided in law, the sum of
2 nonresident student tuition and out-of-state fees must be
3 sufficient to defray the full cost of each program.

4 (6) A community college board of trustees that has a
5 service area that borders another state may implement a plan
6 for a differential out-of-state fee.

7 (7) Each community college board of trustees may
8 establish a separate activity and service fee not to exceed 10
9 percent of the tuition fee, according to rules of the State
10 Board of Education. The student activity and service fee shall
11 be collected as a component part of the tuition and fees. The
12 student activity and service fees shall be paid into a student
13 activity and service fund at the community college and shall
14 be expended for lawful purposes to benefit the student body in
15 general. These purposes include, but are not limited to,
16 student publications and grants to duly recognized student
17 organizations, the membership of which is open to all students
18 at the community college without regard to race, sex, or
19 religion.

20 (8)(a) Each community college board of trustees is
21 authorized to establish a separate fee for financial aid
22 purposes in an additional amount up to, but not to exceed, 5
23 percent of the total student tuition or out-of-state fees
24 collected. Each community college board of trustees may
25 collect up to an additional 2 percent if the amount generated
26 by the total financial aid fee is less than \$250,000. If the
27 amount generated is less than \$250,000, a community college
28 that charges tuition and out-of-state fees at least equal to
29 the average fees established by rule may transfer from the
30 general current fund to the scholarship fund an amount equal
31 to the difference between \$250,000 and the amount generated by

1 the total financial aid fee assessment. No other transfer from
 2 the general current fund to the loan, endowment, or
 3 scholarship fund, by whatever name known, is authorized.

4 (b) All funds collected under this program shall be
 5 placed in the loan and endowment fund or scholarship fund of
 6 the college, by whatever name known. Such funds shall be
 7 disbursed to students as quickly as possible. An amount not
 8 greater than 40 percent of the fees collected in a fiscal year
 9 may be carried forward unexpended to the following fiscal
 10 year. However, funds collected prior to July 1, 1989, and
 11 placed in an endowment fund may not be considered part of the
 12 balance of funds carried forward unexpended to the following
 13 fiscal year.

14 (c) Up to 25 percent or \$300,000, whichever is
 15 greater, of the financial aid fees collected may be used to
 16 assist students who demonstrate academic merit; who
 17 participate in athletics, public service, cultural arts, and
 18 other extracurricular programs as determined by the
 19 institution; or who are identified as members of a targeted
 20 gender or ethnic minority population. The financial aid fee
 21 revenues allocated for athletic scholarships and fee
 22 exemptions provided pursuant to s. 1009.25(3) for athletes
 23 shall be distributed equitably as required by s.
 24 1000.05(3)(d). A minimum of 75 percent of the balance of these
 25 funds for new awards shall be used to provide financial aid
 26 based on absolute need, and the remainder of the funds shall
 27 be used for academic merit purposes and other purposes
 28 approved by the boards of trustees. Such other purposes shall
 29 include the payment of child care fees for students with
 30 financial need. The State Board of Education shall develop
 31 criteria for making financial aid awards. Each college shall

1 report annually to the Department of Education on the revenue
 2 collected pursuant to this paragraph, the amount carried
 3 forward, the criteria used to make awards, the amount and
 4 number of awards for each criterion, and a delineation of the
 5 distribution of such awards. The report shall include an
 6 assessment by category of the financial need of every student
 7 who receives an award, regardless of the purpose for which the
 8 award is received. Awards which are based on financial need
 9 shall be distributed in accordance with a nationally
 10 recognized system of need analysis approved by the State Board
 11 of Education. An award for academic merit shall require a
 12 minimum overall grade point average of 3.0 on a 4.0 scale or
 13 the equivalent for both initial receipt of the award and
 14 renewal of the award.

15 (d) These funds may not be used for direct or indirect
 16 administrative purposes or salaries.

17 (9) Any community college that reports students who
 18 have not paid fees in an approved manner in calculations of
 19 full-time equivalent enrollments for state funding purposes
 20 shall be penalized at a rate equal to two times the value of
 21 such enrollments. Such penalty shall be charged against the
 22 following year's allocation from the Community College Program
 23 Fund and shall revert to the General Revenue Fund.

24 (10) Each community college board of trustees is
 25 authorized to establish a separate fee for technology, which
 26 may not exceed \$1.80 per credit hour or credit-hour equivalent
 27 for resident students and not more than \$5.40 per credit hour
 28 or credit-hour equivalent for nonresident students, to be
 29 expended according to technology improvement plans. The
 30 technology fee may apply to both college credit and
 31 college-preparatory instruction. Fifty percent of technology

1 fee revenues may be pledged by a community college board of
 2 trustees as a dedicated revenue source for the repayment of
 3 debt, including lease-purchase agreements, not to exceed the
 4 useful life of the asset being financed. Revenues generated
 5 from the technology fee may not be bonded.

6 (11) Each community college board of trustees may
 7 establish a separate fee for capital improvements, technology
 8 enhancements, or equipping student buildings which may not
 9 exceed \$1 per credit hour or credit-hour equivalent for
 10 residents and which equals or exceeds \$3 per credit hour for
 11 nonresidents. Funds collected by community colleges through
 12 these fees may be bonded only for the purpose of financing or
 13 refinancing new construction and equipment, renovation, or
 14 remodeling of educational facilities. The fee shall be
 15 collected as a component part of the tuition and fees, paid
 16 into a separate account, and expended only to construct and
 17 equip, maintain, improve, or enhance the educational
 18 facilities of the community college. Projects funded through
 19 the use of the capital improvement fee shall meet the survey
 20 and construction requirements of chapter 1013. Pursuant to s.
 21 216.0158, each community college shall identify each project,
 22 including maintenance projects, proposed to be funded in whole
 23 or in part by such fee. Capital improvement fee revenues may
 24 be pledged by a board of trustees as a dedicated revenue
 25 source to the repayment of debt, including lease-purchase
 26 agreements and revenue bonds, with a term not to exceed 20
 27 years, and not to exceed the useful life of the asset being
 28 financed, only for the new construction and equipment,
 29 renovation, or remodeling of educational facilities. Community
 30 colleges may use the services of the Division of Bond Finance
 31 of the State Board of Administration to issue any bonds

1 authorized through the provisions of this subsection. Any such
 2 bonds issued by the Division of Bond Finance shall be in
 3 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 provided by 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 A maximum of 15 cents per credit hour may be allocated from
 13 the capital improvement fee for child care centers conducted
 14 by the community college.

15 (12) In addition to tuition, out-of-state, financial
 16 aid, capital improvement, student activity and service, and
 17 technology fees authorized in this section, each community
 18 college board of trustees is authorized to establish fee
 19 schedules for the following user fees and fines: laboratory
 20 fees; parking fees and fines; library fees and fines; fees and
 21 fines relating to facilities and equipment use or damage;
 22 access or identification card fees; duplicating, photocopying,
 23 binding, or microfilming fees; standardized testing fees;
 24 diploma replacement fees; transcript fees; application fees;
 25 graduation fees; and late fees related to registration and
 26 payment. Such user fees and fines shall not exceed the cost of
 27 the services provided and shall only be charged to persons
 28 receiving the service. A community college may not charge any
 29 fee except as authorized by law or rules of the State Board of
 30 Education. Parking fee revenues may be pledged by a community
 31 college board of trustees as a dedicated revenue source for

1 the repayment of debt, including lease-purchase agreements and
 2 revenue bonds with terms not exceeding 20 years and not
 3 exceeding the useful life of the asset being financed.
 4 Community colleges shall use the services of the Division of
 5 Bond Finance of the State Board of Administration to issue any
 6 revenue bonds authorized by the provisions of this subsection.
 7 Any such bonds issued by the Division of Bond Finance shall be
 8 in compliance with the provisions of the State Bond Act. Bonds
 9 issued pursuant to the State Bond Act shall be validated in
 10 the manner established in chapter 75. The complaint for such
 11 validation shall be filed in the circuit court of the county
 12 where the seat of state government is situated, the notice
 13 required to be published by s. 75.06 shall be published only
 14 in the county where the complaint is filed, and the complaint
 15 and order of the circuit court shall be served only on the
 16 state attorney of the circuit in which the action is pending.

17 (13) The State Board of Education shall specify, as
 18 necessary, by rule, approved methods of student fee payment.
 19 Such methods shall include, but not be limited to, student fee
 20 payment; payment through federal, state, or institutional
 21 financial aid; and employer fee payments.

22 (14) Each community college board of trustees shall
 23 report only those students who have actually enrolled in
 24 instruction provided or supervised by instructional personnel
 25 under contract with the community college in calculations of
 26 actual full-time equivalent enrollments for state funding
 27 purposes. No student who has been exempted from taking a
 28 course or who has been granted academic or technical credit
 29 through means other than actual coursework completed at the
 30 granting institution shall be calculated for enrollment in the
 31 course from which he or she has been exempted or granted

1 credit. Community colleges that report enrollments in
2 violation of this subsection shall be penalized at a rate
3 equal to two times the value of such enrollments. Such penalty
4 shall be charged against the following year's allocation from
5 the Community College Program Fund and shall revert to the
6 General Revenue Fund.

7 (15) Each community college may assess a service
8 charge for the payment of tuition and fees in installments.
9 Such service charge must be approved by the community college
10 board of trustees.

11 (16) The State Board of Education shall adopt a rule
12 specifying the definitions and procedures to be used in the
13 calculation of the percentage of cost paid by students. The
14 rule must provide for the calculation of the full cost of
15 educational programs based on the allocation of all funds
16 provided through the general current fund to programs of
17 instruction, and other activities as provided in the annual
18 expenditure analysis. The rule shall be developed in
19 consultation with the Legislature.

20 Section 403. Section 1009.24, Florida Statutes, is
21 created to read:

22 1009.24 State university student fees.--

23 (1) This section applies to students enrolled in
24 college credit programs at state universities.

25 (2) All students shall be charged fees except students
26 who are exempt from fees or students whose fees are waived.

27 (3) Within proviso in the General Appropriations Act
28 and law, each board of trustees shall set university tuition
29 and fees. The sum of the activity and service, health, and
30 athletic fees a student is required to pay to register for a
31 course shall not exceed 40 percent of the tuition established

1 in law or in the General Appropriations Act. No university
 2 shall be required to lower any fee in effect on the effective
 3 date of this act in order to comply with this subsection.
 4 Within the 40 percent cap, universities may not increase the
 5 aggregate sum of activity and service, health, and athletic
 6 fees more than 5 percent per year unless specifically
 7 authorized in law or in the General Appropriations Act. This
 8 subsection does not prohibit a university from increasing or
 9 assessing optional fees related to specific activities if
 10 payment of such fees is not required as a part of registration
 11 for courses.

12 (4) A university that has a service area that borders
 13 another state may implement a plan for a differential
 14 out-of-state fee.

15 (5) Students who are enrolled in Programs in Medical
 16 Sciences are considered graduate students for the purpose of
 17 enrollment and student fees.

18 (6) A university board of trustees is authorized to
 19 collect for financial aid purposes an amount not to exceed 5
 20 percent of the tuition and out-of-state fee. The revenues from
 21 fees are to remain at each campus and replace existing
 22 financial aid fees. Such funds shall be disbursed to students
 23 as quickly as possible. A minimum of 75 percent of funds from
 24 the student financial aid fee for new financial aid awards
 25 shall be used to provide financial aid based on absolute need.
 26 A student who has received an award prior to July 1, 1984,
 27 shall have his or her eligibility assessed on the same
 28 criteria that were used at the time of his or her original
 29 award. The State Board of Education shall develop criteria for
 30 making financial aid awards. Each university shall report
 31 annually to the Department of Education on the revenue

1 collected pursuant to this subsection, the amount carried
 2 forward, the criteria used to make awards, the amount and
 3 number of awards for each criterion, and a delineation of the
 4 distribution of such awards. The report shall include an
 5 assessment by category of the financial need of every student
 6 who receives an award, regardless of the purpose for which the
 7 award is received. Awards which are based on financial need
 8 shall be distributed in accordance with a nationally
 9 recognized system of need analysis approved by the State Board
 10 of Education. An award for academic merit shall require a
 11 minimum overall grade point average of 3.0 on a 4.0 scale or
 12 the equivalent for both initial receipt of the award and
 13 renewal of the award.

14 (7) The Capital Improvement Trust Fund fee is
 15 established as \$2.44 per credit hour per semester. The
 16 building fee is established as \$2.32 per credit hour per
 17 semester.

18 (8) Each university board of trustees is authorized to
 19 establish separate activity and service, health, and athletic
 20 fees. When duly established, the fees shall be collected as
 21 component parts of tuition and fees and shall be retained by
 22 the university and paid into the separate activity and
 23 service, health, and athletic funds.

24 (9)(a) Each university board of trustees shall
 25 establish a student activity and service fee on the main
 26 campus of the university. The university board may also
 27 establish a student activity and service fee on any branch
 28 campus or center. Any subsequent increase in the activity and
 29 service fee must be recommended by an activity and service fee
 30 committee, at least one-half of whom are students appointed by
 31 the student body president. The remainder of the committee

1 shall be appointed by the university president. A chairperson,
2 appointed jointly by the university president and the student
3 body president, shall vote only in the case of a tie. The
4 recommendations of the committee shall take effect only after
5 approval by the university president, after consultation with
6 the student body president, with final approval by the
7 university board of trustees. An increase in the activity and
8 service fee may occur only once each fiscal year and must be
9 implemented beginning with the fall term. The State Board of
10 Education is responsible for promulgating the rules and
11 timetables necessary to implement this fee.

12 (b) The student activity and service fees shall be
13 expended for lawful purposes to benefit the student body in
14 general. This shall include, but shall not be limited to,
15 student publications and grants to duly recognized student
16 organizations, the membership of which is open to all students
17 at the university without regard to race, sex, or religion.
18 The fund may not benefit activities for which an admission fee
19 is charged to students, except for
20 student-government-association-sponsored concerts. The
21 allocation and expenditure of the fund shall be determined by
22 the student government association of the university, except
23 that the president of the university may veto any line item or
24 portion thereof within the budget when submitted by the
25 student government association legislative body. The
26 university president shall have 15 school days from the date
27 of presentation of the budget to act on the allocation and
28 expenditure recommendations, which shall be deemed approved if
29 no action is taken within the 15 school days. If any line item
30 or portion thereof within the budget is vetoed, the student
31 government association legislative body shall within 15 school

1 days make new budget recommendations for expenditure of the
 2 vetoed portion of the fund. If the university president vetoes
 3 any line item or portion thereof within the new budget
 4 revisions, the university president may reallocate by line
 5 item that vetoed portion to bond obligations guaranteed by
 6 activity and service fees. Unexpended funds and undisbursed
 7 funds remaining at the end of a fiscal year shall be carried
 8 over and remain in the student activity and service fund and
 9 be available for allocation and expenditure during the next
 10 fiscal year.

11 (10) Each university board of trustees shall establish
 12 a student health fee on the main campus of the university. The
 13 university board of trustees may also establish a student
 14 health fee on any branch campus or center. Any subsequent
 15 increase in the health fee must be recommended by a health
 16 committee, at least one-half of whom are students appointed by
 17 the student body president. The remainder of the committee
 18 shall be appointed by the university president. A chairperson,
 19 appointed jointly by the university president and the student
 20 body president, shall vote only in the case of a tie. The
 21 recommendations of the committee shall take effect only after
 22 approval by the university president, after consultation with
 23 the student body president, with final approval by the
 24 university board of trustees. An increase in the health fee
 25 may occur only once each fiscal year and must be implemented
 26 beginning with the fall term. The State Board of Education is
 27 responsible for promulgating the rules and timetables
 28 necessary to implement this fee.

29 (11) Each university board of trustees shall establish
 30 a separate athletic fee on the main campus of the university.
 31 The university board may also establish a separate athletic

1 fee on any branch campus or center. Any subsequent increase in
 2 the athletic fee must be recommended by an athletic fee
 3 committee, at least one-half of whom are students appointed by
 4 the student body president. The remainder of the committee
 5 shall be appointed by the university president. A chairperson,
 6 appointed jointly by the university president and the student
 7 body president, shall vote only in the case of a tie. The
 8 recommendations of the committee shall take effect only after
 9 approval by the university president, after consultation with
 10 the student body president, with final approval by the
 11 university board of trustees. An increase in the athletic fee
 12 may occur only once each fiscal year and must be implemented
 13 beginning with the fall term. The State Board of Education is
 14 responsible for promulgating the rules and timetables
 15 necessary to implement this fee.

16 (12) Each university board of trustees is authorized
 17 to establish the following fees:

18 (a) A nonrefundable application fee in an amount not
 19 to exceed \$30.

20 (b) An orientation fee in an amount not to exceed \$35.

21 (c) A fee for security, access, or identification
 22 cards. The annual fee for such a card may not exceed \$10 per
 23 card. The maximum amount charged for a replacement card may
 24 not exceed \$15.

25 (d) Registration fees for audit and zero-hours
 26 registration; a service charge, which may not exceed \$15, for
 27 the payment of tuition in installments; and a
 28 late-registration fee in an amount not less than \$50 nor more
 29 than \$100 to be imposed on students who fail to initiate
 30 registration during the regular registration period.

31

1 (e) A late-payment fee in an amount not less than \$50
2 nor more than \$100 to be imposed on students who fail to pay
3 or fail to make appropriate arrangements to pay (by means of
4 installment payment, deferment, or third-party billing)
5 tuition by the deadline set by each university. Each
6 university may adopt specific procedures or policies for
7 waiving the late-payment fee for minor underpayments.

8 (f) A fee for miscellaneous health-related charges for
9 services provided at cost by the university health center
10 which are not covered by the health fee set under subsection
11 (10).

12 (g) Materials and supplies fees to offset the cost of
13 materials or supplies that are consumed in the course of the
14 student's instructional activities, excluding the cost of
15 equipment replacement, repairs, and maintenance.

16 (h) Housing rental rates and miscellaneous housing
17 charges for services provided by the university at the request
18 of the student.

19 (i) A charge representing the reasonable cost of
20 efforts to collect payment of overdue accounts.

21 (j) A service charge on university loans in lieu of
22 interest and administrative handling charges.

23 (k) A fee for off-campus course offerings when the
24 location results in specific, identifiable increased costs to
25 the university.

26 (l) Library fees and fines, including charges for
27 damaged and lost library materials, overdue reserve library
28 books, interlibrary loans, and literature searches.

29 (m) Fees relating to duplicating, photocopying,
30 binding, and microfilming; copyright services; and
31

1 standardized testing. These fees may be charged only to those
2 who receive the services.

3 (n) Fees and fines relating to the use, late return,
4 and loss and damage of facilities and equipment.

5 (o) A returned-check fee as authorized by s. 832.07(1)
6 for unpaid checks returned to the university.

7 (p) Traffic and parking fines, charges for parking
8 decals, and transportation access fees.

9 (q) An Educational Research Center for Child
10 Development fee for child care and services offered by the
11 center.

12 (r) Fees for transcripts and diploma replacement, not
13 to exceed \$10 per item.

14 (13) The board of trustees of the University of
15 Florida is authorized to establish an admissions deposit fee
16 for the University of Florida College of Dentistry in an
17 amount not to exceed \$200.

18 (14) Each university may assess a service charge for
19 the payment of tuition and fees in installments. Such service
20 charge must be approved by the university board of trustees.

21 Section 404. Section 1009.25, Florida Statutes, is
22 created to read:

23 1009.25 Fee exemptions.--

24 (1) The following students are exempt from any
25 requirement for the payment of tuition and fees, including lab
26 fees, for adult basic, adult secondary, or
27 vocational-preparatory instruction:

28 (a) A student who does not have a high school diploma
29 or its equivalent.

30 (b) A student who has a high school diploma or its
31 equivalent and who has academic skills at or below the eighth

1 grade level pursuant to state board rule. A student is
2 eligible for this exemption from fees if the student's skills
3 are at or below the eighth grade level as measured by a test
4 administered in the English language and approved by the
5 Department of Education, even if the student has skills above
6 that level when tested in the student's native language.

7 (2) The following students are exempt from the payment
8 of tuition and fees, including lab fees, at a school district
9 that provides postsecondary career and technical programs,
10 community college, or state university:

11 (a) A student enrolled in a dual enrollment or early
12 admission program pursuant to s. 1007.27 or s. 1007.271.

13 (b) A student enrolled in an approved apprenticeship
14 program, as defined in s. 446.021.

15 (c) A student for whom the state is paying a foster
16 care board payment pursuant to s. 409.145(3) or pursuant to
17 parts II and III of chapter 39, for whom the permanency
18 planning goal pursuant to part III of chapter 39 is long-term
19 foster care or independent living, or who is adopted from the
20 Department of Children and Family Services after May 5, 1997.
21 Such exemption includes fees associated with enrollment in
22 vocational-preparatory instruction and completion of the
23 college-level communication and computation skills testing
24 program. Such exemption shall be available to any student
25 adopted from the Department of Children and Family Services
26 after May 5, 1997; however, the exemption shall be valid for
27 no more than 4 years after the date of graduation from high
28 school.

29 (d) A student enrolled in an employment and training
30 program under the welfare transition program. The regional
31 workforce board shall pay the state university, community

1 college, or school district for costs incurred for welfare
 2 transition program participants.

3 (e) A student who lacks a fixed, regular, and adequate
 4 nighttime residence or whose primary nighttime residence is a
 5 public or private shelter designed to provide temporary
 6 residence for individuals intended to be institutionalized, or
 7 a public or private place not designed for, or ordinarily used
 8 as, a regular sleeping accommodation for human beings.

9 (f) A student who is a proprietor, owner, or worker of
 10 a company whose business has been at least 50 percent
 11 negatively financially impacted by the buy-out of property
 12 around Lake Apopka by the State of Florida. Such a student may
 13 receive a fee exemption only if the student has not received
 14 compensation because of the buy-out, the student is designated
 15 a Florida resident for tuition purposes, pursuant to s.
 16 1009.21, and the student has applied for and been denied
 17 financial aid, pursuant to s. 1009.40, which would have
 18 provided, at a minimum, payment of all student fees. The
 19 student is responsible for providing evidence to the
 20 postsecondary education institution verifying that the
 21 conditions of this paragraph have been met, including support
 22 documentation provided by the Department of Revenue. The
 23 student must be currently enrolled in, or begin coursework
 24 within, a program area by fall semester 2000. The exemption
 25 is valid for a period of 4 years from the date that the
 26 postsecondary education institution confirms that the
 27 conditions of this paragraph have been met.

28 (3) Each community college is authorized to grant
 29 student fee exemptions from all fees adopted by the State
 30 Board of Education and the community college board of trustees
 31

1 for up to 40 full-time equivalent students at each
2 institution.

3 Section 405. Section 1009.26, Florida Statutes, is
4 created to read:

5 1009.26 Fee waivers.--

6 (1) School districts and community colleges may waive
7 fees for any fee-nonexempt student. The total value of fee
8 waivers granted by the school district or community college
9 may not exceed the amount established annually in the General
10 Appropriations Act. Any student whose fees are waived in
11 excess of the authorized amount may not be reported for state
12 funding purposes. Any school district or community college
13 that waives fees and requests state funding for a student in
14 violation of the provisions of this section shall be penalized
15 at a rate equal to 2 times the value of the full-time student
16 enrollment reported.

17 (2) A state university may waive any or all
18 application, tuition, and related fees for persons who
19 supervise student interns for a state university.

20 (3) A university board of trustees is authorized to
21 permit full-time university employees who meet academic
22 requirements to enroll for up to 6 credit hours of
23 tuition-free courses per term on a space-available basis.

24 (4) A state university may waive any or all
25 application, tuition, and related fees for persons 60 years of
26 age or older who are residents of this state and who attend
27 classes for credit. No academic credit shall be awarded for
28 attendance in classes for which fees are waived under this
29 subsection. This privilege may be granted only on a
30 space-available basis, if such classes are not filled as of
31 the close of registration. A university may limit or deny the

1 privilege for courses which are in programs for which the
2 State Board of Education has established selective admissions
3 criteria. Persons paying full fees and state employees taking
4 courses on a space-available basis shall have priority over
5 those persons whose fees are waived in all cases where
6 classroom spaces are limited.

7 (5) Any graduate student enrolled in a state-approved
8 school psychology training program shall be entitled to a
9 waiver of registration fees for internship credit hours
10 applicable to an internship in the public school system under
11 the supervision of a Department of Education certified school
12 psychologist employed by the school system.

13 (6) The State Board of Education may establish rules
14 to allow for the waiver of out-of-state fees for
15 nondegree-seeking students enrolled at a state university if
16 the earned student credit hours generated by such students are
17 nonfundable and the direct cost for the program of study is
18 recovered from the fees charged to all students.

19 (7) The spouse of a deceased state employee is
20 entitled, when eligible for the payment of student fees by the
21 state as employer pursuant to s. 440.16, in lieu of such
22 payment, to a full waiver of student fees for up to 80
23 semester hours in any community college.

24 (8) Fees shall be waived for certain members of the
25 active Florida National Guard pursuant to s. 250.10(8).

26 Section 406. Section 1009.265, Florida Statutes, is
27 created to read:

28 1009.265 State employee fee waivers.--

29 (1) As a benefit to the employer and employees of the
30 state, subject to approval by an employee's agency head or the
31 equivalent, each state university and community college shall

1 waive tuition and fees for state employees to enroll for up to
2 6 credit hours of courses per term on a space-available basis.

3 (2) The Comptroller, in cooperation with the community
4 colleges and state universities, shall identify and implement
5 ways to ease the administrative burden to community colleges
6 and state universities, including, but not limited to,
7 providing easier access to verify state employment.

8 (3) From funds appropriated by the Legislature for
9 implementation of this section, community colleges and state
10 universities shall be reimbursed for administrative costs on a
11 pro rata basis according to the cost assessment data developed
12 by the Department of Education.

13 Section 407. Section 1009.27, Florida Statutes, is
14 created to read:

15 1009.27 Deferral of fees.--

16 (1) The State Board of Education shall adopt rules to
17 allow the deferral of tuition and registration fees for
18 students receiving financial aid from a federal or state
19 assistance program when the aid is delayed in being
20 transmitted to the student through circumstances beyond the
21 control of the student. The failure to make timely application
22 for the aid is an insufficient reason to receive a deferral of
23 fees. The rules must provide for the enforcement and
24 collection or other settlement of delinquent accounts.

25 (2) Any veteran or other eligible student who receives
26 benefits under chapter 30, chapter 31, chapter 32, chapter 34,
27 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,
28 U.S.C., is entitled to one deferment each academic year and an
29 additional deferment each time there is a delay in the receipt
30 of benefits.

31

1 (3) Each school district, community college, and state
2 university is responsible for collecting all deferred fees. If
3 a school district, community college, or state university has
4 not collected a deferred fee, the student may not earn state
5 funding for any course for which the student subsequently
6 registers until the fee has been paid.

7 Section 408. Section 1009.28, Florida Statutes, is
8 created to read:

9 1009.28 Fees for repeated enrollment in
10 college-preparatory classes.--A student enrolled in the same
11 college-preparatory class more than twice shall pay 100
12 percent of the full cost of instruction to support continuous
13 enrollment of that student in the same class, and the student
14 shall not be included in calculations of full-time equivalent
15 enrollments for state funding purposes; however, students who
16 withdraw or fail a class due to extenuating circumstances may
17 be granted an exception only once for each class, provided
18 approval is granted according to policy established by the
19 board of trustees. Each community college may review and
20 reduce fees paid by students due to continued enrollment in a
21 college-preparatory class on an individual basis contingent
22 upon the student's financial hardship, pursuant to definitions
23 and fee levels established by the State Board of Education.

24 Section 409. Section 1009.285, Florida Statutes, is
25 created to read:

26 1009.285 Fees for repeated enrollment in
27 college-credit courses.--A student enrolled in the same
28 undergraduate college-credit course more than twice shall pay
29 tuition at 100 percent of the full cost of instruction and
30 shall not be included in calculations of full-time equivalent
31 enrollments for state funding purposes. However, students who

1 withdraw or fail a class due to extenuating circumstances may
 2 be granted an exception only once for each class, provided
 3 that approval is granted according to policy established by
 4 the community college board of trustees or the university
 5 board of trustees. Each community college and state university
 6 may review and reduce fees paid by students due to continued
 7 enrollment in a college-credit class on an individual basis
 8 contingent upon the student's financial hardship, pursuant to
 9 definitions and fee levels established by the State Board of
 10 Education. For purposes of this section, first-time enrollment
 11 in a class shall mean enrollment in a class beginning fall
 12 semester 1997, and calculations of the full cost of
 13 instruction shall be based on the systemwide average of the
 14 prior year's cost of undergraduate programs for the community
 15 colleges and the state universities. Boards of trustees may
 16 make exceptions to this section for individualized study,
 17 elective coursework, courses that are repeated as a
 18 requirement of a major, and courses that are intended as
 19 continuing over multiple semesters, excluding the repeat of
 20 coursework more than two times to increase grade point average
 21 or meet minimum course grade requirements.

22 Section 410. Section 1009.29, Florida Statutes, is
 23 created to read:

24 1009.29 Increased fees for funding financial aid
 25 program.--

26 (1) Student tuition and registration fees at each
 27 state university and community college shall include up to
 28 \$4.68 per quarter, or \$7.02 per semester, per full-time
 29 student, or the per-student credit hour equivalents of such
 30 amounts. The fees provided for by this section shall be
 31 adjusted from time to time, as necessary, to comply with the

1 debt service coverage requirements of the student loan revenue
 2 bonds issued pursuant to s. 1009.79. If the Division of Bond
 3 Finance of the State Board of Education and the Commissioner
 4 of Education determine that such fees are no longer required
 5 as security for revenue bonds issued pursuant to ss.
 6 1009.78-1009.88, moneys previously collected pursuant to this
 7 section which are held in escrow, after administrative
 8 expenses have been met and up to \$150,000 has been used to
 9 establish a financial aid data processing system for the state
 10 universities incorporating the necessary features to meet the
 11 needs of all nine universities for application through
 12 disbursement processing, shall be reallocated to the
 13 generating institutions to be used for student financial aid
 14 programs, including, but not limited to, scholarships and
 15 grants for educational purposes. Upon such determination, such
 16 fees shall no longer be assessed and collected.

17 (2) The Department of Education may, in accordance
 18 with rules established by the State Board of Administration,
 19 receive and administer grants and donations from any source
 20 and, in its discretion, establish criteria, select recipients,
 21 and award scholarships and loans from the fees provided for by
 22 this section, and fix the interest rates and terms of
 23 repayment.

24 Section 411. Part III of chapter 1009, Florida
 25 Statutes, shall be entitled "Financial Assistance" and shall
 26 consist of ss. 1009.40-1009.96.

27 Section 412. Part III.a. of chapter 1009, Florida
 28 Statutes, shall be entitled "General Provisions" and shall
 29 consist of ss. 1009.40-1009.44.

30 Section 413. Section 1009.40, Florida Statutes, is
 31 created to read:

1 1009.40 General requirements for student eligibility
2 for state financial aid.--

3 (1)(a) The general requirements for eligibility of
4 students for state financial aid awards consist of the
5 following:

6 1. Achievement of the academic requirements of and
7 acceptance at a state university or community college; a
8 nursing diploma school approved by the Florida Board of
9 Nursing; a Florida college, university, or community college
10 which is accredited by an accrediting agency recognized by the
11 State Board of Education; any Florida institution the credits
12 of which are acceptable for transfer to state universities;
13 any technical center; or any private technical institution
14 accredited by an accrediting agency recognized by the State
15 Board of Education.

16 2. Residency in this state for no less than 1 year
17 preceding the award of aid for a program established pursuant
18 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,
19 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.
20 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.
21 1009.89. Residency in this state must be for purposes other
22 than to obtain an education. Resident status for purposes of
23 receiving state financial aid awards shall be determined in
24 the same manner as resident status for tuition purposes
25 pursuant to s. 1009.21 and rules of the State Board of
26 Education.

27 3. Submission of certification attesting to the
28 accuracy, completeness, and correctness of information
29 provided to demonstrate a student's eligibility to receive
30 state financial aid awards. Falsification of such information
31 shall result in the denial of any pending application and

1 revocation of any award currently held to the extent that no
2 further payments shall be made. Additionally, students who
3 knowingly make false statements in order to receive state
4 financial aid awards shall be guilty of a misdemeanor of the
5 second degree subject to the provisions of s. 837.06 and shall
6 be required to return all state financial aid awards
7 wrongfully obtained.

8 (b)1. Eligibility for the renewal of undergraduate
9 financial aid awards shall be evaluated at the end of the
10 second semester or third quarter of each academic year. As a
11 condition for renewal, a student shall:

12 a. Have earned a minimum cumulative grade point
13 average of 2.0 on a 4.0 scale; and

14 b. Have earned, for full-time study, 12 credits per
15 term or the equivalent for the number of terms for which aid
16 was received.

17 2. A student who earns the minimum number of credits
18 required for renewal, but who fails to meet the minimum 2.0
19 cumulative grade point average, may be granted a probationary
20 award for up to the equivalent of 1 academic year and shall be
21 required to earn a cumulative grade point average of 2.0 on a
22 4.0 scale by the end of the probationary period to be eligible
23 for subsequent renewal. A student who receives a probationary
24 award and who fails to meet the conditions for renewal by the
25 end of his or her probationary period shall be ineligible to
26 receive additional awards for the equivalent of 1 academic
27 year following his or her probationary period. Each such
28 student may, however, reapply for assistance during a
29 subsequent application period and may be eligible for an award
30 if he or she has earned a cumulative grade point average of
31 2.0 on a 4.0 scale.

1 3. A student who fails to earn the minimum number of
2 credits required for renewal shall lose his or her eligibility
3 for renewal for a period equivalent to 1 academic year.
4 However, the student may reapply during a subsequent
5 application period and may be eligible for an award if he or
6 she has earned a minimum cumulative grade point average of 2.0
7 on a 4.0 scale.

8 4. Students who receive state student aid and
9 subsequently fail to meet state academic progress requirements
10 due to verifiable illness or other emergencies may be granted
11 an exception from the academic requirements. Such students
12 shall make a written appeal to the institution. The appeal
13 shall include a description and verification of the
14 circumstances. Verification of illness or other emergencies
15 may include but not be limited to a physician's statement or
16 written statement of a parent or college official. The
17 institution shall recommend exceptions with necessary
18 documentation to the department. The department may accept or
19 deny such recommendations for exception from the institution.

20 (2) These requirements do not preclude higher
21 standards specified in other sections of this part, in rules
22 of the state board, or in rules of a participating
23 institution.

24 (3) Undergraduate students are be eligible to receive
25 financial aid for a maximum of 8 semesters or 12 quarters.
26 However, undergraduate students participating in
27 college-preparatory instruction, students requiring additional
28 time to complete the college-level communication and
29 computation skills testing programs, or students enrolled in a
30 5-year undergraduate degree program are eligible to receive
31 financial aid for a maximum of 10 semesters or 15 quarters.

1 (4) No student is eligible to receive more than one
2 state scholarship that is based on academic merit. Students
3 who qualify for more than one such scholarship shall be
4 notified of all awards for which they qualify and shall be
5 provided the opportunity to accept one of their choosing.

6 Section 414. Section 1009.41, Florida Statutes, is
7 created to read:

8 1009.41 State financial aid; students with a
9 disability.--Notwithstanding the provisions of s.
10 1009.40(1)(b)1.b. regarding the number of credits earned per
11 term, or other financial aid eligibility requirements related
12 to the number of required credits earned per term, a student
13 with a documented disability, as defined by the Americans with
14 Disabilities Act, shall be eligible to be considered for state
15 financial aid while attending an eligible postsecondary
16 institution on a part-time basis. The State Board of Education
17 shall establish the necessary criteria for documentation of
18 the student's disability and the postsecondary institution
19 shall make the determination as to whether or not the
20 disability is such that part-time status is a necessary
21 accommodation. For the purposes of this section, financial aid
22 funds may be prorated based on the number of credit hours
23 taken.

24 Section 415. Section 1009.42, Florida Statutes, is
25 created to read:

26 1009.42 Financial aid appeal process.--

27 (1) The State Board of Education shall adopt, by rule,
28 a procedure for the appeal of errors in eligibility
29 determinations, or failure to transfer awards between eligible
30 institutions, made by the Office of Student Financial
31 Assistance of the Department of Education, regarding

1 applicants' eligibility for receiving state student financial
 2 aid awards. The procedure must provide for establishment of a
 3 committee to consider appeals that are not resolved by other
 4 administrative action. Each committee must be comprised of
 5 four members appointed by the Commissioner of Education,
 6 including one representative of the Office of Student
 7 Financial Assistance; two practicing financial aid
 8 administrators from public or private postsecondary
 9 institutions in this state, one of whom must be from an
 10 institution other than one to which the applicant is seeking
 11 admission; and one student enrolled in a public postsecondary
 12 institution in this state, nominated by the Florida Student
 13 Association. An applicant for state student financial aid who
 14 believes an error has been made in determining eligibility for
 15 student financial assistance or who believes the department
 16 has failed to transfer an award between eligible institutions
 17 may appeal the decision in writing to the Office of Student
 18 Financial Assistance. The Office of Student Financial
 19 Assistance shall investigate the complaint and take
 20 appropriate action within 30 days after its receipt of the
 21 appeal. If the student wishes further review of the appeal,
 22 the Office of Student Financial Assistance shall forward the
 23 appeal to the committee. Within 30 days after the receipt of a
 24 request for a hearing, a final decision shall be rendered by
 25 the committee established under this section, and a copy of
 26 the decision shall be provided to the applicant. The decision
 27 rendered by the committee constitutes final agency action. A
 28 description of the financial aid appeals process shall be
 29 included in the application form for each state student
 30 financial aid program.

31

1 (2) The president of each state university and each
2 community college shall establish a procedure for appeal, by
3 students, of grievances related to the award or administration
4 of financial aid at the institution.

5 (3) A student involved in a financial aid appeal
6 proceeding is eligible for a deferral of registration and fee
7 payments pursuant to s. 1009.27.

8 Section 416. Section 1009.43, Florida Statutes, is
9 created to read:

10 1009.43 State student financial assistance;
11 authorization for use in program of study in another state or
12 foreign country.--A student who is enrolled in a public or
13 private postsecondary educational institution in this state
14 may apply state student financial assistance towards the cost
15 of a program of study in another state or a foreign country
16 for a period of up to 1 year, if the program of study is
17 offered or promoted by the Florida institution as an integral
18 part of the academic studies of that degree-seeking student or
19 as a program that would enhance the student's academic
20 experience. This program must be approved by the president of
21 the institution in this state or by his or her designee;
22 however, private, postsecondary Florida institutions with
23 out-of-state subsidiary institutions are not authorized to
24 make Florida residents attending their out-of-state subsidiary
25 institutions eligible for Florida financial assistance.

26 Section 417. Section 1009.44, Florida Statutes, is
27 created to read:

28 1009.44 Need-based financial aid; no preference to
29 students receiving other aid.--From the funds collected by
30 state universities and community colleges as a financial aid
31 fee and from other funds appropriated by the Legislature for

1 financial aid from the Educational Enhancement Trust Fund,
2 institutions shall expend those moneys designated as
3 need-based financial aid with no preference given to students
4 who also qualify for merit-based or other financial aid
5 awards.

6 Section 418. Part III.b. of chapter 1009, Florida
7 Statutes, shall be entitled "Scholarships, Grants, and Other
8 Aid" and shall consist of ss. 1009.50-1009.895.

9 Section 419. Section 1009.50, Florida Statutes, is
10 created to read:

11 1009.50 Florida Public Student Assistance Grant
12 Program; eligibility for grants.--

13 (1) There is hereby created a Florida Public Student
14 Assistance Grant Program. The program shall be administered by
15 the participating institutions in accordance with rules of the
16 state board.

17 (2)(a) State student assistance grants through the
18 program may be made only to full-time degree-seeking students
19 who meet the general requirements for student eligibility as
20 provided in s. 1009.40, except as otherwise provided in this
21 section. The grants shall be awarded annually for the amount
22 of demonstrated unmet need for the cost of education and may
23 not exceed an amount equal to the average prior academic year
24 cost of tuition fees and other registration fees for 30 credit
25 hours at state universities or such other amount as specified
26 in the General Appropriations Act, to any recipient. A
27 demonstrated unmet need of less than \$200 shall render the
28 applicant ineligible for a state student assistance grant.
29 Recipients of the grants must have been accepted at a state
30 university or community college authorized by Florida law. No
31 student may receive an award for more than the equivalent of 9

1 semesters or 14 quarters of full-time enrollment, except as
2 otherwise provided in s. 1009.40(3).

3 (b) A student applying for a Florida public 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 public student assistance
25 grant must be between \$200 and the weighted average of the
26 cost of tuition and other registration fees for 30 credit
27 hours at state universities per academic year or the amount
28 specified in the General Appropriations Act.

29 (4)(a) The funds appropriated for the Florida Public
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 public student assistance
7 grants shall be transmitted to the president of the state
8 university or community college, or to his or her
9 representative, in advance of the registration period.

10 Institutions shall notify students of the amount of their
11 awards.

12 (c) The eligibility status of each student to receive
13 a disbursement shall be determined by each institution as of
14 the end of its regular registration period, inclusive of a
15 drop-add period. Institutions shall not be required to
16 reevaluate a student's eligibility status after this date for
17 purposes of changing eligibility determinations previously
18 made.

19 (d) Institutions shall certify to the department the
20 amount of funds disbursed to each student and shall remit to
21 the department any undisbursed advances by June 1 of each
22 year.

23 (5) Funds appropriated by the Legislature for state
24 student assistance grants shall be deposited in the State
25 Student Financial Assistance Trust Fund. Notwithstanding the
26 provisions of s. 216.301 and pursuant to s. 216.351, any
27 balance in the trust fund at the end of any fiscal year that
28 has been allocated to the Florida Public Student Assistance
29 Grant Program shall remain therein and shall be available for
30 carrying out the purposes of this section.

31

1 (6) The State Board of Education shall establish rules
2 necessary to implement this section.

3 Section 420. Section 1009.51, Florida Statutes, is
4 created to read:

5 1009.51 Florida Private Student Assistance Grant
6 Program; eligibility for grants.--

7 (1) There is created a Florida Private Student
8 Assistance Grant Program. The program shall be administered by
9 the participating institutions in accordance with rules of the
10 State Board of Education.

11 (2)(a) Florida private student assistance grants from
12 the State Student Financial Assistance Trust Fund may be made
13 only to full-time degree-seeking students who meet the general
14 requirements for student eligibility as provided in s.
15 1009.40, except as otherwise provided in this section. Such
16 grants shall be awarded for the amount of demonstrated unmet
17 need for tuition and fees and may not exceed an amount equal
18 to the average tuition and other registration fees for 30
19 credit hours at state universities plus \$1,000 per academic
20 year, or as specified in the General Appropriations Act, to
21 any applicant. A demonstrated unmet need of less than \$200
22 shall render the applicant ineligible for a Florida private
23 student assistance grant. Recipients of such grants must have
24 been accepted at a baccalaureate-degree-granting independent
25 nonprofit college or university, which is accredited by the
26 Commission on Colleges of the Southern Association of Colleges
27 and Schools and which is located in and chartered as a
28 domestic corporation by the state. No student may receive an
29 award for more than the equivalent of 9 semesters or 14
30 quarters of full-time enrollment, except as otherwise provided
31 in s. 1009.40(3).

1 (b) A student applying for a Florida private student
2 assistance grant shall be required to apply for the Pell
3 Grant. The Pell Grant entitlement shall be considered when
4 conducting an assessment of the financial resources available
5 to each student.

6 (c) Priority in the distribution of grant moneys shall
7 be given to students with the lowest total family resources,
8 in accordance with a nationally recognized system of need
9 analysis. Using the system of need analysis, the department
10 shall establish a maximum expected family contribution. An
11 institution may not make a grant from this program to a
12 student whose expected family contribution exceeds the level
13 established by the department. An institution may not impose
14 additional criteria to determine a student's eligibility to
15 receive a grant award.

16 (d) Each participating institution shall report, to
17 the department by the established date, the eligible students
18 to whom grant moneys are disbursed each academic term. Each
19 institution shall also report to the department necessary
20 demographic and eligibility data for such students.

21 (3) Based on the unmet financial need of an eligible
22 applicant, the amount of a Florida private student assistance
23 grant must be between \$200 and the average cost of tuition and
24 other registration fees for 30 credit hours at state
25 universities plus \$1,000 per academic year or the amount
26 specified in the General Appropriations Act.

27 (4)(a) The funds appropriated for the Florida Private
28 Student Assistance Grant shall be distributed to eligible
29 institutions in accordance with a formula approved by the
30 State Board of Education. The formula shall consider at least
31 the prior year's distribution of funds, the number of

1 full-time eligible applicants who did not receive awards, the
2 standardization of the expected family contribution, and
3 provisions for unused funds.

4 (b) Payment of Florida private student assistance
5 grants shall be transmitted to the president of the college or
6 university, or to his or her representative, in advance of the
7 registration period. Institutions shall notify students of the
8 amount of their awards.

9 (c) The eligibility status of each student to receive
10 a disbursement shall be determined by each institution as of
11 the end of its regular registration period, inclusive of a
12 drop-add period. Institutions shall not be required to
13 reevaluate a student's eligibility status after this date for
14 purposes of changing eligibility determinations previously
15 made.

16 (d) Institutions shall certify to the department the
17 amount of funds disbursed to each student and shall remit to
18 the department any undisbursed advances by June 1 of each
19 year.

20 (e) Each institution that receives moneys through the
21 Florida Private Student Assistance Grant Program shall cause
22 to be prepared a biennial report that includes an independent
23 external audit of the institution's administration of the
24 program and a complete accounting of moneys in the State
25 Student Financial Assistance Trust Fund allocated to the
26 institution for the program. Such report shall be submitted to
27 the department on or before March 1 every other year. The
28 department may conduct its own annual or biennial audit of an
29 institution's administration of the program and its allocated
30 funds in lieu of the required biennial report and independent
31 external audit. The department may suspend or revoke an

1 institution's eligibility to receive future moneys from the
2 trust fund for the program or request a refund of any moneys
3 overpaid to the institution through the trust fund for the
4 program if the department finds that an institution has not
5 complied with the provisions of this section. Any refund
6 requested pursuant to this paragraph shall be remitted within
7 60 days.

8 (5) Funds appropriated by the Legislature for Florida
9 private student assistance grants shall be deposited in the
10 State Student Financial Assistance Trust Fund. Notwithstanding
11 the provisions of s. 216.301 and pursuant to s. 216.351, any
12 balance in the trust fund at the end of any fiscal year that
13 has been allocated to the Florida Private Student Assistance
14 Grant Program shall remain therein and shall be available for
15 carrying out the purposes of this section and as otherwise
16 provided by law.

17 (6) The State Board of Education shall adopt rules
18 necessary to implement this section.

19 Section 421. Section 1009.52, Florida Statutes, is
20 created to read:

21 1009.52 Florida Postsecondary Student Assistance Grant
22 Program; eligibility for grants.--

23 (1) There is created a Florida Postsecondary Student
24 Assistance Grant Program. The program shall be administered by
25 the participating institutions in accordance with rules of the
26 State Board of Education.

27 (2)(a) Florida postsecondary student assistance grants
28 through the State Student Financial Assistance Trust Fund may
29 be made only to full-time degree-seeking students who meet the
30 general requirements for student eligibility as provided in s.
31 1009.40, except as otherwise provided in this section. Such

1 grants shall be awarded for the amount of demonstrated unmet
2 need for tuition and fees and may not exceed an amount equal
3 to the average prior academic year cost of tuition and other
4 registration fees for 30 credit hours at state universities
5 plus \$1,000 per academic year, or as specified in the General
6 Appropriations Act, to any applicant. A demonstrated unmet
7 need of less than \$200 shall render the applicant ineligible
8 for a Florida postsecondary student assistance grant.
9 Recipients of such grants must have been accepted at a
10 postsecondary institution that is located in the state and
11 that is:
12 1. A private nursing diploma school approved by the
13 Florida Board of Nursing; or
14 2. A college or university licensed by the Commission
15 for Independent Education, excluding those institutions the
16 students of which are eligible to receive a Florida private
17 student assistance grant pursuant to s. 1009.51.
18
19 No student may receive an award for more than the equivalent
20 of 9 semesters or 14 quarters of full-time enrollment, except
21 as otherwise provided in s. 1009.40(3).
22 (b) A student applying for a Florida postsecondary
23 student assistance grant shall be required to apply for the
24 Pell Grant. The Pell Grant entitlement shall be considered
25 when conducting an assessment of the financial resources
26 available to each student.
27 (c) Priority in the distribution of grant moneys shall
28 be given to students with the lowest total family resources,
29 in accordance with a nationally recognized system of need
30 analysis. Using the system of need analysis, the department
31 shall establish a maximum expected family contribution. An

1 institution may not make a grant from this program to a
2 student whose expected family contribution exceeds the level
3 established by the department. An institution may not impose
4 additional criteria to determine a student's eligibility to
5 receive a grant award.

6 (d) Each participating institution shall report, to
7 the department by the established date, the eligible students
8 to whom grant moneys are disbursed each academic term. Each
9 institution shall also report to the department necessary
10 demographic and eligibility data for such students.

11 (3) Based on the unmet financial need of an eligible
12 applicant, the amount of a Florida postsecondary student
13 assistance grant must be between \$200 and the average cost of
14 tuition and other registration fees for 30 credit hours at
15 state universities plus \$1,000 per academic year or the amount
16 specified in the General Appropriations Act.

17 (4)(a) The funds appropriated for the Florida
18 Postsecondary Student Assistance Grant shall be distributed to
19 eligible institutions in accordance with a formula approved by
20 the State Board of Education. The formula shall consider at
21 least the prior year's distribution of funds, the number of
22 full-time eligible applicants who did not receive awards, the
23 standardization of the expected family contribution, and
24 provisions for unused funds.

25 (b) Payment of Florida postsecondary student
26 assistance grants shall be transmitted to the president of the
27 eligible institution, or to his or her representative, in
28 advance of the registration period. Institutions shall notify
29 students of the amount of their awards.

30 (c) The eligibility status of each student to receive
31 a disbursement shall be determined by each institution as of

1 the end of its regular registration period, inclusive of a
 2 drop-add period. Institutions shall not be required to
 3 reevaluate a student's eligibility status after this date for
 4 purposes of changing eligibility determinations previously
 5 made.

6 (d) Institutions shall certify to the department the
 7 amount of funds disbursed to each student and shall remit to
 8 the department any undisbursed advances by June 1 of each
 9 year.

10 (e) Each institution that receives moneys through the
 11 Florida Postsecondary Student Assistance Grant Program shall
 12 cause to be prepared a biennial report that includes an
 13 independent external audit of the institution's administration
 14 of the program and a complete accounting of moneys in the
 15 State Student Financial Assistance Trust Fund allocated to the
 16 institution for the program. Such report shall be submitted
 17 to the department on or before March 1 every other year. The
 18 department may conduct its own annual or biennial audit of an
 19 institution's administration of the program and its allocated
 20 funds in lieu of the required biennial report and independent
 21 external audit. The department may suspend or revoke an
 22 institution's eligibility to receive future moneys from the
 23 trust fund for the program or request a refund of any moneys
 24 overpaid to the institution through the trust fund for the
 25 program if the department finds that an institution has not
 26 complied with the provisions of this section. Any refund
 27 requested pursuant to this paragraph shall be remitted within
 28 60 days.

29 (5) Any institution that was eligible to receive state
 30 student assistance grants on January 1, 1989, and that is not
 31

1 eligible to receive grants pursuant to s. 1009.51 is eligible
2 to receive grants pursuant to this section.

3 (6) Funds appropriated by the Legislature for Florida
4 postsecondary student assistance grants shall be deposited in
5 the State Student Financial Assistance Trust Fund.

6 Notwithstanding the provisions of s. 216.301 and pursuant to
7 s. 216.351, any balance in the trust fund at the end of any
8 fiscal year that has been allocated to the Florida
9 Postsecondary Student Assistance Grant Program shall remain
10 therein and shall be available for carrying out the purposes
11 of this section and as otherwise provided by law.

12 (7) The State Board of Education shall adopt rules
13 necessary to implement this section.

14 Section 422. Section 1009.53, Florida Statutes, is
15 created to read:

16 1009.53 Florida Bright Futures Scholarship Program.--

17 (1) The Florida Bright Futures Scholarship Program is
18 created to establish a lottery-funded scholarship program to
19 reward any Florida high school graduate who merits recognition
20 of high academic achievement and who enrolls in a degree
21 program, certificate program, or applied technology program at
22 an eligible Florida public or private postsecondary education
23 institution within 3 years of graduation from high school.

24 (2) The Bright Futures Scholarship Program consists of
25 three types of awards: the Florida Academic Scholarship, the
26 Florida Medallion Scholarship, and the Florida Gold Seal
27 Vocational Scholarship.

28 (3) The Department of Education shall administer the
29 Bright Futures Scholarship Program according to rules and
30 procedures established by the State Board of Education. A
31 single application must be sufficient for a student to apply

1 for any of the three types of awards. The department must
2 advertise the availability of the scholarship program and must
3 notify students, teachers, parents, guidance counselors, and
4 principals or other relevant school administrators of the
5 criteria and application procedures. The department must begin
6 this process of notification no later than January 1 of each
7 year.

8 (4) Funding for the Bright Futures Scholarship Program
9 must be allocated from the Education Enhancement Trust Fund
10 and must be provided before allocations from that fund are
11 calculated for disbursement to other educational entities.

12 (a) If funds appropriated are not adequate to provide
13 the maximum allowable award to each eligible applicant, awards
14 in all three components of the program must be prorated using
15 the same percentage reduction.

16 (b) Notwithstanding s. 216.301, if all funds allocated
17 to the Bright Futures Scholarship Program are not used in any
18 fiscal year, up to 10 percent of the total allocation may be
19 carried forward and used for awards in the following year.

20 (5) The department shall issue awards from the
21 scholarship program annually. Annual awards may be for up to
22 45 semester credit hours or the equivalent. Before the
23 registration period each semester, the department shall
24 transmit payment for each award to the president or director
25 of the postsecondary education institution, or his or her
26 representative, except that the department may withhold
27 payment if the receiving institution fails to report or to
28 make refunds to the department as required in this section.

29 (a) Within 30 days after the end of regular
30 registration each semester, the educational institution shall
31 certify to the department the eligibility status of each

1 student who receives an award. After the end of the drop and
 2 add period, an institution is not required to reevaluate or
 3 revise a student's eligibility status, but must make a refund
 4 to the department if a student who receives an award
 5 disbursement terminates enrollment for any reason during an
 6 academic term and a refund is permitted by the institution's
 7 refund policy.

8 (b) An institution that receives funds from the
 9 program shall certify to the department the amount of funds
 10 disbursed to each student and shall remit to the department
 11 any undisbursed advances within 60 days after the end of
 12 regular registration.

13 (c) Each institution that receives moneys through this
 14 program shall prepare an annual report that includes an
 15 independent external audit or an audit prepared by the Office
 16 of the Auditor General. The report shall include an audit of
 17 the institution's administration of the program and a complete
 18 accounting of the moneys for the program. This report must be
 19 submitted to the department annually by March 1. The
 20 department may conduct its own annual audit of an
 21 institution's administration of the program. The department
 22 may request a refund of any moneys overpaid to the institution
 23 for the program. The department may suspend or revoke an
 24 institution's eligibility to receive future moneys for the
 25 program if the department finds that an institution has not
 26 complied with this section. The institution must remit within
 27 60 days any refund requested in accordance with this
 28 subsection.

29 (6) A student enrolled in 6 to 8 semester credit hours
 30 may receive up to one-half of the maximum award; a student
 31 enrolled in 9 to 11 credit hours may receive up to

1 three-fourths of the maximum award; and a student enrolled in
2 12 or more credit hours may receive up to the full award.

3 (7) A student may receive only one type of award from
4 the Florida Bright Futures Scholarship Program at a time, but
5 may transfer from one type of award to another through the
6 renewal application process, if the student's eligibility
7 status changes. However, a student is not eligible to transfer
8 from a Florida Medallion Scholarship or a Florida Gold Seal
9 Vocational Scholarship to a Florida Academic Scholarship. A
10 student who receives an award from the program may also
11 receive a federal family education loan or a federal direct
12 loan, and the value of the award must be considered in the
13 certification or calculation of the student's loan
14 eligibility.

15 (8) If a recipient transfers from one eligible
16 institution to another and continues to meet eligibility
17 requirements, the award must be transferred with the student.

18 (9) A student may use an award for summer term
19 enrollment if funds are available.

20 (10) Funds from any scholarship within the Florida
21 Bright Futures Scholarship Program may not be used to pay for
22 remedial or college-preparatory coursework.

23 Section 423. Section 1009.531, Florida Statutes, is
24 created to read:

25 1009.531 Florida Bright Futures Scholarship Program;
26 student eligibility requirements for initial awards.--

27 (1) To be eligible for an initial award from any of
28 the three types of scholarships under the Florida Bright
29 Futures Scholarship Program, a student must:

30 (a) Be a Florida resident as defined in s. 1009.40 and
31 rules of the State Board of Education.

1 (b) Earn a standard Florida high school diploma or its
2 equivalent as described in s. 1003.43 or s. 1003.45 unless:

3 1. The student is enrolled full time in the early
4 admission program of an eligible postsecondary education
5 institution or completes a home education program according to
6 s. 1002.41; or

7 2. The student earns a high school diploma from a
8 non-Florida school while living with a parent or guardian who
9 is on military or public service assignment away from Florida.

10 (c) Be accepted by and enroll in an eligible Florida
11 public or independent postsecondary education institution.

12 (d) Be enrolled for at least 6 semester credit hours
13 or the equivalent in quarter hours or clock hours.

14 (e) Not have been found guilty of, or plead nolo
15 contendere to, a felony charge, unless the student has been
16 granted clemency by the Governor and Cabinet sitting as the
17 Executive Office of Clemency.

18 (f) Apply for a scholarship from the program by high
19 school graduation.

20 (2) A student is eligible to accept an initial award
21 for 3 years following high school graduation and to accept a
22 renewal award for 7 years following high school graduation. A
23 student who applies for an award by high school graduation and
24 who meets all other eligibility requirements, but who does not
25 accept his or her award, may reapply during subsequent
26 application periods up to 3 years after high school
27 graduation.

28 (3) For purposes of calculating the grade point
29 average to be used in determining initial eligibility for a
30 Florida Bright Futures scholarship, the department shall
31

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 424. 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 425. 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

1 (2) An independent Florida college or university that
2 is accredited by an accrediting association whose standards
3 are comparable to the minimum standards required to operate an
4 institution at that level in Florida, as determined by rules
5 of the Commission for Independent Education, and which has
6 operated in the state for at least 3 years.

7 (3) An independent Florida postsecondary education
8 institution that is licensed by the Commission for Independent
9 Education and that:

10 (a) Is authorized to grant degrees;

11 (b) Shows evidence of sound financial condition; and

12 (c) Has operated in the state for at least 3 years
13 without having its approval, accreditation, or license placed
14 on probation.

15 (4) A Florida independent postsecondary education
16 institution that offers a nursing diploma approved by the
17 Board of Nursing.

18 (5) A Florida independent postsecondary education
19 institution that is licensed by the Commission for Independent
20 Education and which:

21 (a) Is authorized to award certificates, diplomas, or
22 credentials other than degrees;

23 (b) Has a program completion and placement rate of at
24 least the rate required by the current Florida Statutes, the
25 Florida Administrative Code, or the Department of Education
26 for an institution at its level; and

27 (c) Shows evidence of sound financial condition; and
28 either:

29 1. Is accredited at the institutional level by an
30 accrediting agency recognized by the United States Department
31 of Education and has operated in the state for at least 3

1 years during which there has been no complaint for which
2 probable cause has been found; or

3 2. Has operated in Florida for 5 years during which
4 there has been no complaint for which probable cause has been
5 found.

6 Section 426. Section 1009.534, Florida Statutes, is
7 created to read:

8 1009.534 Florida Academic Scholars award.--

9 (1) A student is eligible for a Florida Academic
10 Scholars award if the student meets the general eligibility
11 requirements for the Florida Bright Futures Scholarship
12 Program and the student:

13 (a) Has achieved a 3.5 weighted grade point average as
14 calculated pursuant to s. 1009.531, or its equivalent, in high
15 school courses that are designated by the State Board of
16 Education as college-preparatory academic courses; and has
17 attained at least the score identified by rules of the State
18 Board of Education on the combined verbal and quantitative
19 parts of the Scholastic Aptitude Test, the Scholastic
20 Assessment Test, or the recentered Scholastic Assessment Test
21 of the College Entrance Examination, or an equivalent score on
22 the ACT Assessment Program; or

23 (b) Has attended a home education program according to
24 s. 1002.41 during grades 11 and 12 or has completed the
25 International Baccalaureate curriculum but failed to earn the
26 International Baccalaureate Diploma, and has attained at least
27 the score identified by rules of the Department of Education
28 on the combined verbal and quantitative parts of the
29 Scholastic Aptitude Test, the Scholastic Assessment Test, or
30 the recentered Scholastic Assessment Test of the College

31

1 Entrance Examination, or an equivalent score on the ACT
2 Assessment Program; or

3 (c) Has been awarded an International Baccalaureate
4 Diploma from the International Baccalaureate Office; or

5 (d) Has been recognized by the merit or achievement
6 programs of the National Merit Scholarship Corporation as a
7 scholar or finalist; or

8 (e) Has been recognized by the National Hispanic
9 Recognition Program as a scholar recipient.

10

11 A student must complete a program of community service work,
12 as approved by the district school board or the administrators
13 of a nonpublic school, which shall include a minimum of 75
14 hours of service work and require the student to identify a
15 social problem that interests him or her, develop a plan for
16 his or her personal involvement in addressing the problem,
17 and, through papers or other presentations, evaluate and
18 reflect upon his or her experience.

19 (2) A Florida Academic Scholar who is enrolled in a
20 public postsecondary education institution is eligible for an
21 award equal to the amount required to pay tuition, fees, and
22 \$600 for college-related expenses annually. A student who is
23 enrolled in a nonpublic postsecondary education institution is
24 eligible for an award equal to the amount that would be
25 required to pay for the average tuition and fees of a public
26 postsecondary education institution at the comparable level,
27 plus the annual \$600.

28 (3) To be eligible for a renewal award as a Florida
29 Academic Scholar, a student must maintain the equivalent of a
30 cumulative grade point average of 3.0 on a 4.0 scale with an
31 opportunity for one reinstatement as provided in this chapter.

1 (4) In each school district, the Florida Academic
2 Scholar with the highest academic ranking shall receive an
3 additional award of \$1,500 for college-related expenses. This
4 award must be funded from the Florida Bright Futures
5 Scholarship Program.

6 Section 427. Section 1009.535, Florida Statutes, is
7 created to read:

8 1009.535 Florida Medallion Scholars award.--

9 (1) A student is eligible for a Florida Medallion
10 Scholars award if the student meets the general eligibility
11 requirements for the Florida Bright Futures Scholarship
12 Program and the student:

13 (a) Has achieved a weighted grade point average of 3.0
14 as calculated pursuant to s. 1009.531, or the equivalent, in
15 high school courses that are designated by the State Board of
16 Education as college-preparatory academic courses; and has
17 attained at least the score identified by rules of the State
18 Board of Education on the combined verbal and quantitative
19 parts of the Scholastic Aptitude Test, the Scholastic
20 Assessment Test, or the recentered Scholastic Assessment Test
21 of the College Entrance Examination, or an equivalent score on
22 the ACT Assessment Program; or

23 (b) Has attended a home education program according to
24 s. 1002.41 during grades 11 and 12 or has completed the
25 International Baccalaureate curriculum but failed to earn the
26 International Baccalaureate Diploma, and has attained at least
27 the score identified by rules of the Department of Education
28 on the combined verbal and quantitative parts of the
29 Scholastic Aptitude Test, the Scholastic Assessment Test, or
30 the recentered Scholastic Assessment Test of the College
31

1 Entrance Examination, or an equivalent score on the ACT
2 Assessment Program; or

3 (c) Has been recognized by the merit or achievement
4 program of the National Merit Scholarship Corporation as a
5 scholar or finalist but has not completed a program of
6 community service as provided in s. 1009.534; or

7 (d) Has been recognized by the National Hispanic
8 Recognition Program as a scholar, but has not completed a
9 program of community service as provided in s. 1009.534.

10 (2) A Florida Medallion Scholar is eligible for an
11 award equal to the amount required to pay 75 percent of
12 tuition and fees, if the student is enrolled in a public
13 postsecondary education institution. A student who is enrolled
14 in a nonpublic postsecondary education institution is eligible
15 for an award equal to the amount that would be required to pay
16 75 percent of the tuition and fees of a public postsecondary
17 education institution at the comparable level.

18 (3) To be eligible for a renewal award as a Florida
19 Medallion Scholar, a student must maintain the equivalent of a
20 cumulative grade point average of 2.75 on a 4.0 scale with an
21 opportunity for reinstatement one time as provided in this
22 chapter.

23 Section 428. Section 1009.536, Florida Statutes, is
24 created to read:

25 1009.536 Florida Gold Seal Vocational Scholars
26 award.--The Florida Gold Seal Vocational Scholars award is
27 created within the Florida Bright Futures Scholarship Program
28 to recognize and reward academic achievement and career and
29 technical preparation by high school students who wish to
30 continue their education.

31

1 (1) A student is eligible for a Florida Gold Seal
2 Vocational Scholars award if the student meets the general
3 eligibility requirements for the Florida Bright Futures
4 Scholarship Program and the student:

5 (a) Completes the secondary school portion of a
6 sequential program of studies that requires at least three
7 secondary school career and technical credits taken over at
8 least 2 academic years, and is continued in a planned, related
9 postsecondary education program. If the student's school does
10 not offer such a two-plus-two or tech-prep program, the
11 student must complete a job-preparatory career education
12 program selected by the Workforce Estimating Conference or
13 Workforce Florida, Inc., for its ability to provide high-wage
14 employment in an occupation with high potential for employment
15 opportunities. On-the-job training may not be substituted for
16 any of the three required career and technical credits.

17 (b) Demonstrates readiness for postsecondary education
18 by earning a passing score on the Florida College Entry Level
19 Placement Test or its equivalent as identified by the
20 Department of Education.

21 (c) Earns a minimum cumulative weighted grade point
22 average of 3.0, as calculated pursuant to s. 1009.531, on all
23 subjects required for a standard high school diploma,
24 excluding elective courses.

25 (d) Earns a minimum unweighted grade point average of
26 3.5 on a 4.0 scale for secondary career and technical courses
27 comprising the career and technical program.

28 (2) A Florida Gold Seal Vocational Scholar is eligible
29 for an award equal to the amount required to pay 75 percent of
30 tuition and fees, if the student is enrolled in a public
31 postsecondary education institution. A student who is enrolled

1 in a nonpublic postsecondary education institution is eligible
2 for an award equal to the amount that would be required to pay
3 75 percent of the tuition and mandatory fees of a public
4 postsecondary education institution at the comparable level.

5 (3) To be eligible for a renewal award as a Florida
6 Gold Seal Vocational Scholar, a student must maintain the
7 equivalent of a cumulative grade point average of 2.75 on a
8 4.0 scale with an opportunity for reinstatement one time as
9 provided in this chapter.

10 (4) A student may earn a Florida Gold Seal Vocational
11 Scholarship for 110 percent of the number of credit hours
12 required to complete the program, up to 90 credit hours or the
13 equivalent. A Florida Gold Seal Scholar who has a cumulative
14 grade point average of 2.75 in all postsecondary education
15 work attempted may apply for a Florida Medallion Scholars
16 award at any renewal period. All other provisions of that
17 program apply, and the credit-hour limitation must be
18 calculated by subtracting from the student's total eligibility
19 the number of credit hours the student attempted while earning
20 the Gold Seal Vocational Scholarship.

21 Section 429. Section 1009.537, Florida Statutes, is
22 created to read:

23 1009.537 Eligibility for the Florida Bright Futures
24 Scholarship Program; transition.--

25 (1) A student who graduates from high school in 1997
26 or earlier and who is eligible for the Florida Undergraduate
27 Scholar's Program pursuant to former s. 240.402 is eligible
28 for the Florida Academic Scholars award as provided in this
29 act. A student who graduates from high school in 1998 or 1999
30 is eligible for the Florida Academic Scholars award if the
31 student meets the criteria in s. 1009.534. However, in lieu of

1 satisfying the requirements set forth in s. 1009.534(1)(a), a
2 student may meet the following criteria:

3 (a) Complete a program of at least 24 credits in
4 advanced-level studies as prescribed by the State Board of
5 Education, including as a minimum:

6 1. Four years of progressively advanced instruction in
7 language arts, including courses in English composition and
8 literature.

9 2. Four years of progressively advanced instruction in
10 science, including laboratory courses in biology, chemistry,
11 and physics where laboratory facilities are available.

12 3. Four years of progressively advanced instruction in
13 mathematics, including courses in algebra, geometry, and
14 calculus or trigonometry.

15 4. Two years of sequential foreign language.

16 5. One year of instruction in art and music or in
17 either art or music.

18 6. Three years of instruction in social studies,
19 including courses in American history and government, world
20 history, and comparative political and economic systems.

21 7. One year of instruction in health and physical
22 education to include assessment, improvement, and maintenance
23 of personal fitness.

24 (b) Obtain at least the equivalent of an unweighted
25 grade point average of 3.0 on a 4.0 scale for all courses
26 taken for which high school credit may be granted.

27 (c) Achieve a score of 1180 on the combined verbal and
28 quantitative parts of the Scholastic Aptitude Test, the
29 Scholastic Assessment Test, or the recentered Scholastic
30 Assessment Test of the College Entrance Examination, or an
31

1 equivalent score on the ACT Assessment Program or an
2 equivalent program.

3 (d) Complete a program of community service work, as
4 approved by the district school board or the administrators of
5 a nonpublic school, which shall include a minimum of 75 hours
6 of service work and require the student to identify a social
7 problem that interests him or her, develop a plan for his or
8 her personal involvement in addressing the problem, and,
9 through papers or other presentations, evaluate and reflect
10 upon his or her experience.

11
12 Students who graduate from high school after 1999 must meet
13 the eligibility criteria pursuant to s. 1009.534.

14 (2) A student who graduates from high school in 1997
15 or earlier and who is eligible for the Florida Vocational Gold
16 Seal Endorsement Scholarship award pursuant to former s.
17 240.4021 is eligible for the Florida Gold Seal Vocational
18 Scholars award as provided in this act. A student who
19 graduates from high school in 1998 or 1999 is eligible for the
20 Florida Gold Seal Vocational Scholars award if the student
21 meets the criteria in s. 1009.536. However, in lieu of
22 satisfying the grade point average requirement set forth in s.
23 1009.536(1)(c), a student may earn a minimum cumulative
24 unweighted grade point average of 3.0 on a 4.0 scale on all
25 subjects required for a standard high school diploma. Students
26 who graduate from high school after 1999 must meet the
27 eligibility criteria pursuant to s. 1009.536.

28 (3) Effective for the 1997-1998 academic year, a
29 student is eligible for an initial award of a Florida Merit
30 Scholarship if the student:

31

1 (a)1. Is scheduled to graduate from high school in
2 1997;
3 2. Completes, or is enrolled in all courses required
4 to complete, the high school college-preparatory coursework
5 required in this act;
6 3. Achieves an unweighted grade point average of 3.0
7 on a 4.0 scale, or the equivalent, in high school courses that
8 are adopted by the Board of Regents and recommended by the
9 State Board of Community Colleges as college-preparatory
10 academic courses; and
11 4. Earns a score of 970 or above on the combined
12 verbal and quantitative parts of the recentered Scholastic
13 Assessment Test of the College Entrance Examination, or an
14 equivalent score on the ACT Assessment Program; or
15 (b) Has completed a college-preparatory curriculum in
16 1997 through an approved home school program and has attained
17 a score of 970 on the combined verbal and quantitative parts
18 of the recentered Scholastic Assessment Test of the College
19 Entrance Examination, or an equivalent score on the ACT
20 Assessment Program. Eligibility shall be determined in the
21 same manner as for public school students. For students whose
22 parents are unable to document a college-preparatory
23 curriculum, a score of 1070 on the SAT, or equivalent score on
24 the ACT, shall be required for award eligibility.
25 Section 430. Section 1009.538, Florida Statutes, is
26 created to read:
27 1009.538 Bright Futures Scholarship recipients
28 attending nonpublic institutions; calculation of
29 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and
30 1009.536, a student who receives any award under the Florida
31 Bright Futures Scholarship Program, who is enrolled in a

1 nonpublic postsecondary education institution, and who is
2 assessed tuition and fees that are the same as those of a
3 full-time student at that institution, shall receive a fixed
4 award calculated by using the average tuition and fee
5 calculation as prescribed by the Department of Education for
6 full-time attendance at a public postsecondary education
7 institution at the comparable level. If the student is
8 enrolled part-time and is assessed tuition and fees at a
9 reduced level, the award shall be either one-half of the
10 maximum award or three-fourths of the maximum award, depending
11 on the level of fees assessed.

12 Section 1009.5385, Florida Statutes, is created to
13 read:

14 1009.5385 Use of certain scholarship funds by children
15 of deceased or disabled veterans.--The criteria for the use of
16 scholarship funds which apply to students under the Florida
17 Bright Futures Scholarship Program shall also apply to the
18 children of deceased or disabled veterans who receive
19 scholarships under chapter 295.

20 Section 431. Section 1009.539, Florida Statutes, is
21 created to read:

22 1009.539 Florida Bright Futures Scholarship Testing
23 Program.--

24 (1) The State Board of Education shall identify the
25 minimum scores, maximum credit, and course or courses for
26 which credit is to be awarded for each College Level
27 Examination Program (CLEP) general examination, CLEP subject
28 examination, College Board Advanced Placement Program
29 examination, and International Baccalaureate examination. In
30 addition, the State Board of Education shall identify such
31

1 courses in the general education core curriculum of each state
2 university and community college.

3 (2) Each community college and state university must
4 award credit for specific courses for which competency has
5 been demonstrated by successful passage of one of these
6 examinations unless the award of credit duplicates credit
7 already awarded. Community colleges and universities may not
8 exempt students from courses without the award of credit if
9 competencies have been so demonstrated.

10 (3) Students eligible for a Florida Academic Scholars
11 award or a Florida Medallion Scholars award who are admitted
12 to and enroll in a community college or state university
13 shall, prior to registering for courses that may be earned
14 through a CLEP examination and no later than registration for
15 their second term, complete at least five examinations from
16 those specified in subsection (1) in the following areas:
17 English; humanities; mathematics; natural sciences; and social
18 sciences. Successful completion of dual enrollment courses,
19 Advanced Placement examinations, and International
20 Baccalaureate examinations taken prior to high school
21 graduation satisfy this requirement. The State Board of
22 Education shall identify the examinations that satisfy each
23 component of this requirement.

24 (4) Each community college and state university shall
25 pay for the CLEP examinations required pursuant to this
26 section from the funds appropriated from the Educational
27 Enhancement Trust Fund. Institutions shall pay no more than
28 \$46 per examination for the program, which shall include
29 access to a student guide to prepare for the test. The
30 Department of Education shall negotiate with the College Board
31 for a reduced rate for the examinations. The institution shall

1 not charge the student for preparation and administration of
2 the test, access to a student guide to prepare for the test,
3 or recordkeeping and reporting of each student's test results
4 to the department.

5 (5) The credit awarded pursuant to this section shall
6 apply toward the 120 hours of college credit required pursuant
7 to s. 1007.25(7).

8 (6) The Department of Education shall track and
9 annually report on the effectiveness of the program, and
10 include information on the number of students participating in
11 the program; the CLEP examinations taken and the passage rate
12 of Florida Academic Scholars and Florida Medallion Scholars
13 award recipients; the use of Advanced Placement and
14 International Baccalaureate examinations and dual enrollment
15 courses to satisfy the requirements of the program; and the
16 course credit provided.

17 Section 432. Section 1009.54, Florida Statutes, is
18 created to read:

19 1009.54 Critical Teacher Shortage Program.--There is
20 created the Critical Teacher Shortage Program. Funds
21 appropriated by the Legislature for the program shall be
22 deposited in the State Student Financial Assistance Trust
23 Fund. The Comptroller shall authorize expenditures from the
24 trust fund upon receipt of vouchers approved by the Department
25 of Education for the critical teacher shortage programs
26 established in s. 1009.57, s. 1009.58, or s. 1009.59. The
27 Comptroller shall also authorize expenditures from the trust
28 fund for the "Chappie" James Most Promising Teacher
29 Scholarship Loan Program and the Critical Teacher Shortage
30 Scholarship Loan Program recipients who participated in these
31 programs prior to July 1, 1993, provided that such students

1 continue to meet the renewal eligibility requirements that
2 were in effect at the time that their original awards were
3 made. Students who participated in the "Chappie" James Most
4 Promising Teacher Scholarship Loan Program prior to July 1,
5 1993, shall not have their awards reduced as a result of the
6 addition of new students to the program. All scholarship loan
7 repayments pursuant to s. 1009.57 shall be deposited into the
8 State Student Financial Assistance Trust Fund. Any remaining
9 balance at the end of any fiscal year that has been allocated
10 to the program shall remain in the trust fund and be available
11 for the individual programs in future years.

12 Section 433. Section 1009.55, Florida Statutes, is
13 created to read:

14 1009.55 Rosewood Family Scholarship Program.--

15 (1) There is created a Rosewood Family Scholarship
16 Program for minority persons with preference given to the
17 direct descendants of the Rosewood families, not to exceed 25
18 scholarships per year. Funds appropriated by the Legislature
19 for the program shall be deposited in the State Student
20 Financial Assistance Trust Fund.

21 (2) The Rosewood Family Scholarship Program shall be
22 administered by the Department of Education. The State Board
23 of Education shall adopt rules for administering this program
24 which shall at a minimum provide for the following:

25 (a) The annual award to a student shall be up to
26 \$4,000 but should not exceed an amount in excess of tuition
27 and registration fees.

28 (b) If funds are insufficient to provide a full
29 scholarship to each eligible applicant, the department may
30 prorate available funds and make a partial award to each
31 eligible applicant.

1 (c) The department shall rank eligible initial
2 applicants for the purposes of awarding scholarships with
3 preference being given to the direct descendants of the
4 Rosewood families. The remaining applicants shall be ranked
5 based on need as determined by the Department of Education.

6 (d) Payment of an award shall be transmitted in
7 advance of the registration period each semester on behalf of
8 the student to the president of the university or community
9 college, or his or her representative, or to the director of
10 the technical school which the recipient is attending.

11 (3) Beginning with the 1994-1995 academic year, the
12 department is authorized to make awards for undergraduate
13 study to students who:

14 (a) Meet the general requirements for student
15 eligibility as provided in s. 1009.40, except as otherwise
16 provided in this section.

17 (b) File an application for the scholarship within the
18 established time limits.

19 (c) Enroll as certificate-seeking or degree-seeking
20 students at a state university, community college, or
21 technical school authorized by law.

22 Section 434. Section 1009.56, Florida Statutes, is
23 created to read:

24 1009.56 Seminole and Miccosukee Indian Scholarships.--

25 (1) There is created a Seminole and Miccosukee Indian
26 Scholarship Program to be administered by the Department of
27 Education in accordance with rules established by the State
28 Board of Education. The Seminole Tribe of Florida and the
29 Miccosukee Tribe of Indians of Florida shall act in an
30 advisory capacity in the development of the rules.

31

1 (2) The department shall award scholarships to
2 students who:

3 (a) Have graduated from high school, have earned an
4 equivalency diploma issued by the Department of Education
5 pursuant to s. 1003.435, have earned an equivalency diploma
6 issued by the United States Armed Forces Institute, or have
7 been accepted through an early admission program;

8 (b) Are enrolled at a state university or community
9 college authorized by Florida law; a nursing diploma school
10 approved by the Board of Nursing; any Florida college,
11 university, or community college which is accredited by an
12 accrediting association whose standards are comparable to the
13 minimum standards required to operate an institution at that
14 level in Florida, as determined by rules of the Commission for
15 Independent Education; or any Florida institution the credits
16 of which are acceptable for transfer to state universities;

17 (c) Are enrolled as either full-time or part-time
18 undergraduate or graduate students and make satisfactory
19 academic progress as defined by the college or university;

20 (d) Have been recommended by the Seminole Tribe of
21 Florida or the Miccosukee Tribe of Indians of Florida; and

22 (e) Meet the general requirements for student
23 eligibility as provided in s. 1009.40, except as otherwise
24 provided in this section.

25 (3) Recommendation by the Seminole Tribe of Florida or
26 the Miccosukee Tribe of Indians of Florida shall:

27 (a) Be based upon established standards of financial
28 need as determined by the respective tribe and the department;

29 (b) Be based upon such other eligibility requirements
30 for student financial assistance as are adopted by the
31 respective tribe; and

1 (c) Include certification of membership or eligibility
2 for membership in the Seminole Tribe of Florida or the
3 Miccosukee Tribe of Indians of Florida.

4 (4) The amount of the scholarship shall be determined
5 by the Seminole Tribe of Florida or the Miccosukee Tribe of
6 Indians of Florida, for its respective applicants, within the
7 amount of funds appropriated for this purpose. The amount
8 shall be prorated accordingly for part-time students. At the
9 beginning of each semester or quarter, the department shall
10 certify the name of each scholarship holder eligible to
11 receive funds for that registration period to the Comptroller,
12 who shall draw a warrant in favor of each scholarship
13 recipient. Each recipient shall be eligible to have the
14 scholarship renewed from year to year, provided all academic
15 and other requirements of the college or university and rules
16 established by the State Board of Education are met.

17 (5) The Commissioner of Education shall include
18 amounts sufficient for continuation of this program in the
19 legislative budget requests of the department.

20 (6) Funds appropriated by the Legislature for the
21 program shall be deposited in the State Student Financial
22 Assistance Trust Fund.

23 Section 435. Section 1009.57, Florida Statutes, is
24 created to read:

25 1009.57 Florida Teacher Scholarship and Forgivable
26 Loan Program.--

27 (1) There is created the Florida Teacher Scholarship
28 and Forgivable Loan Program to be administered by the
29 Department of Education. The program shall provide scholarship
30 assistance to eligible students for lower-division
31 undergraduate study and loan assistance to eligible students

1 for upper-division undergraduate and graduate study. The
 2 primary purpose of the program is to attract capable and
 3 promising students to the teaching profession, attract
 4 teachers to areas of projected or current critical teacher
 5 shortage, attract liberal arts and science graduates to
 6 teaching, and provide opportunity for persons making midcareer
 7 decisions to enter the teaching profession. The State Board
 8 of Education shall adopt rules necessary to administer the
 9 program and shall annually identify critical teacher shortage
 10 areas.

11 (2) Within the Florida Teacher Scholarship and
 12 Forgivable Loan Program shall be established the "Chappie"
 13 James Most Promising Teacher Scholarship which shall be
 14 offered to a top graduating senior from each public secondary
 15 school in the state. An additional number of "Chappie" James
 16 Most Promising Teacher Scholarship awards shall be offered
 17 annually to graduating seniors from private secondary schools
 18 in the state which are listed with the Department of Education
 19 and accredited by the Southern Association of Colleges and
 20 Schools or any other private statewide accrediting agency
 21 which makes public its standards, procedures, and member
 22 schools. The private secondary schools shall be in compliance
 23 with regulations of the Office for Civil Rights. The number
 24 of awards to private secondary school students shall be
 25 proportional to the number of awards available to public
 26 secondary school students and shall be calculated as the ratio
 27 of the number of private to public secondary school seniors in
 28 the state multiplied by the number of public secondary schools
 29 in the state.

1 (a) The scholarship may be used for attendance at a
2 state university, a community college, or an independent
3 institution as defined in s. 1009.89.

4 (b) The amount of the scholarship is \$1,500 and may be
5 renewed for 1 year if the student earns a 2.5 cumulative grade
6 point average and 12 credit hours per term and meets the
7 eligibility requirements for renewal of the award.

8 (c) To be eligible for the scholarship, a student
9 shall: be ranked within the top quartile of the senior class;
10 have been an active member of a high school future teacher
11 organization, if such organization exists in the student's
12 school; have earned a minimum unweighted cumulative grade
13 point average of 3.0 on a 4.0 scale; file an application
14 within the application period; meet the general requirements
15 for student eligibility as provided in s. 1009.40, except as
16 otherwise provided in this section; and have the intent to
17 enter the public teaching profession in Florida.

18 (d) Three candidates from each public secondary school
19 and one candidate from each nonpublic secondary school in the
20 state shall be nominated by the principal and a committee of
21 teachers, based on criteria which shall include, but need not
22 be limited to, rank in class, standardized test scores,
23 cumulative grade point average, extracurricular activities,
24 letters of recommendation, an essay, and a declaration of
25 intention to teach in a public school in the state.

26 (e) From public secondary school nominees, the
27 Commissioner of Education shall select a graduating senior
28 from each public high school to receive a scholarship.
29 Selection of recipients from nonpublic secondary schools shall
30 be made by a committee appointed by the Commissioner of
31

1 Education comprised of representatives from nonpublic
2 secondary schools and the Department of Education.

3 (f) Fifteen percent of scholarships awarded shall be
4 to minority students. However, in the event that fewer than
5 15 percent of the total eligible nominees are minority
6 students, the commissioner may allocate all award funds as
7 long as a scholarship is reserved for each eligible minority
8 nominee.

9 (3)(a) Within the Florida Teacher Scholarship and
10 Forgivable Loan Program shall be established the Florida
11 Critical Teacher Shortage Forgivable Loan Program which shall
12 make undergraduate and graduate forgivable loans available to
13 eligible students entering programs of study that lead to a
14 degree in a teaching program in a critical teacher shortage
15 area. To be eligible for a program loan, a candidate shall:

16 1. Be a full-time student at the upper-division
17 undergraduate or graduate level in a teacher training program
18 approved by the department pursuant to s. 1004.04 leading to
19 certification in a critical teacher shortage subject area.

20 2. Have declared an intent to teach, for at least the
21 number of years for which a forgivable loan is received, in
22 publicly funded elementary or secondary schools of Florida in
23 a critical teacher shortage area identified by the State Board
24 of Education. For purposes of this subsection, a school is
25 publicly funded if it receives at least 75 percent of its
26 operating costs from governmental agencies and operates its
27 educational program under contract with a public school
28 district or the Department of Education.

29 3. Meet the general requirements for student
30 eligibility as provided in s. 1009.40, except as otherwise
31 provided in this section.

1 4. If applying for an undergraduate forgivable loan,
2 have maintained a minimum cumulative grade point average of
3 2.5 on a 4.0 scale for all undergraduate work. Renewal
4 applicants for undergraduate loans shall maintain a minimum
5 cumulative grade point average of at least a 2.5 on a 4.0
6 scale for all undergraduate work and have earned at least 12
7 semester credits per term, or the equivalent.

8 5. If applying for a graduate forgivable loan, have
9 maintained an undergraduate cumulative grade point average of
10 at least a 3.0 on a 4.0 scale or have attained a Graduate
11 Record Examination score of at least 1,000. Renewal applicants
12 for graduate loans shall maintain a minimum cumulative grade
13 point average of at least a 3.0 on a 4.0 scale for all
14 graduate work and have earned at least 9 semester credits per
15 term, or the equivalent.

16 (b) An undergraduate forgivable loan may be awarded
17 for 2 undergraduate years, not to exceed \$4,000 per year, or
18 for a maximum of 3 years for programs requiring a fifth year
19 of instruction to obtain initial teaching certification.

20 (c) A graduate forgivable loan may be awarded for 2
21 graduate years, not to exceed \$8,000 per year. In addition to
22 meeting criteria specified in paragraph (a), a loan recipient
23 at the graduate level shall:

24 1. Hold a bachelor's degree from any college or
25 university accredited by a regional accrediting association as
26 defined by State Board of Education rule.

27 2. Not already hold a teaching certificate resulting
28 from an undergraduate degree in education in an area of
29 critical teacher shortage as designated by the State Board of
30 Education.

31

1 3. Not have received an undergraduate forgivable loan
2 as provided for in paragraph (b).

3 (d) Recipients of the Paul Douglas Teacher Scholarship
4 Loan Program as authorized under title IV, part D, subpart 1
5 of the Higher Education Act of 1965, as amended, shall not be
6 eligible to participate in the Florida Critical Teacher
7 Shortage Forgivable Loan Program.

8 (e) The State Board of Education shall adopt by rule
9 repayment schedules and applicable interest rates under ss.
10 1009.82 and 1009.95. A forgivable loan must be repaid within
11 10 years of completion of a program of studies.

12 1. Credit for repayment of an undergraduate or
13 graduate forgivable loan shall be in an amount not to exceed
14 \$4,000 in loan principal plus applicable accrued interest for
15 each full year of eligible teaching service. However, credit
16 in an amount not to exceed \$8,000 in loan principal plus
17 applicable accrued interest shall be given for each full year
18 of eligible teaching service completed at a high-density,
19 low-economic urban school or at a low-density, low-economic
20 rural school, as identified by the State Board of Education.

21 2. Any forgivable loan recipient who fails to teach in
22 a publicly funded elementary or secondary school in this state
23 as specified in this subsection is responsible for repaying
24 the loan plus accrued interest at 8 percent annually.

25 3. Forgivable loan recipients may receive loan
26 repayment credit for teaching service rendered at any time
27 during the scheduled repayment period. However, such repayment
28 credit shall be applicable only to the current principal and
29 accrued interest balance that remains at the time the
30 repayment credit is earned. No loan recipient shall be
31

1 reimbursed for previous cash payments of principal and
2 interest.

3 (f) Funds appropriated by the Legislature for the
4 program shall be deposited in the State Student Financial
5 Assistance Trust Fund.

6 Section 436. Section 1009.58, Florida Statutes, is
7 created to read:

8 1009.58 Critical teacher shortage tuition
9 reimbursement program.--

10 (1) A critical teacher shortage tuition reimbursement
11 program shall be established for the purpose of improving the
12 skills and knowledge of current teachers or persons preparing
13 to teach in critical teacher shortage areas.

14 (2) The State Board of Education shall adopt rules to
15 implement the critical teacher shortage tuition reimbursement
16 program. Any full-time public school employee or
17 developmental research school employee certified to teach in
18 this state is eligible for the program. For the purposes of
19 this program, tuition reimbursement shall be limited to
20 courses in critical teacher shortage areas as determined by
21 the State Board of Education. Such courses shall be:

22 (a) Graduate-level courses leading to a master's,
23 specialist, or doctoral degree;

24 (b) Graduate-level courses leading to a new
25 certification area; or

26 (c) State-approved undergraduate courses leading to an
27 advanced degree or new certification area.

28 (3) Participants may receive tuition reimbursement
29 payments for up to 9 semester hours, or the equivalent in
30 quarter hours, per year, at a rate not to exceed \$78 per
31 semester hour, up to a total of 36 semester hours. All tuition

1 reimbursements shall be contingent on passing an approved
2 course with a minimum grade of 3.0 or its equivalent.

3 (4) This section shall be implemented only to the
4 extent specifically funded and authorized by law.

5 Section 437. Section 1009.59, Florida Statutes, is
6 created to read:

7 1009.59 Critical Teacher Shortage Student Loan
8 Forgiveness Program.--

9 (1) The Critical Teacher Shortage Student Loan
10 Forgiveness Program is established to encourage qualified
11 personnel to seek employment in subject areas in which
12 critical teacher shortages exist, as identified annually by
13 the State Board of Education. The primary function of the
14 program is to make repayments towards loans received by
15 students from federal programs or commercial lending
16 institutions for the support of postsecondary education study.
17 Repayments are intended to be made to qualified applicants who
18 begin teaching for the first time in designated subject areas,
19 and who apply during their first year of teaching as certified
20 teachers in these subject areas.

21 (2) From the funds available, the Department of
22 Education may make loan principal repayments as follows:

23 (a) Up to \$2,500 a year for up to 4 years on behalf of
24 selected graduates of state-approved undergraduate
25 postsecondary teacher preparation programs, persons certified
26 to teach pursuant to any applicable teacher certification
27 requirements, or selected teacher preparation graduates from
28 any state participating in the Interstate Agreement on the
29 Qualification of Educational Personnel.

30 (b) Up to \$5,000 a year for up to 2 years on behalf of
31 selected graduates of state-approved graduate postsecondary

1 teacher preparation programs, persons with graduate degrees
2 certified to teach pursuant to any applicable teacher
3 certification requirements, or selected teacher preparation
4 graduates from any state participating in the Interstate
5 Agreement on the Qualification of Educational Personnel.

6 (c) All repayments shall be contingent on continued
7 proof of employment in the designated subject areas in this
8 state and shall be made directly to the holder of the loan.
9 The state shall not bear responsibility for the collection of
10 any interest charges or other remaining balance. In the event
11 that designated critical teacher shortage subject areas are
12 changed by the State Board of Education, a teacher shall
13 continue to be eligible for loan forgiveness as long as he or
14 she continues to teach in the subject area for which the
15 original loan repayment was made and otherwise meets all
16 conditions of eligibility.

17 (3) Students receiving a scholarship loan or a
18 fellowship loan are not eligible to participate in the
19 Critical Teacher Shortage Student Loan Forgiveness Program.

20 (4) The State Board of Education may adopt rules
21 pursuant to ss. 120.536(1) and 120.54, necessary for the
22 administration of this program.

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

25 Section 438. Section 1009.60, Florida Statutes, is
26 created to read:

27 1009.60 Minority teacher education scholars
28 program.--There is created the minority teacher education
29 scholars program, which is a collaborative performance-based
30 scholarship program for African-American, Hispanic-American,
31 Asian-American, and Native American students. The participants

1 in the program include Florida's community colleges and its
2 public and private universities that have teacher education
3 programs.

4 (1) The minority teacher education scholars program
5 shall provide an annual scholarship of \$4,000 for each
6 approved minority teacher education scholar who is enrolled in
7 one of Florida's public or private universities in the junior
8 year and is admitted into a teacher education program.

9 (2) To assist each participating education institution
10 in the recruitment and retention of minority teacher scholars,
11 the administrators of the Florida Fund for Minority Teachers,
12 Inc., shall implement a systemwide training program. The
13 training program must include an annual conference or series
14 of conferences for students who are in the program or who are
15 identified by a high school or a community college as likely
16 candidates for the program. The training program must also
17 include research about and dissemination concerning successful
18 activities or programs that recruit minority students for
19 teacher education and retain them through graduation,
20 certification, and employment. Staff employed by the
21 corporation may work with each participating education
22 institution to assure that local faculty and administrators
23 receive the benefit of all available research and resources to
24 increase retention of their minority teacher education
25 scholars.

26 (3) The total amount appropriated annually for new
27 scholarships in the program must be divided by \$4,000 and by
28 the number of participating colleges and universities. Each
29 participating institution has access to the same number of
30 scholarships and may award all of them to eligible minority
31 students. If a college or university does not award all of its

1 scholarships by the date set by the program administration at
2 the Florida Fund for Minority Teachers, Inc., the remaining
3 scholarships must be transferred to another institution that
4 has eligible students.

5 (4) A student may receive a scholarship from the
6 program for 3 consecutive years if the student remains
7 enrolled full-time in the program and makes satisfactory
8 progress toward a baccalaureate degree with a major in
9 education.

10 (5) If a minority teacher education scholar graduates
11 and is employed as a teacher by a Florida district school
12 board, the scholar is not required to repay the scholarship
13 amount so long as the scholar teaches in a Florida public
14 school. A scholar may repay the entire scholarship amount by
15 remaining employed as a Florida public school teacher for 1
16 year for each year he or she received the scholarship.

17 (6) If a minority teacher education scholar does not
18 graduate within 3 years, or if the scholar graduates but does
19 not teach in a Florida public school, the scholar must repay
20 the total amount awarded, plus annual interest of 8 percent.

21 (a) Interest begins accruing the first day of the 13th
22 month after the month in which the recipient completes an
23 approved teacher education program or after the month in which
24 enrollment as a full-time student is terminated. Interest does
25 not accrue during any period of deferment or eligible teaching
26 service.

27 (b) The repayment period begins the first day of the
28 13th month after the month in which the recipient completes an
29 approved teacher education program or after the month in which
30 enrollment as a full-time student is terminated.

31

1 (c) The terms and conditions of the scholarship
2 repayment must be contained in a promissory note and a
3 repayment schedule. The loan must be paid within 10 years
4 after the date of graduation or termination of full-time
5 enrollment, including any periods of deferment. A shorter
6 repayment period may be granted. The minimum monthly repayment
7 is \$50 or the unpaid balance, unless otherwise approved,
8 except that the monthly payment may not be less than the
9 accruing interest. The recipient may prepay any part of the
10 scholarship without penalty.

11 (d) The holder of the promissory note may grant a
12 deferment of repayment for a recipient who is a full-time
13 student, who is unable to secure a teaching position that
14 would qualify as repayment, who becomes disabled, or who
15 experiences other hardships. Such a deferment may be granted
16 for a total of 24 months.

17 (e) If a student defaults on the scholarship, the
18 entire unpaid balance, including interest accrued, becomes due
19 and payable at the option of the holder of the promissory
20 note, or when the recipient is no longer able to pay or no
21 longer intends to pay. The recipient is responsible for paying
22 all reasonable attorney's fees and other costs and charges
23 necessary for administration of the collection process.

24 Section 439. Section 1009.605, Florida Statutes, is
25 created to read:

26 1009.605 Florida Fund for Minority Teachers, Inc.--

27 (1) There is created the Florida Fund for Minority
28 Teachers, Inc., which is a not-for-profit statutory
29 corporation housed in the College of Education at the
30 University of Florida. The corporation shall administer and
31 manage the minority teacher education scholars program.

1 (2) The corporation shall submit an annual budget
2 projection to the Department of Education to be included in
3 the annual legislative budget request. The projection must be
4 based on a 7-year plan that would be capable of awarding the
5 following schedule of scholarships:

6 (a) In the initial year, 700 scholarships of \$4,000
7 each to scholars in the junior year of college.

8 (b) In the second year, 350 scholarships to new
9 scholars in their junior year and 700 renewal scholarships to
10 the rising seniors.

11 (c) In each succeeding year, 350 scholarships to new
12 scholars in the junior year and renewal scholarships to the
13 350 rising seniors.

14 (3) A board of directors shall administer the
15 corporation. The Governor shall appoint to the board at least
16 15 but not more than 25 members, who shall serve terms of 3
17 years, except that 4 of the initial members shall serve 1-year
18 terms and 4 shall serve 2-year terms. At least 4 members must
19 be employed by public community colleges and at least 11
20 members must be employed by public or private postsecondary
21 institutions that operate colleges of education. At least one
22 member must be a financial aid officer employed by a
23 postsecondary education institution operating in Florida.
24 Administrative costs for support of the Board of Directors and
25 the Florida Fund for Minority Teachers may not exceed 5
26 percent of funds allocated for the program. The board shall:

27 (a) Hold meetings to implement this section.

28 (b) Select a chairperson annually.

29 (c) Make rules for its own government.

30
31

1 (d) Appoint an executive director to serve at its
2 pleasure. The executive director shall be the chief
3 administrative officer and agent of the board.

4 (e) Maintain a record of its proceedings.

5 (f) Delegate to the chairperson the responsibility for
6 signing final orders.

7 (g) Carry out the training program as required for the
8 minority teacher education scholars program. No more than 5
9 percent of the funds appropriated for the minority teacher
10 education scholars program may be expended for administration,
11 including administration of the required training program.

12 Section 440. Section 1009.61, Florida Statutes, is
13 created to read:

14 1009.61 Teacher/Quest Scholarship Program.--The
15 Teacher/Quest Scholarship Program is created for the purpose
16 of providing teachers with the opportunity to enhance their
17 knowledge of science, mathematics, and computer applications
18 in business, industry, and government. A school district or
19 developmental research school may propose that one or more
20 teachers be granted a Teacher/Quest Scholarship by submitting
21 to the Department of Education:

22 (1) A project proposal specifying activities a teacher
23 will carry out to improve his or her:

24 (a) Understanding of mathematical, scientific, or
25 computing concepts;

26 (b) Ability to apply and demonstrate such concepts
27 through instruction;

28 (c) Knowledge of career and technical requirements for
29 competency in mathematics, science, and computing; and

30 (d) Ability to integrate and apply technological
31 concepts from all three fields; and

1 (2) A contractual agreement with a private corporation
2 or governmental agency that implements the project proposal
3 and guarantees employment to the teacher during a summer or
4 other period when schools are out of session. The agreement
5 must stipulate a salary rate that does not exceed regular
6 rates of pay and a gross salary amount consistent with
7 applicable statutory and contractual provisions for the
8 teacher's employment. The teacher's compensation shall be
9 provided for on an equally matched basis by funds from the
10 employing corporation or agency.

11 Section 441. Section 1009.62, Florida Statutes, is
12 created to read:

13 1009.62 Grants for teachers for special training in
14 exceptional student education.--

15 (1) The Department of Education may make grants to
16 teachers for special training in exceptional student education
17 to meet professional requirements with respect thereto, and
18 the department is responsible for the administration of such
19 program.

20 (2) These grants are limited to teachers who:

21 (a) Hold a full-time contract to teach in a district
22 school system, a state-operated or state-supported program, or
23 an agency or organization under contract with the Department
24 of Education;

25 (b) Hold a valid Florida educator's certificate that
26 does not reflect an exceptional-student-education coverage or
27 endorsement that is appropriate for the teacher's assignment;
28 and

29 (c) Satisfactorily complete the eligible courses.

30 (3) Grant amounts are to be determined on the basis of
31 rates established by the Department of Education.

1 (4) The Department of Education shall administer this
2 program under rules established by the State Board of
3 Education.

4 Section 442. Section 1009.63, Florida Statutes, is
5 created to read:

6 1009.63 Occupational therapist or physical therapist
7 critical shortage program; definitions.--For the purposes of
8 ss. 1009.63-1009.634:

9 (1) "Critical shortage area" applies to licensed
10 occupational therapists and physical therapists and
11 occupational therapy assistants and physical therapist
12 assistants employed by the public schools of this state.

13 (2) "Therapist" means occupational therapist or
14 physical therapist.

15 Section 443. Section 1009.631, Florida Statutes, is
16 created to read:

17 1009.631 Occupational therapist or physical therapist
18 critical shortage program; establishment.--

19 (1) The occupational therapist or physical therapist
20 critical shortage program is established in the Department of
21 Education for the purpose of attracting capable and promising
22 applicants in the occupational therapy or physical therapy
23 profession to employment in the public schools of this state.
24 The program shall include the Critical Occupational Therapist
25 or Physical Therapist Shortage Student Loan Forgiveness
26 Program, the Critical Occupational Therapist or Physical
27 Therapist Shortage Scholarship Loan Program, and the Critical
28 Occupational Therapist or Physical Therapist Shortage Tuition
29 Reimbursement Program.

30 (2) Funds appropriated by the Legislature for the
31 program shall be deposited in the State Student Financial

1 Assistance Trust Fund. Any balance in the trust fund at the
2 end of any fiscal year that has been allocated to the program
3 shall remain therein and shall be available for carrying out
4 the purposes of this section. Funds contained in the trust
5 fund for the program shall be used for the programs specified
6 in subsection (1) for those licensed therapists and therapy
7 assistants employed by the public schools of this state.

8 (3) The State Board of Education shall annually review
9 the designation of critical shortage areas and shall adopt
10 rules necessary for the implementation of the program.

11 Section 444. Section 1009.632, Florida Statutes, is
12 created to read:

13 1009.632 Critical Occupational Therapist or Physical
14 Therapist Shortage Student Loan Forgiveness Program.--

15 (1) There is established the Critical Occupational
16 Therapist or Physical Therapist Shortage Student Loan
17 Forgiveness Program. The primary function of the program is
18 to make repayments toward loans received by students from
19 institutions for the support of postsecondary study of
20 occupational therapy or physical therapy. Repayments shall be
21 made to qualified applicants who initiate employment in the
22 public schools of this state and who apply during their first
23 year of employment in a public school setting.

24 (2) From the funds available, the Department of
25 Education is authorized to make loan principal repayments as
26 follows:

27 (a) Up to \$2,500 a year for up to 4 years on behalf of
28 selected graduates of accredited undergraduate postsecondary
29 occupational therapist or physical therapist preparation
30 programs.

31

1 (b) Up to \$2,500 a year for up to 2 years on behalf of
2 selected graduates of accredited undergraduate postsecondary
3 occupational therapy or physical therapist assistant
4 preparation programs.

5 (c) Up to \$5,000 a year for up to 2 years on behalf of
6 selected graduates of accredited postbaccalaureate entry level
7 occupational therapist or physical therapist preparation
8 programs.

9 (d) All repayments shall be contingent on continued
10 proof of employment for 3 years as a therapist or therapy
11 assistant by the public schools in this state and shall be
12 made directly to the holder of the loan. The state shall not
13 bear the responsibility for the collection of any interest
14 charges or other remaining balance. In the event that a
15 critical shortage is no longer verified, a therapist or
16 therapy assistant shall continue to be eligible for loan
17 forgiveness as long as the therapist or therapy assistant
18 continues to be employed by the public schools of this state
19 and otherwise meets all conditions of eligibility.

20 (3) Recipients under this program shall not be
21 eligible to participate in the Critical Occupational Therapist
22 or Physical Therapist Shortage Scholarship Loan Program or the
23 Critical Occupational Therapist or Physical Therapist Shortage
24 Tuition Reimbursement Program.

25 (4) This section shall be implemented only to the
26 extent as specifically funded by law.

27 Section 445. Section 1009.633, Florida Statutes, is
28 created to read:

29 1009.633 Critical Occupational Therapist or Physical
30 Therapist Shortage Scholarship Loan Program.--

31

1 (1) There is established the Critical Occupational
2 Therapist or Physical Therapist Shortage Scholarship Loan
3 Program.

4 (2) To be eligible, a candidate shall:

5 (a) Be a full-time student in a therapy assistant
6 program or in the upper division or higher level in an
7 occupational therapist or physical therapist educational
8 program. Occupational therapist and occupational therapy
9 assistant programs must be accredited by the American Medical
10 Association in collaboration with the American Occupational
11 Therapy Association. Physical therapist and physical therapist
12 assistant programs must be accredited by the American Physical
13 Therapy Association.

14 (b) Have declared an intention to be employed by the
15 public schools of this state for 3 years following completion
16 of the requirements. In the event critical shortage areas are
17 changed by the State Board of Education, a student shall
18 continue to be eligible for an award as long as the student
19 continues in the therapist educational program for which the
20 initial award was made and the student otherwise meets all
21 other conditions of eligibility.

22 (c) Meet the general requirements for student
23 eligibility as provided in s. 1009.40, except as otherwise
24 provided in this section.

25 (d) Maintain a grade point average of 2.0 on a 4.0
26 scale for undergraduate college work or a grade point average
27 of 3.0 on a 4.0 scale for graduate college work.

28 (3) A scholarship loan may be awarded for no more than
29 2 years and may not exceed \$4,000 a year.

30 (4) The State Board of Education shall adopt by rule
31 repayment schedules and applicable interest rates under ss.

1 1009.82 and 1009.95. A scholarship loan must be paid back
2 within 10 years of completion of a program of studies.

3 (a) Credit for repayment of a scholarship loan shall
4 be in an amount not to exceed \$2,000 plus applicable accrued
5 interest for each full year of employment by the public
6 schools of this state.

7 (b) Any therapist or therapy assistant who fails to be
8 employed by a public school in this state as specified in this
9 subsection is responsible for repaying the loan plus interest.
10 Repayment schedules and applicable interest rates shall be
11 determined by the rules of the State Board of Education under
12 ss. 1009.82 and 1009.95.

13 (5) Recipients under this program shall not be
14 eligible to participate in the Critical Occupational Therapist
15 or Physical Therapist Shortage Student Loan Forgiveness
16 Program or the Critical Occupational Therapist or Physical
17 Therapist Shortage Tuition Reimbursement Program.

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

20 Section 446. Section 1009.634, Florida Statutes, is
21 created to read:

22 1009.634 Critical Occupational Therapist or Physical
23 Therapist Shortage Tuition Reimbursement Program.--

24 (1) There is established the Critical Occupational
25 Therapist or Physical Therapist Shortage Tuition Reimbursement
26 Program to improve the skills and knowledge of current
27 therapists and therapy assistants who are employed by the
28 public school system.

29 (2) Any full-time public school employee licensed to
30 practice occupational therapy or physical therapy in this
31 state is eligible for the program.

1 (3) Participants may receive tuition reimbursement
2 payments for up to 9 semester hours, or the equivalent in
3 quarter hours, per year, at a rate not to exceed \$78 per
4 semester hour, up to a total of 36 semester hours. All tuition
5 reimbursements shall be contingent on the participant passing
6 an approved course with a minimum grade of 3.0 or its
7 equivalent.

8 (4) The participant shall be employed by the public
9 schools of this state for 3 years following completion of the
10 requirements.

11 (5) Recipients under this program shall not be
12 eligible to participate in the Critical Occupational Therapist
13 or Physical Therapist Shortage Student Loan Forgiveness
14 Program or the Critical Occupational Therapist or Physical
15 Therapist Shortage Scholarship Loan Program.

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

18 Section 447. Section 1009.64, Florida Statutes, is
19 created to read:

20 1009.64 Certified Education Paraprofessional Welfare
21 Transition Program.--

22 (1) There is created the Certified Education
23 Paraprofessional Welfare Transition Program to provide
24 education and employment for recipients of public assistance
25 who are certified to work in schools that, because of the high
26 proportion of economically disadvantaged children enrolled,
27 are at risk of poor performance on traditional measures of
28 achievement. The program is designed to enable such schools
29 to increase the number of adults working with the school
30 children. However, the increase in personnel working at
31 certain schools is intended to supplement and not to supplant

1 the school staff and should not affect current school board
2 employment and staffing policies, including those contained in
3 collective bargaining agreements. The program is intended to
4 be supported by local, state, and federal program funds for
5 which the participants may be eligible. Further, the program
6 is designed to provide its participants not only with
7 entry-level employment but also with a marketable credential,
8 a career option, and encouragement to advance.

9 (2) The Commissioner of Education, the secretary of
10 the Department of Children and Family Services, and the
11 director of the Agency for Workforce Innovation have joint
12 responsibility for planning and conducting the program.

13 (3) The agencies responsible may make recommendations
14 to the State Board of Education and the Legislature if they
15 find that implementation or operation of the program would
16 benefit from the adoption or waiver of state or federal
17 policy, rule, or law, including recommendations regarding
18 program budgeting.

19 (4) The agencies shall complete an implementation plan
20 that addresses at least the following recommended components
21 of the program:

22 (a) A method of selecting participants. The method
23 must not duplicate services provided by those assigned to
24 screen participants of the welfare transition program, but
25 must assure that screening personnel are trained to identify
26 recipients of public assistance whose personal aptitudes and
27 motivation make them most likely to succeed in the program and
28 advance in a career related to the school community.

29 (b) A budget for use of incentive funding to provide
30 motivation to participants to succeed and excel. The budget
31 for incentive funding includes:

1 1. Funds allocated by the Legislature directly for the
2 program.

3 2. Funds that may be made available from the federal
4 Workforce Investment Act based on client eligibility or
5 requested waivers to make the clients eligible.

6 3. Funds made available by implementation strategies
7 that would make maximum use of work supplementation funds
8 authorized by federal law.

9 4. Funds authorized by strategies to lengthen
10 participants' eligibility for federal programs such as
11 Medicaid, subsidized child care, and transportation.

12
13 Incentives may include a stipend during periods of college
14 classroom training, a bonus and recognition for a high
15 grade-point average, child care and prekindergarten services
16 for children of participants, and services to increase a
17 participant's ability to advance to higher levels of
18 employment. Nonfinancial incentives should include providing a
19 mentor or tutor, and service incentives should continue and
20 increase for any participant who plans to complete the
21 baccalaureate degree and become a certified teacher. Services
22 may be provided in accordance with family choice by community
23 colleges and school district technical centers, through family
24 service centers and full-service schools, or under contract
25 with providers through central agencies.

26 (5) The agencies shall select Department of Children
27 and Family Services districts to participate in the program. A
28 district that wishes to participate must demonstrate that a
29 district school board, a community college board of trustees,
30 an economic services program administrator, and a regional
31 workforce board are willing to coordinate to provide the

1 educational program, support services, employment
2 opportunities, and incentives required to fulfill the intent
3 of this section.

4 (6)(a) A community college or school district
5 technical center is eligible to participate if it provides a
6 technical certificate program in Child Development Early
7 Intervention as approved by Workforce Florida, Inc. Priority
8 programs provide an option and incentives to articulate with
9 an associate in science degree program or a baccalaureate
10 degree program.

11 (b) A participating educational agency may earn funds
12 appropriated for performance-based incentive funding for
13 successful outcomes of enrollment and placement of recipients
14 of public assistance who are in the program. In addition, an
15 educational agency is eligible for an incentive award
16 determined by Workforce Florida, Inc., for each recipient of
17 public assistance who successfully completes a program leading
18 to the award of a General Education Development credential.

19 (c) Historically black colleges or universities that
20 have established programs that serve participants in the
21 welfare transition program are eligible to participate in the
22 Performance Based Incentive Funding Program and may earn an
23 incentive award determined by Workforce Florida, Inc., for
24 successful placement of program completers in jobs as
25 education paraprofessionals in at-risk schools.

26 (7)(a) A participating school district shall identify
27 at-risk schools in which the program participants will work
28 during the practicum part of their education. For purposes of
29 this act, an at-risk school is a school with grades K-3 in
30 which 50 percent or more of the students enrolled at the
31 school are eligible for free lunches or reduced-price lunches.

1 Priority schools are schools whose service zones include the
2 participants' own communities.

3 (b) A participating school district may use funds
4 appropriated by the Legislature from Agency for Workforce
5 Innovation regional workforce board allotments to provide at
6 least 6 months of on-the-job training to participants in the
7 Certified Education Paraprofessional Welfare Transition
8 Program. Participating school districts may also use funds
9 provided by grant diversion of funds from the welfare
10 transition program for the participants during the practicum
11 portion of their training to earn the certificate required for
12 their employment.

13 (8) The agencies shall give priority for funding to
14 those programs that provide maximum security for the
15 long-range employment and career opportunities of the program
16 participants. Security is enhanced if employment is provided
17 through a governmental or nongovernmental agency other than
18 the school board, or if the plans assure in another way that
19 the participants will supplement, rather than supplant, the
20 workforce available to the school board. It is the intent of
21 the Legislature that, when a program participant succeeds in
22 becoming a certified education paraprofessional after working
23 successfully in a school during the practicum or on-the-job
24 training supported by the program, the participant shall have
25 the opportunity to continue in full-time employment at the
26 school that provided the training or at another school in the
27 district.

28 Section 448. Section 1009.65, Florida Statutes, is
29 created to read:

30 1009.65 Medical Education Reimbursement and Loan
31 Repayment Program.--

1 (1) To encourage qualified medical professionals to
2 practice in underserved locations where there are shortages of
3 such personnel, there is established the Medical Education
4 Reimbursement and Loan Repayment Program. The function of the
5 program is to make payments that offset loans and educational
6 expenses incurred by students for studies leading to a medical
7 or nursing degree, medical or nursing licensure, or advanced
8 registered nurse practitioner certification or physician
9 assistant licensure. The following licensed or certified
10 health care professionals are eligible to participate in this
11 program: medical doctors with primary care specialties,
12 doctors of osteopathic medicine with primary care specialties,
13 physician's assistants, licensed practical nurses and
14 registered nurses, and advanced registered nurse practitioners
15 with primary care specialties such as certified nurse
16 midwives. Primary care medical specialties for physicians
17 include obstetrics, gynecology, general and family practice,
18 internal medicine, pediatrics, and other specialties which may
19 be identified by the Department of Health.

20 (2) From the funds available, the Department of Health
21 shall make payments to selected medical professionals as
22 follows:

23 (a) Up to \$4,000 per year for licensed practical
24 nurses and registered nurses, up to \$10,000 per year for
25 advanced registered nurse practitioners and physician's
26 assistants, and up to \$20,000 per year for physicians.
27 Penalties for noncompliance shall be the same as those in the
28 National Health Services Corps Loan Repayment Program.
29 Educational expenses include costs for tuition, matriculation,
30 registration, books, laboratory and other fees, other
31

1 educational costs, and reasonable living expenses as
2 determined by the Department of Health.

3 (b) All payments shall be contingent on continued
4 proof of primary care practice in an area defined in s.
5 395.602(2)(e), or an underserved area designated by the
6 Department of Health, provided the practitioner accepts
7 Medicaid reimbursement if eligible for such reimbursement.
8 Correctional facilities, state hospitals, and other state
9 institutions that employ medical personnel shall be designated
10 by the Department of Health as underserved locations.
11 Locations with high incidences of infant mortality, high
12 morbidity, or low Medicaid participation by health care
13 professionals may be designated as underserved.

14 (c) The Department of Health may use funds
15 appropriated for the Medical Education Reimbursement and Loan
16 Repayment Program as matching funds for federal loan repayment
17 programs such as the National Health Service Corps State Loan
18 Repayment Program.

19 (3) The Department of Health may adopt any rules
20 necessary for the administration of the Medical Education
21 Reimbursement and Loan Repayment Program. The department may
22 also solicit technical advice regarding conduct of the program
23 from the Department of Education and Florida universities and
24 community colleges. The Department of Health shall submit a
25 budget request for an amount sufficient to fund medical
26 education reimbursement, loan repayments, and program
27 administration.

28 Section 449. Section 1009.66, Florida Statutes, is
29 created to read:

30 1009.66 Nursing Student Loan Forgiveness Program.--
31

1 (1) To encourage qualified personnel to seek
2 employment in areas of this state in which critical nursing
3 shortages exist, there is established the Nursing Student Loan
4 Forgiveness Program. The primary function of the program is
5 to increase employment and retention of registered nurses and
6 licensed practical nurses in nursing homes and hospitals in
7 the state and in state-operated medical and health care
8 facilities, public schools, birth centers, federally sponsored
9 community health centers, family practice teaching hospitals,
10 and specialty children's hospitals by making repayments toward
11 loans received by students from federal or state programs or
12 commercial lending institutions for the support of
13 postsecondary study in accredited or approved nursing
14 programs.

15 (2) To be eligible, a candidate must have graduated
16 from an accredited or approved nursing program and have
17 received a Florida license as a licensed practical nurse or a
18 registered nurse or a Florida certificate as an advanced
19 registered nurse practitioner.

20 (3) Only loans to pay the costs of tuition, books, and
21 living expenses shall be covered, at an amount not to exceed
22 \$4,000 for each year of education towards the degree obtained.

23 (4) Receipt of funds pursuant to this program shall be
24 contingent upon continued proof of employment in the
25 designated facilities in this state. Loan principal payments
26 shall be made by the Department of Health directly to the
27 federal or state programs or commercial lending institutions
28 holding the loan as follows:

29 (a) Twenty-five percent of the loan principal and
30 accrued interest shall be retired after the first year of
31 nursing;

1 (b) Fifty percent of the loan principal and accrued
2 interest shall be retired after the second year of nursing;

3 (c) Seventy-five percent of the loan principal and
4 accrued interest shall be retired after the third year of
5 nursing; and

6 (d) The remaining loan principal and accrued interest
7 shall be retired after the fourth year of nursing.

8
9 In no case may payment for any nurse exceed \$4,000 in any
10 12-month period.

11 (5) There is created the Nursing Student Loan
12 Forgiveness Trust Fund to be administered by the Department of
13 Health pursuant to this section and s. 1009.67 and department
14 rules. The Comptroller shall authorize expenditures from the
15 trust fund upon receipt of vouchers approved by the Department
16 of Health. All moneys collected from the private health care
17 industry and other private sources for the purposes of this
18 section shall be deposited into the Nursing Student Loan
19 Forgiveness Trust Fund. Any balance in the trust fund at the
20 end of any fiscal year shall remain therein and shall be
21 available for carrying out the purposes of this section and s.
22 1009.67.

23 (6) In addition to licensing fees imposed under part I
24 of chapter 464, there is hereby levied and imposed an
25 additional fee of \$5, which fee shall be paid upon licensure
26 or renewal of nursing licensure. Revenues collected from the
27 fee imposed in this subsection shall be deposited in the
28 Nursing Student Loan Forgiveness Trust Fund of the Department
29 of Health and will be used solely for the purpose of carrying
30 out the provisions of this section and s. 1009.67. Up to 50
31 percent of the revenues appropriated to implement this

1 subsection may be used for the nursing scholarship program
 2 established pursuant to s. 1009.67.

3 (7)(a) Funds contained in the Nursing Student Loan
 4 Forgiveness Trust Fund which are to be used for loan
 5 forgiveness for those nurses employed by hospitals, birth
 6 centers, and nursing homes must be matched on a
 7 dollar-for-dollar basis by contributions from the employing
 8 institutions, except that this provision shall not apply to
 9 state-operated medical and health care facilities, public
 10 schools, county health departments, federally sponsored
 11 community health centers, teaching hospitals as defined in s.
 12 408.07, family practice teaching hospitals as defined in s.
 13 395.805, or specialty hospitals for children as used in s.
 14 409.9119. If in any given fiscal quarter there are
 15 insufficient funds in the trust fund to grant all eligible
 16 applicant requests, awards shall be based on the following
 17 priority of employer: county health departments; federally
 18 sponsored community health centers; state-operated medical and
 19 health care facilities; public schools; teaching hospitals as
 20 defined in s. 408.07; family practice teaching hospitals as
 21 defined in s. 395.805; specialty hospitals for children as
 22 used in s. 409.9119; and other hospitals, birth centers, and
 23 nursing homes.

24 (b) All Nursing Student Loan Forgiveness Trust Fund
 25 moneys shall be invested pursuant to s. 18.125. Interest
 26 income accruing to that portion of the trust fund not matched
 27 shall increase the total funds available for loan forgiveness
 28 and scholarships. Pledged contributions shall not be eligible
 29 for matching prior to the actual collection of the total
 30 private contribution for the year.

31

1 (8) The Department of Health may solicit technical
2 assistance relating to the conduct of this program from the
3 Department of Education.

4 (9) The Department of Health is authorized to recover
5 from the Nursing Student Loan Forgiveness Trust Fund its costs
6 for administering the Nursing Student Loan Forgiveness
7 Program.

8 (10) The Department of Health may adopt rules
9 necessary to administer this program.

10 (11) This section shall be implemented only as
11 specifically funded.

12 Section 450. Section 1009.67, Florida Statutes, is
13 created to read:

14 1009.67 Nursing scholarship program.--

15 (1) There is established within the Department of
16 Health a scholarship program for the purpose of attracting
17 capable and promising students to the nursing profession.

18 (2) A scholarship applicant shall be enrolled as a
19 full-time or part-time student in the upper division of an
20 approved nursing program leading to the award of a
21 baccalaureate degree or graduate degree to qualify for a
22 nursing faculty position or as an advanced registered nurse
23 practitioner or be enrolled as a full-time or part-time
24 student in an approved program leading to the award of an
25 associate degree in nursing.

26 (3) A scholarship may be awarded for no more than 2
27 years, in an amount not to exceed \$8,000 per year. However,
28 registered nurses pursuing a graduate degree for a faculty
29 position or to practice as an advanced registered nurse
30 practitioner may receive up to \$12,000 per year. Beginning
31 July 1, 1998, these amounts shall be adjusted by the amount of

1 increase or decrease in the consumer price index for urban
2 consumers published by the United States Department of
3 Commerce.

4 (4) Credit for repayment of a scholarship shall be as
5 follows:

6 (a) For each full year of scholarship assistance, the
7 recipient agrees to work for 12 months in a faculty position
8 in a college of nursing or community college nursing program
9 in this state or at a health care facility in a medically
10 underserved area as approved by the Department of Health.
11 Scholarship recipients who attend school on a part-time basis
12 shall have their employment service obligation prorated in
13 proportion to the amount of scholarship payments received.

14 (b) Eligible health care facilities include nursing
15 homes and hospitals in this state, state-operated medical or
16 health care facilities, public schools, county health
17 departments, federally sponsored community health centers,
18 colleges of nursing in universities in this state, and
19 community college nursing programs in this state, family
20 practice teaching hospitals as defined in s. 395.805, or
21 specialty children's hospitals as described in s. 409.9119.
22 The recipient shall be encouraged to complete the service
23 obligation at a single employment site. If continuous
24 employment at the same site is not feasible, the recipient may
25 apply to the department for a transfer to another approved
26 health care facility.

27 (c) Any recipient who does not complete an appropriate
28 program of studies or who does not become licensed shall repay
29 to the Department of Health, on a schedule to be determined by
30 the department, the entire amount of the scholarship plus 18
31 percent interest accruing from the date of the scholarship

1 payment. Moneys repaid shall be deposited into the Nursing
2 Student Loan Forgiveness Trust Fund established in s. 1009.66.
3 However, the department may provide additional time for
4 repayment if the department finds that circumstances beyond
5 the control of the recipient caused or contributed to the
6 default.

7 (d) Any recipient who does not accept employment as a
8 nurse at an approved health care facility or who does not
9 complete 12 months of approved employment for each year of
10 scholarship assistance received shall repay to the Department
11 of Health an amount equal to two times the entire amount of
12 the scholarship plus interest accruing from the date of the
13 scholarship payment at the maximum allowable interest rate
14 permitted by law. Repayment shall be made within 1 year of
15 notice that the recipient is considered to be in default.
16 However, the department may provide additional time for
17 repayment if the department finds that circumstances beyond
18 the control of the recipient caused or contributed to the
19 default.

20 (5) Scholarship payments shall be transmitted to the
21 recipient upon receipt of documentation that the recipient is
22 enrolled in an approved nursing program. The Department of
23 Health shall develop a formula to prorate payments to
24 scholarship recipients so as not to exceed the maximum amount
25 per academic year.

26 (6) The Department of Health shall adopt rules,
27 including rules to address extraordinary circumstances that
28 may cause a recipient to default on either the school
29 enrollment or employment contractual agreement, to implement
30 this section and may solicit technical assistance relating to
31 the conduct of this program from the Department of Health.

1 (7) The Department of Health may recover from the
2 Nursing Student Loan Forgiveness Trust Fund its costs for
3 administering the nursing scholarship program.

4 Section 451. Section 1009.68, Florida Statutes, is
5 created to read:

6 1009.68 Florida Minority Medical Education Program.--

7 (1) There is created a Florida Minority Medical
8 Education Program to be administered by the Department of
9 Education in accordance with rules established by the State
10 Board of Education. The program shall provide scholarships to
11 enable minority students to pursue a medical education at the
12 University of Florida, the University of South Florida,
13 Florida State University, the University of Miami, or
14 Southeastern University of the Health Sciences, for the
15 purpose of addressing the primary health care needs of
16 underserved groups.

17 (2) In order to be eligible to receive a scholarship
18 pursuant to this section, an applicant shall:

19 (a) Be a racial or ethnic minority student.

20 (b) Be a citizen of the United States and meet the
21 general eligibility requirements as provided in s. 1009.40,
22 except as otherwise provided in this section.

23 (c) Have maintained residency in this state for no
24 less than 1 year preceding the award.

25 (d) Be accepted by, and enroll as a full-time student
26 in, a Florida medical school.

27 (e) Have an undergraduate grade point average
28 established by rule.

29 (f) Have received scores on selected examinations
30 established by rule.

31

1 (g) Meet financial need requirements established by
2 rule.

3 (h) Agree to serve in a medical corps for a period of
4 not less than 2 years for the purpose of providing health care
5 to underserved individuals in the State of Florida.

6 (3) In order to renew a scholarship awarded pursuant
7 to this section, a student shall maintain full-time student
8 status and a cumulative grade point average established by
9 rule.

10 (4) The number of scholarships annually awarded shall
11 be three per school. Priority in the distribution of
12 scholarships shall be given to students with the lowest total
13 family resources.

14 (5) Funds appropriated by the Legislature for the
15 program shall be deposited in the State Student Financial
16 Assistance Trust Fund. Interest income accruing to the program
17 from funds of the program in the trust fund not allocated
18 shall increase the funds available for scholarships. Any
19 balance in the trust fund at the end of any fiscal year that
20 has been allocated to the program shall remain in the trust
21 fund and shall be available for carrying out the purposes of
22 this section.

23 (6) A scholarship recipient who, upon graduation,
24 defaults on the commitment to serve in the medical corps for
25 the full 2 years shall be required to repay all scholarship
26 money plus interest.

27 (7) The State Board of Education shall adopt rules
28 necessary to implement the provisions of this section.

29 Section 452. Section 1009.69, Florida Statutes, is
30 created to read:

31 1009.69 Virgil Hawkins Fellows Assistance Program.--

1 (1) The Virgil Hawkins Fellows Assistance Program
2 shall provide financial assistance for study in law to
3 minority students in the colleges of law at the Florida State
4 University, the University of Florida, the Florida
5 Agricultural and Mechanical University, and the Florida
6 International University. For the purposes of this section, a
7 minority student qualified to receive assistance from the
8 Virgil Hawkins Fellows Assistance Program shall be identified
9 pursuant to policies adopted by the State Board of Education.

10 (2) Each student who is awarded a fellowship shall be
11 entitled to receive an award under this act for each academic
12 term that the student is in good standing as approved by the
13 law school pursuant to guidelines of the State Board of
14 Education.

15 (3) If a fellowship vacancy occurs, that slot shall be
16 reassigned and funded as a continuing fellowship for the
17 remainder of the period for which the award was originally
18 designated.

19 (4) The State Board of Education shall adopt policies,
20 and the Department of Education shall administer the Virgil
21 Hawkins Fellows Assistance Program.

22 Section 453. Section 1009.70, Florida Statutes, is
23 created to read:

24 1009.70 Florida Education Fund.--

25 (1) This section shall be known and may be cited as
26 the "Florida Education Fund Act."

27 (2)(a) The Florida Education Fund, a not-for-profit
28 statutory corporation, is created from a challenge endowment
29 grant from the McKnight Foundation and operates on income
30 derived from the investment of endowment gifts and other gifts
31

1 as provided by state statute and appropriate matching funds as
2 provided by the state.

3 (b) The amount appropriated to the fund shall be on
4 the basis of \$1 for each \$2 contributed by private sources.
5 The Florida Education Fund shall certify to the Legislature
6 the amount of donations contributed between July 1, 1990, and
7 June 30, 1991. Only the new donations above the certified base
8 shall be calculated for state matching funds during the first
9 year of the program. In subsequent years, only the new
10 donations above the certified prior year base shall be
11 calculated for state matching funds.

12 (3) The Florida Education Fund shall use the income of
13 the fund to provide for programs which seek to:

14 (a) Enhance the quality of higher educational
15 opportunity in this state;

16 (b) Enhance equality by providing access to effective
17 higher education programs by minority and economically
18 deprived individuals in this state, with particular
19 consideration to be given to the needs of both blacks and
20 women; and

21 (c) Increase the representation of minorities in
22 faculty and administrative positions in higher education in
23 this state and to provide more highly educated minority
24 leadership in business and professional enterprises in this
25 state.

26 (4) The Florida Education Fund shall be administered
27 by a board of directors, which is hereby established.

28 (a) The board of directors shall consist of 12
29 members, to be appointed as follows:

30 1. Two laypersons appointed by the Governor;
31

1 2. Two laypersons appointed by the President of the
2 Senate;

3 3. Two laypersons appointed by the Speaker of the
4 House of Representatives; and

5 4. Two representatives of state universities, two
6 representatives of public community colleges, and two
7 representatives of independent colleges or universities
8 appointed by the State Board of Education.

9
10 The board of directors may appoint to the board an additional
11 five members from the private sector for the purpose of
12 assisting in the procurement of private contributions. Such
13 members shall serve as voting members of the board.

14 (b) Each of the educational sectors in paragraph (a)
15 shall be represented by a president and a faculty member of
16 the corresponding institutions.

17 (c) Each director shall hold office for a term of 3
18 years or until resignation or removal for cause. A director
19 may resign at any time by filing his or her written
20 resignation with the executive secretary for the board. The
21 terms of the directors shall be staggered so that the terms of
22 one-third of the directors will expire annually.

23 (d) In the event of a vacancy on the board caused by
24 other than the expiration of a term, a new member shall be
25 appointed by the appointing entity in the sector of which the
26 vacancy occurs.

27 (e) Each member is accountable to the Governor for the
28 proper performance of the duties of his or her office. The
29 Governor shall cause any complaint or unfavorable report
30 received concerning an action of the board or any of its
31 members to be investigated and shall take appropriate action

1 thereon. The Governor may remove any member from office for
2 malfeasance, misfeasance, neglect of duty, incompetence, or
3 permanent inability to perform his or her official duties or
4 for pleading nolo contendere to, or being found guilty of, a
5 crime.

6 (5) The Board of Directors of the Florida Education
7 Fund shall review and evaluate initial programs created by the
8 McKnight Foundation and continue funding the Black Doctorate
9 Fellowship Program and the Junior Fellowship Program if the
10 evaluation is positive, and the board shall identify,
11 initiate, and fund new and creative programs and monitor,
12 review, and evaluate those programs. The purpose of this
13 commitment is to broaden the participation and funding
14 potential for further significant support of higher education
15 in this state. In addition, the board shall:

16 (a) Hold such meetings as are necessary to implement
17 the provisions of this section.

18 (b) Select a chairperson annually.

19 (c) Adopt and use an official seal in the
20 authentication of its acts.

21 (d) Make rules for its own government.

22 (e) Administer this section.

23 (f) Appoint an executive director to serve at its
24 pleasure and perform all duties assigned by the board. The
25 executive director shall be the chief administrative officer
26 and agent of the board.

27 (g) Maintain a record of its proceedings.

28 (h) Delegate to the chairperson of the board the
29 responsibility for signing final orders.

30
31

1 (i) Utilize existing higher education organizations,
2 associations, and agencies to carry out its educational
3 programs and purposes with minimal staff employment.

4 (j) Be empowered to enter into contracts with the
5 Federal Government, state agencies, or individuals.

6 (k) Receive bequests, gifts, grants, donations, and
7 other valued goods and services. Such bequests and gifts
8 shall be used only for the purpose or purposes stated by the
9 donor.

10 (6) The board of directors is authorized to establish
11 a trust fund from the proceeds of the Florida Education Fund.
12 All funds deposited into the trust fund shall be invested
13 pursuant to the provisions of s. 215.47. Interest income
14 accruing to the unused portion of the trust fund shall
15 increase the total funds available for endowments. The
16 Department of Education may, at the request of the board of
17 directors, administer the fund for investment purposes.

18 (7) It is the intent of the Legislature that the Board
19 of Directors of the Florida Education Fund recruit eligible
20 residents of the state before it extends its search to
21 eligible nonresidents. However, for the purposes of subsection
22 (8), the board of directors shall recruit eligible residents
23 only. It is further the intent of the Legislature that the
24 board of directors establish service terms, if any, that
25 accompany the award of moneys from the fund.

26 (8) There is created a legal education component of
27 the Florida Education Fund to provide the opportunity for
28 minorities to attain representation within the legal
29 profession proportionate to their representation within the
30 general population. The legal education component of the
31

1 Florida Education Fund includes a law school program and a
2 pre-law program.

3 (a) The law school scholarship program of the Florida
4 Education Fund is to be administered by the Board of Directors
5 of the Florida Education Fund for the purpose of increasing by
6 200 the number of minority students enrolled in law schools in
7 this state. Implementation of this program is to be phased in
8 over a 3-year period.

9 1. The board of directors shall provide financial,
10 academic, and other support to students selected for
11 participation in this program from funds appropriated by the
12 Legislature.

13 2. Student selection must be made in accordance with
14 rules adopted by the board of directors for that purpose and
15 must be based, at least in part, on an assessment of potential
16 for success, merit, and financial need.

17 3. Support must be made available to students who
18 enroll in private, as well as public, law schools in this
19 state which are accredited by the American Bar Association.

20 4. Scholarships must be paid directly to the
21 participating students.

22 5. Students who participate in this program must agree
23 in writing to sit for The Florida Bar examination and, upon
24 successful admission to The Florida Bar, to either practice
25 law in the state for a period of time equal to the amount of
26 time for which the student received aid, up to 3 years, or
27 repay the amount of aid received.

28 6. Annually the board of directors shall compile a
29 report that includes a description of the selection process,
30 an analysis of the academic progress of all scholarship
31 recipients, and an analysis of expenditures. This report must

1 be submitted to the President of the Senate, the Speaker of
2 the House of Representatives, and the Governor.

3 (b) The minority pre-law scholarship loan program of
4 the Florida Education Fund is to be administered by the Board
5 of Directors of the Florida Education Fund for the purpose of
6 increasing the opportunity of minority students to prepare for
7 law school.

8 1. From funds appropriated by the Legislature, the
9 board of directors shall provide for student fees, room,
10 board, books, supplies, and academic and other support to
11 selected minority undergraduate students matriculating at
12 eligible public and independent colleges and universities in
13 Florida.

14 2. Student selection must be made in accordance with
15 rules adopted by the board of directors for that purpose and
16 must be based, at least in part, on an assessment of potential
17 for success, merit, and financial need.

18 3. To be eligible, a student must make a written
19 agreement to enter or be accepted to enter a law school in
20 this state within 2 years after graduation or repay the
21 scholarship loan amount plus interest at the prevailing rate.

22 4. Recipients who fail to gain admission to a law
23 school within the specified period of time, may, upon
24 admission to law school, be eligible to have their loans
25 canceled.

26 5. Minority pre-law scholarship loans shall be
27 provided to 34 minority students per year for up to 4 years
28 each, for a total of 136 scholarship loans. To continue
29 receipt of scholarship loans, recipients must maintain a 2.75
30 grade point average for the freshman year and a 3.25 grade
31 point average thereafter. Participants must also take

1 specialized courses to enhance competencies in English and
2 logic.

3 6. The board of directors shall maintain records on
4 all scholarship loan recipients. Participating institutions
5 shall submit academic progress reports to the board of
6 directors following each academic term. Annually, the board
7 of directors shall compile a report that includes a
8 description of the selection process, an analysis of the
9 academic progress of all scholarship loan recipients, and an
10 analysis of expenditures. This report must be submitted to
11 the President of the Senate, the Speaker of the House of
12 Representatives, and the Governor.

13 Section 454. Section 1009.72, Florida Statutes, is
14 created to read:

15 1009.72 Jose Marti Scholarship Challenge Grant
16 Program.--

17 (1) There is hereby established a Jose Marti
18 Scholarship Challenge Grant Program to be administered by the
19 Department of Education pursuant to this section and rules of
20 the State Board of Education. The program shall provide
21 matching grants for private sources that raise money for
22 scholarships to be awarded to Hispanic-American students.

23 (2) Funds appropriated by the Legislature for the
24 program shall be deposited in the State Student Financial
25 Assistance Trust Fund. The Comptroller shall authorize
26 expenditures from the trust fund upon receipt of vouchers
27 approved by the Department of Education. All moneys collected
28 from private sources for the purposes of this section shall be
29 deposited into the trust fund. Any balance in the trust fund
30 at the end of any fiscal year that has been allocated to the
31

1 program shall remain therein and shall be available for
2 carrying out the purposes of the program.

3 (3) The Legislature shall designate funds to be
4 transferred to the trust fund for the program from the General
5 Revenue Fund. Such funds shall be divided into challenge
6 grants to be administered by the Department of Education. All
7 appropriated funds deposited into the trust fund for the
8 program shall be invested pursuant to the provisions of s.
9 18.125. Interest income accruing to that portion of the funds
10 that are allocated to the program in the trust fund and not
11 matched shall increase the total funds available for the
12 program.

13 (4) The amount appropriated to the trust fund for the
14 program shall be allocated by the department on the basis of
15 one \$5,000 challenge grant for each \$2,500 raised from private
16 sources. Matching funds shall be generated through
17 contributions made after July 1, 1986, and pledged for the
18 purposes of this section. Pledged contributions shall not be
19 eligible for matching prior to the actual collection of the
20 total funds.

21 (5)(a) In order to be eligible to receive a
22 scholarship pursuant to this section, an applicant shall:

23 1. Be a Hispanic-American, or a person of Spanish
24 culture with origins in Mexico, South America, Central
25 America, or the Caribbean, regardless of race.

26 2. Be a citizen of the United States and meet the
27 general requirements for student eligibility as provided in s.
28 1009.40, except as otherwise provided in this section.

29 3. Be accepted at a state university or community
30 college or any Florida college or university that is
31 accredited by an association whose standards are comparable to

1 the minimum standards required to operate a postsecondary
2 education institution at that level in Florida.

3 4. Enroll as a full-time undergraduate or graduate
4 student.

5 5. Earn a 3.0 unweighted grade point average on a 4.0
6 scale, or the equivalent for high school subjects creditable
7 toward a diploma. If an applicant applies as a graduate
8 student, he or she shall have earned a 3.0 cumulative grade
9 point average for undergraduate college-level courses.

10 (b) In order to renew a scholarship awarded pursuant
11 to this section, a student must:

12 1. Earn a grade point average of at least 3.0 on a 4.0
13 scale for the previous term, maintain at least a 3.0 average
14 for college work, or have an average below 3.0 only for the
15 previous term and be eligible for continued enrollment at the
16 institution.

17 2. Maintain full-time enrollment.

18 (6) The annual scholarship to each recipient shall be
19 \$2,000. Priority in the distribution of scholarships shall be
20 given to students with the lowest total family resources.
21 Renewal scholarships shall take precedence over new awards in
22 any year in which funds are not sufficient to meet the total
23 need. No undergraduate student shall receive an award for
24 more than the equivalent of 8 semesters or 12 quarters over a
25 period of no more than 6 consecutive years, except as
26 otherwise provided in s. 1009.40(3). No graduate student
27 shall receive an award for more than the equivalent of 4
28 semesters or 6 quarters.

29 (7) The criteria and procedure for establishing
30 standards of eligibility shall be determined by the
31 department. The department is directed to establish a rating

1 system upon which to base the approval of grants. Such system
2 shall include a certification of acceptability by the
3 postsecondary institution of the applicant's choice.

4 (8) Payment of scholarships shall be transmitted to
5 the president of the postsecondary institution that the
6 recipient is attending or to the president's designee. Should
7 a recipient terminate his or her enrollment during the
8 academic year, the president or his or her designee shall
9 refund the unused portion of the scholarship to the department
10 within 60 days. In the event that a recipient transfers from
11 one eligible institution to another, his or her scholarship
12 shall be transferable upon approval of the department.

13 (9) This section shall be implemented to the extent
14 funded and authorized by law.

15 Section 455. Section 1009.73, Florida Statutes, is
16 created to read:

17 1009.73 Mary McLeod Bethune Scholarship Program.--

18 (1) There is established the Mary McLeod Bethune
19 Scholarship Program to be administered by the Department of
20 Education pursuant to this section and rules of the State
21 Board of Education. The program shall provide matching grants
22 for private sources that raise money for scholarships to be
23 awarded to students who attend Florida Agricultural and
24 Mechanical University, Bethune-Cookman College, Edward Waters
25 College, or Florida Memorial College.

26 (2) Funds appropriated by the Legislature for the
27 program shall be deposited in the State Student Financial
28 Assistance Trust Fund. The Comptroller shall authorize
29 expenditures from the trust fund upon receipt of vouchers
30 approved by the Department of Education. The Department of
31 Education shall receive all moneys collected from private

1 sources for the purposes of this section and shall deposit
 2 such moneys into the trust fund. Notwithstanding the
 3 provisions of s. 216.301 and pursuant to s. 216.351, any
 4 balance in the trust fund at the end of any fiscal year that
 5 has been allocated to the program shall remain in the trust
 6 fund and shall be available for carrying out the purposes of
 7 the program.

8 (3) The Legislature shall appropriate moneys to the
 9 trust fund for the program from the General Revenue Fund. Such
 10 moneys shall be applied to scholarships to be administered by
 11 the Department of Education. All moneys deposited into the
 12 trust fund for the program shall be invested pursuant to the
 13 provisions of s. 18.125. Interest income accruing to the
 14 program shall be expended to increase the total moneys
 15 available for scholarships.

16 (4) The moneys in the trust fund for the program shall
 17 be allocated by the department among the institutions of
 18 higher education listed in subsection (1) on the basis of one
 19 \$2,000 challenge grant for each \$1,000 raised from private
 20 sources. Matching funds shall be generated through
 21 contributions made after July 1, 1990, and pledged for the
 22 purposes of this section. Pledged contributions shall not be
 23 eligible for matching prior to the actual collection of the
 24 total funds. The department shall allocate to each of those
 25 institutions a proportionate share of the contributions
 26 received on behalf of those institutions and a share of the
 27 appropriations and matching funds generated by such
 28 institution.

29 (5)(a) In order to be eligible to receive a
 30 scholarship pursuant to this section, an applicant must:
 31

1 1. Meet the general eligibility requirements set forth
2 in s. 1009.40.

3 2. Be accepted at Florida Agricultural and Mechanical
4 University, Bethune-Cookman College, Edward Waters College, or
5 Florida Memorial College.

6 3. Enroll as a full-time undergraduate student.

7 4. Earn a 3.0 grade point average on a 4.0 scale, or
8 the equivalent, for high school subjects creditable toward a
9 diploma.

10 (b) In order to renew a scholarship awarded pursuant
11 to this section, a student must earn a minimum cumulative
12 grade point average of 3.0 on a 4.0 scale and complete 12
13 credits each term for which the student received the
14 scholarship.

15 (6) The amount of the scholarship to be granted to
16 each recipient is \$3,000 annually. Priority in the awarding
17 of scholarships shall be given to students having financial
18 need as determined by the institution. If funds are
19 insufficient to provide the full amount of the scholarship
20 authorized in this section to each eligible applicant, the
21 institution may prorate available funds and make a partial
22 award to each eligible applicant. A student may not receive an
23 award for more than the equivalent of 8 semesters or 12
24 quarters over a period of 6 consecutive years, except that a
25 student who is participating in college-preparatory
26 instruction or who requires additional time to complete the
27 college-level communication and computation skills testing
28 program may continue to receive a scholarship while enrolled
29 for the purpose of receiving college-preparatory instruction
30 or while completing the testing program.

31

1 (7) The criteria and procedure for establishing
2 standards of eligibility shall be determined by the
3 department. The department shall establish a rating system
4 upon which the institutions shall award the scholarships. The
5 system must require a certification of eligibility issued by
6 the postsecondary institution selected by the applicant.

7 (8) Scholarship moneys shall be transmitted to the
8 president or the president's designee of the postsecondary
9 institution that the recipient is attending. The president or
10 his or her designee shall submit a report annually to the
11 Department of Education on the scholarships. If a recipient
12 terminates his or her enrollment during the academic year, the
13 president or his or her designee shall refund the unused
14 portion of the scholarship to the department within 60 days.
15 If a recipient transfers from one of the institutions listed
16 in subsection (1) to another of those institutions, the
17 recipient's scholarship is transferable upon approval of the
18 department.

19 (9) This section shall be implemented in any academic
20 year to the extent funded and authorized by law.

21 (10) The State Board of Education may adopt any rules
22 necessary to implement the provisions of this section.

23 Section 456. Section 1009.74, Florida Statutes, is
24 created to read:

25 1009.74 The Theodore R. and Vivian M. Johnson
26 Scholarship Program.--

27 (1) There is established the Theodore R. and Vivian M.
28 Johnson Scholarship Program to be administered by the
29 Department of Education. The program shall provide
30 scholarships to students attending a state university. The
31 program shall be funded by contributions from the Theodore R.

1 and Vivian M. Johnson Scholarship Foundation and from state
2 matching funds to be allocated from the Trust Fund for Major
3 Gifts.

4 (2) The amount to be allocated to the program shall be
5 on the basis of a 50-percent match of funds from the Trust
6 Fund for Major Gifts for each contribution received from the
7 Theodore R. and Vivian M. Johnson Scholarship Foundation. The
8 funds allocated to the program, including the corpus and
9 interest income, shall be expended for scholarships to benefit
10 disabled students attending a state university.

11 (3) Students eligible for receipt of scholarship funds
12 shall provide documentation of a disability and shall have a
13 demonstrated financial need for the funds.

14 Section 457. Section 1009.76, Florida Statutes, is
15 created to read:

16 1009.76 Ethics in Business Scholarship Program for
17 state universities.--The Ethics in Business Scholarship
18 Program for state universities is hereby created, to be
19 administered by the Department of Education. Moneys
20 appropriated and allocated to university foundations for
21 purposes of the program shall be used to create endowments for
22 the purpose of providing scholarships to undergraduate college
23 students enrolled in state institutions of higher learning who
24 register for one or more credit hours in courses in business
25 ethics and who have demonstrated a commitment to serving the
26 interests of their community. First priority for awarding such
27 scholarships shall be given to students who demonstrate
28 financial need.

29 Section 458. Section 1009.765, Florida Statutes, is
30 created to read:

31

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 459. 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

1 distribution of funds between students at public and
2 independent colleges and universities.

3 (8) Funds appropriated by the Legislature for the
4 Florida Work Experience Program shall be deposited in the
5 State Student Financial Assistance Trust Fund. The Comptroller
6 shall authorize expenditures from the trust fund upon receipt
7 of vouchers approved by the Department of Education. Any
8 balance therein at the end of any fiscal year that has been
9 allocated to the program shall remain therein and shall be
10 available for carrying out the purposes of the program.

11 Section 460. Section 1009.78, Florida Statutes, is
12 created to read:

13 1009.78 Student Loan Program.--There is hereby created
14 a Student Loan Program, referred to in ss. 1009.78-1009.88 as
15 the program.

16 Section 461. Section 1009.79, Florida Statutes, is
17 created to read:

18 1009.79 Issuance of revenue bonds pursuant to s. 15,
19 Art. VII, State Constitution.--

20 (1) The issuance of revenue bonds to finance the
21 establishment of the program, to be payable primarily from
22 payments of interest, principal, and handling charges to the
23 program from the recipients of the loans, and with the other
24 revenues authorized hereby being pledged as additional
25 security, is hereby authorized, subject and pursuant to the
26 provisions of s. 15, Art. VII, State Constitution; the State
27 Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

28 (2) The amount of such revenue bonds to be issued
29 shall be determined by the Division of Bond Finance of the
30 State Board of Administration. However, the total principal
31

1 amount outstanding shall not exceed \$80 million, other than
2 refunding bonds issued pursuant to s. 215.79.

3 Section 462. Section 1009.80, Florida Statutes, is
4 created to read:

5 1009.80 Approval of loans; administration of
6 program.--

7 (1) The loans to be made with the proceeds of the
8 program shall be determined and approved by the Department of
9 Education, pursuant to rules promulgated by the State Board of
10 Education. The program shall be administered by the
11 Department of Education as provided by law and the proceeds
12 thereof shall be maintained and secured in the same manner as
13 other public trust funds.

14 (2) The Department of Education may contract for the
15 purchase of federally insured student loans to be made by
16 other eligible lenders under the guaranteed student loan
17 program; however, any such loans must comply with all
18 applicable requirements of s. 15, Art. VII of the State
19 Constitution, ss. 1009.78-1009.88, the rules of the State
20 Board of Education relating to the guaranteed student loan
21 program, and the proceedings authorizing the student loan
22 revenue bonds, and the loans so purchased shall have been made
23 during the period specified in the contract.

24 (3) The Department of Education may sell loan notes
25 acquired pursuant to ss. 1009.78-1009.88 to the federally
26 created Student Loan Marketing Association or another
27 federally authorized holder of such notes. The department may
28 also repurchase loan notes from authorized holders of such
29 notes. The department shall comply with applicable federal
30 law and regulations and the provisions of any agreement with

31

1 the Student Loan Marketing Association or the other authorized
2 holders.

3 Section 463. Section 1009.81, Florida Statutes, is
4 created to read:

5 1009.81 Loan agreements.--The Department of Education
6 may enter into loan agreements between the department and the
7 recipients of loans from the program for such periods and
8 under such other terms and conditions as may be prescribed by
9 the applicable rules and regulations and mutually agreed upon
10 by the parties thereto in order to carry out the purposes of
11 s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

12 Section 464. Section 1009.82, Florida Statutes, is
13 created to read:

14 1009.82 Terms of loans.--The term of all authorized
15 loans shall be fixed by rules adopted by the state board and
16 the loan agreements to be entered into with the student
17 borrowers.

18 Section 465. Section 1009.83, Florida Statutes, is
19 created to read:

20 1009.83 Rate of interest and other charges.--The
21 Department of Education shall from time to time fix the
22 interest and other charges to be paid for any student loan, at
23 rates sufficient to pay the interest on revenue bonds issued
24 pursuant to ss. 1009.78-1009.88, plus any costs incident to
25 issuance, sale, security, and retirement thereof, including
26 administrative expenses.

27 Section 466. Section 1009.84, Florida Statutes, is
28 created to read:

29 1009.84 Procurement of insurance as security for
30 loans.--The Department of Education may contract with any
31 insurance company or companies licensed to do business in the

1 state for insurance payable in the event of the death or total
2 disability of any student borrower in an amount sufficient to
3 retire the principal and interest owed under a loan made as
4 provided in ss. 1009.78-1009.88. The cost of any insurance
5 purchased under this section shall be paid by the student
6 borrower as a part of the handling charges for the loan or as
7 a separate item to be paid in connection with the loan.

8 Section 467. Section 1009.85, Florida Statutes, is
9 created to read:

10 1009.85 Participation in guaranteed student loan
11 program.--The State Board of Education shall adopt rules
12 necessary for participation in the guaranteed student loan
13 program, as provided by the Higher Education Act of 1965 (20
14 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The
15 intent of this act is to authorize student loans when this
16 state, through the Department of Education, has become an
17 eligible lender under the provisions of the applicable federal
18 laws providing for the guarantee of loans to students and the
19 partial payment of interest on such loans by the United States
20 Government.

21 Section 468. Section 1009.86, Florida Statutes, is
22 created to read:

23 1009.86 Student Loan Operating Trust Fund.--
24 (1) The Student Loan Operating Trust Fund is hereby
25 created, to be administered by the Department of Education.
26 Funds shall be credited to the trust fund pursuant to the
27 Higher Education Act of 1965, as amended, from loan processing
28 and issuance fees, administrative cost allowances, account
29 maintenance fees, default aversion fees, amounts remaining
30 from collection of defaulted loans, amounts borrowed from the
31 Student Loan Guaranty Reserve Fund, and other amounts

1 specified in federal regulation. The purpose of the trust fund
2 is to segregate funds used for administration of the
3 guaranteed student loan program from the reserve funds used to
4 guarantee student loans contained in the Student Loan Guaranty
5 Reserve Fund. The fund is exempt from the service charges
6 imposed by s. 215.20.

7 (2) Notwithstanding the provisions of s. 216.301 and
8 pursuant to s. 216.351, any balance in the trust fund at the
9 end of any fiscal year shall remain in the trust fund at the
10 end of the year and shall be available for carrying out the
11 purposes of the trust fund.

12 (3) Pursuant to the provisions of s. 19(f)(2), Art.
13 III of the State Constitution, the trust fund shall, unless
14 terminated sooner, be terminated on July 1, 2003. However,
15 prior to its scheduled termination, the trust fund shall be
16 reviewed as provided in s. 215.3206(1) and (2).

17 Section 469. Section 1009.87, Florida Statutes, is
18 created to read:

19 1009.87 Provisions of ss. 1009.78-1009.88
20 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in
21 addition to the other provisions of this chapter and shall not
22 be construed to be in derogation thereof, except as otherwise
23 expressly provided hereby.

24 Section 470. Section 1009.88, Florida Statutes, is
25 created to read:

26 1009.88 Validation of bonds.--Revenue bonds issued
27 pursuant to ss. 1009.78-1009.88 shall be validated in the
28 manner provided by chapter 75. In actions to validate such
29 revenue bonds, the complaint shall be filed in the circuit
30 court of the county where the seat of state government is
31 situated, the notice required by s. 75.06 to be published

1 shall be published only in the county where the complaint is
2 filed, and the complaint and order of the circuit court shall
3 be served only on the attorney of the circuit in which the
4 action is pending.

5 Section 471. Section 1009.89, Florida Statutes, is
6 created to read:

7 1009.89 The William L. Boyd, IV, Florida resident
8 access grants.--

9 (1) The Legislature finds and declares that
10 independent nonprofit colleges and universities eligible to
11 participate in the William L. Boyd, IV, Florida Resident
12 Access Grant Program are an integral part of the higher
13 education system in this state and that a significant number
14 of state residents choose this form of higher education. The
15 Legislature further finds that a strong and viable system of
16 independent nonprofit colleges and universities reduces the
17 tax burden on the citizens of the state. Because the William
18 L. Boyd, IV, Florida Resident Access Grant Program is not
19 related to a student's financial need or other criteria upon
20 which financial aid programs are based, it is the intent of
21 the Legislature that the William L. Boyd, IV, Florida Resident
22 Access Grant Program not be considered a financial aid program
23 but rather a tuition assistance program for its citizens.

24 (2) The William L. Boyd, IV, Florida Resident Access
25 Grant Program shall be administered by the Department of
26 Education. The State Board of Education shall adopt rules for
27 the administration of the program.

28 (3) The department shall issue through the program a
29 William L. Boyd, IV, Florida resident access grant to any
30 full-time degree-seeking undergraduate student registered at
31 an independent nonprofit college or university which is

1 located in and chartered by the state; which is accredited by
 2 the Commission on Colleges of the Southern Association of
 3 Colleges and Schools; which grants baccalaureate degrees;
 4 which is not a state university or state community college;
 5 and which has a secular purpose, so long as the receipt of
 6 state aid by students at the institution would not have the
 7 primary effect of advancing or impeding religion or result in
 8 an excessive entanglement between the state and any religious
 9 sect. Any independent college or university that was eligible
 10 to receive tuition vouchers on January 1, 1989, and which
 11 continues to meet the criteria under which its eligibility was
 12 established, shall remain eligible to receive William L. Boyd,
 13 IV, Florida resident access grant payments.

14 (4) A person is eligible to receive such William L.
 15 Boyd, IV, Florida resident access grant if:

16 (a) He or she meets the general requirements,
 17 including residency, for student eligibility as provided in s.
 18 1009.40, except as otherwise provided in this section; and

19 (b)1. He or she is enrolled as a full-time
 20 undergraduate student at an eligible college or university;

21 2. He or she is not enrolled in a program of study
 22 leading to a degree in theology or divinity; and

23 3. He or she is making satisfactory academic progress
 24 as defined by the college or university in which he or she is
 25 enrolled.

26 (5)(a) Funding for the William L. Boyd, IV, Florida
 27 Resident Access Grant Program shall be based on a formula
 28 composed of planned enrollment and the state cost of funding
 29 undergraduate enrollment at public institutions pursuant to s.
 30 1011.90. The amount of the William L. Boyd, IV, Florida
 31 resident access grant issued to a full-time student shall be

1 an amount as specified in the General Appropriations Act. The
 2 William L. Boyd, IV, Florida resident access grant may be paid
 3 on a prorated basis in advance of the registration period. The
 4 department shall make such payments to the college or
 5 university in which the student is enrolled for credit to the
 6 student's account for payment of tuition and fees.
 7 Institutions shall certify to the department the amount of
 8 funds disbursed to each student and shall remit to the
 9 department any undisbursed advances or refunds within 60 days
 10 of the end of regular registration. Students shall not be
 11 eligible to receive the award for more than 9 semesters or 14
 12 quarters, except as otherwise provided in s. 1009.40(3).

13 (b) If the combined amount of the William L. Boyd, IV,
 14 Florida resident access grant issued pursuant to this act and
 15 all other scholarships and grants for tuition or fees exceeds
 16 the amount charged to the student for tuition and fees, the
 17 department shall reduce the William L. Boyd, IV, Florida
 18 resident access grant issued pursuant to this act by an amount
 19 equal to such excess.

20 (6) Funds appropriated by the Legislature for the
 21 William L. Boyd, IV, Florida Resident Access Grant Program
 22 shall be deposited in the State Student Financial Assistance
 23 Trust Fund. Notwithstanding the provisions of s. 216.301 and
 24 pursuant to s. 216.351, any balance in the trust fund at the
 25 end of any fiscal year which has been allocated to the William
 26 L. Boyd, IV, Florida Resident Access Grant Program shall
 27 remain therein and shall be available for carrying out the
 28 purposes of this section. If the number of eligible students
 29 exceeds the total authorized in the General Appropriations
 30 Act, an institution may use its own resources to assure that
 31

1 each eligible student receives the full benefit of the grant
2 amount authorized.

3 Section 472. Section 1009.895, Florida Statutes, is
4 created to read:

5 1009.895 Access to Better Learning and Education
6 Grants.--

7 (1) The Access to Better Learning and Education Grant
8 Program is established to provide tuition assistance to
9 eligible Florida residents attending eligible independent
10 postsecondary educational institutions in the state.

11 (2) The Access to Better Learning and Education Grant
12 Program shall be administered by the Department of Education.
13 The State Board of Education shall adopt rules for the
14 administration of the program.

15 (3) The department shall issue through the program an
16 Access to Better Learning and Education Grant to any full-time
17 degree-seeking undergraduate student registered at an
18 independent college or university, which is located in and
19 chartered by the state; which is accredited by the Commission
20 on Colleges of the Southern Association of Colleges and
21 Schools; which grants baccalaureate degrees; and which is not
22 a state university or public community college or an
23 institution the students of which are eligible to receive a
24 William L. Boyd, IV, Florida resident access grant pursuant to
25 s. 1009.89; provided that the receipt of state aid by students
26 at the institution would not have the primary effect of
27 advancing or impeding religion or result in an excessive
28 entanglement between the state and any religious sect.

29 (4) A person is eligible to receive an Access to
30 Better Learning and Education Grant if:

31

1 (a) He or she meets the general requirements,
2 including residency, for student eligibility as provided in s.
3 1009.40, except as otherwise provided in this section.

4 (b)1. He or she is enrolled as a full-time
5 undergraduate student at an eligible college or university.

6 2. He or she is not enrolled in a program of study
7 leading to a degree in theology or divinity.

8 3. He or she is making satisfactory academic progress
9 as defined by the college or university in which he or she is
10 enrolled.

11 (5)(a) Funding for the Access to Better Learning and
12 Education Grant Program shall be based on a formula composed
13 of planned enrollment and the state cost of funding
14 undergraduate enrollment at public educational institutions
15 pursuant to s. 1011.90. The amount of the Access to Better
16 Learning and Education Grant issued to a full-time student
17 shall be an amount as specified in the General Appropriations
18 Act. The access grant may be paid on a prorated basis in
19 advance of the registration period. The department shall make
20 such payments to the college or university in which the
21 student is enrolled for credit to the student's account for
22 payment of tuition and fees. Institutions shall certify to the
23 department the amount of funds disbursed to each student and
24 shall remit to the department any undisbursed advances or
25 refunds within 60 days of the end of regular registration.
26 Students shall not be eligible to receive the award for more
27 than 9 semesters or 14 quarters, except as otherwise provided
28 in s. 1009.40(3).

29 (b) If the combined amount of the Access to Better
30 Learning and Education Grant issued pursuant to this section
31 and all other scholarships and grants for tuition or fees

1 exceeds the amount charged to the student for tuition and
2 fees, the department shall reduce the grant issued pursuant to
3 this section by an amount equal to such excess.

4 (6) Funds appropriated by the Legislature for the
5 Access to Better Learning and Education Grant Program shall be
6 deposited in the State Student Financial Assistance Trust
7 Fund. Notwithstanding the provisions of s. 216.301 and
8 pursuant to s. 216.351, any balance in the trust fund at the
9 end of any fiscal year which has been allocated to the Access
10 to Better Learning and Education Grant Program shall remain
11 therein and shall be available for carrying out the purposes
12 of this section. If the number of eligible students exceeds
13 the total authorized in the General Appropriations Act, an
14 institution may use its own resources to ensure that each
15 eligible student receives the full benefit of the grant amount
16 authorized.

17 Section 473. Part III.c. of chapter 1009, Florida
18 Statutes, shall be entitled "Role of the Department of
19 Education" and shall consist of ss. 1009.90-1009.96.

20 Section 474. Section 1009.90, Florida Statutes, is
21 created to read:

22 1009.90 Duties of the Department of Education.--The
23 duties of the department shall include:

24 (1) Administration of this part and rules adopted by
25 the State Board of Education.

26 (2) Administration of federal funding, insurance, or
27 reinsurance in full compliance with applicable federal laws
28 and regulations.

29 (3) Development of written administrative procedures
30 and controls for the administration of each financial aid
31 program conducted by the office, maintenance of program

1 records and documents, timely collection and remittance of
2 insurance premiums, and timely assignment of defaulted loans
3 to collection agencies.

4 (4) Annual compilation of sources of financial aid
5 available to students in this state.

6 (5) Biennial analysis of the amount of available
7 financial aid moneys and the effect of such moneys on student
8 access to postsecondary institutions.

9 (6) Biennial internal evaluation of the administrative
10 efficiency and effectiveness of the office.

11 (7) Annual assessment of the accuracy of eligibility
12 information from a random sample of award recipients.

13 (8) Annual review of procedures for the distribution
14 of state financial aid funds.

15 (9) Development and submission of a report, annually,
16 to the State Board of Education, the President of the Senate,
17 and the Speaker of the House of Representatives, which shall
18 include, but not be limited to, recommendations for the
19 distribution of state financial aid funds.

20 (10) Development and evaluation of a comprehensive,
21 long-range program of all sources of student financial aid.

22 (11) Dissemination of information on available
23 financial aid programs to district school superintendents and
24 other persons who request such information.

25 (12) Calculation of the amount of need-based student
26 financial aid required to offset fee increases recommended by
27 the State Board of Education and inclusion of such amount
28 within the legislative budget request for student assistance
29 grant programs.

30 Section 475. Section 1009.91, Florida Statutes, is
31 created to read:

1 1009.91 Assistance programs and activities of the
2 department.--

3 (1) The department may contract for the administration
4 of the student financial assistance programs as specifically
5 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

6 (2) The department may contract to provide the
7 planning and development activities required pursuant to the
8 provisions of this part.

9 (3) The department shall administer the guarantee of
10 student loans made by participating commercial financial
11 institutions in such a manner as to fully comply with
12 applicable provisions of the Higher Education Act of 1965, as
13 amended, relating to loan reinsurance.

14 (4) The department shall maintain records on the
15 student loan default rate of each Florida postsecondary
16 institution and report that information annually to both the
17 institution and the State Board of Education.

18 Section 476. Section 1009.92, Florida Statutes, is
19 created to read:

20 1009.92 Funding for programs administered by the
21 department.--

22 (1) In the preparation of its annual budget, the
23 department shall request that the Legislature continue to
24 provide funding for applicable programs from the General
25 Revenue Fund.

26 (2) The department is authorized to expend moneys from
27 available trust funds in applicable student financial
28 assistance programs.

29 (3) There is created a Student Loan Guaranty Reserve
30 Fund, which shall be administered by the department in
31 carrying out the provisions of this act.

1 (4) The principal sources of operating funds shall be
2 from the earnings from the temporary investment of the Student
3 Loan Guaranty Reserve Fund and from compensation for services
4 performed under contract for the administration of student
5 financial assistance programs pursuant to s. 1009.91.

6 (5) The department is authorized to accept grant funds
7 under the Leveraging Educational Assistance Program and
8 Supplemental Leveraging Educational Assistance Program of the
9 Federal Government, as provided by the Higher Education Act of
10 1965, as amended.

11 (6) The department is authorized to accept federal
12 advances for the establishment of the Student Loan Guaranty
13 Reserve Fund pursuant to the Higher Education Act of 1965, as
14 amended, under agreement with the United States Commissioner
15 of Education and to maintain such advances until recalled by
16 the United States Commissioner of Education.

17 (7) The department is authorized to assess a student
18 loan insurance premium on each loan guaranteed by the
19 department. The amount of insurance premium will be determined
20 by the department in the amount sufficient to maintain the
21 pledged level of reserve funds but in no event may the amount
22 of the insurance premium exceed the maximum provided by
23 federal law.

24 (8) The department shall invest, or contract for the
25 temporary investment of, any unencumbered cash, and the
26 interest earned therefrom, except as otherwise provided for by
27 law or covenant, shall accrue to the Student Loan Guaranty
28 Reserve Fund or for the administration of financial aid
29 programs.

30 Section 477. Section 1009.93, Florida Statutes, is
31 created to read:

1 1009.93 Student financial aid planning and
2 development.--

3 (1) The department shall administer a student
4 financial aid planning and development program. It is the
5 intent of the Legislature that a specific sum of funds be
6 allocated each year for the purpose of sponsoring the design,
7 development, and implementation of a comprehensive program of
8 student financial aid and of initiating activities of
9 inservice training for student financial aid administrators
10 and activities to encourage maximum lender participation in
11 guaranteed loans.

12 (2) The objective of a state program is the
13 maintenance of a state student financial aid program to
14 supplement a basic national program which will provide equal
15 access to postsecondary education to citizens of this state
16 who have the ability and motivation to benefit from a
17 postsecondary education. In the development of a state program
18 to achieve this objective, it shall be the policy that:

19 (a) State student financial aid be provided primarily
20 on the basis of financial need;

21 (b) Students receiving need-based financial aid be
22 expected to contribute toward their cost of education through
23 self-help resources such as savings, work, and loans;

24 (c) Student financial aid be available to state
25 residents for attendance at accredited public or private
26 institutions of higher education in this state;

27 (d) Student financial aid be provided for all levels
28 of postsecondary education; and

29 (e) State student financial aid be administered by a
30 central state agency.

31

1 Planning and development must be in accordance with the
2 foregoing objective and policies.

3 (3) The planning and development procedures shall
4 provide for:

5 (a) The review of public policy;

6 (b) The development of performance objectives;

7 (c) The development of alternate approaches;

8 (d) The evaluation of performance; and

9 (e) The participation and involvement in the planning
10 process of representatives of the groups affected by a state
11 program of student financial aid.

12 (4) The State Board of Education shall adopt rules
13 providing for the verification of the independent status of
14 state financial aid recipients.

15 (5) The department shall encourage industry and
16 education linkages through the development of temporary
17 employment opportunities for students attending postsecondary
18 institutions in this state.

19 Section 478. Section 1009.94, Florida Statutes, is
20 created to read:

21 1009.94 Student financial assistance database.--

22 (1) The Department of Education shall design and
23 maintain a student financial assistance database that can be
24 used to support all aspects of the administration and delivery
25 of state-funded student financial aid. In addition, the
26 database must have the capability of providing policymakers
27 with comprehensive information regarding the various financial
28 assistance programs available to students attending Florida
29 postsecondary education institutions.

30 (2) For purposes of this section, financial assistance
31 includes:

1 (a) For all students, any scholarship, grant, loan,
2 fee waiver, tuition assistance payment, or other form of
3 compensation provided from state or federal funds.

4 (b) For students attending public institutions, any
5 scholarship, grant, loan, fee waiver, tuition assistance
6 payment, or other form of compensation supported by
7 institutional funds.

8 (3) The database must include records on any student
9 receiving any form of financial assistance as described in
10 subsection (2). Institutions participating in any state
11 financial assistance program shall annually submit such
12 information to the Department of Education in a format
13 prescribed by the department and consistent with the
14 provisions of s. 1002.22.

15 Section 479. Section 1009.95, Florida Statutes, is
16 created to read:

17 1009.95 Delinquent accounts.--

18 (1) The Department of Education is directed to exert
19 every lawful and reasonable effort to collect all delinquent
20 unpaid and uncanceled scholarship loan notes, student loan
21 notes, and defaulted guaranteed loan notes.

22 (2) The department may establish a recovery account
23 into which unpaid and uncanceled scholarship loan note,
24 student loan note, and defaulted guaranteed loan note accounts
25 may be transferred.

26 (3) The department may settle any delinquent unpaid
27 and uncanceled scholarship loan notes, student loan notes, and
28 defaulted guaranteed loan notes and employ the service of a
29 collection agent when deemed advisable in collecting
30 delinquent or defaulted accounts. However, no collection agent
31 may be paid a commission in excess of 35 percent of the amount

1 collected. Any expense incurred by the department in enforcing
2 the collection of a loan note may be borne by the signer of
3 the note and may be added to the amount of the principal of
4 such note.

5 (4) The department may charge off unpaid and
6 uncanceled scholarship loan notes and student loan notes which
7 are at least 3 years delinquent and which prove uncollectible
8 after good faith collection efforts. However, a delinquent
9 account with a past due balance of \$25 or less may be charged
10 off as uncollectible when it becomes 6 months past due and the
11 cost of further collection effort or assignment to a
12 collection agent would not be warranted.

13 (5) No individual borrower who has been determined to
14 be in default in making legally required scholarship loan,
15 student loan, or guaranteed loan repayments shall be furnished
16 with his or her academic transcripts or other student records
17 until such time as the loan is paid in full or the default
18 status has been removed.

19 (6) The department may charge an individual borrower
20 who has been determined to be in default in making legally
21 required loan repayments the maximum interest rate authorized
22 by law.

23 (7) The State Board of Education shall adopt such
24 rules as are necessary to regulate the collection, settlement,
25 and charging off of delinquent unpaid and uncanceled
26 scholarship loan notes, student loan notes, and defaulted
27 guaranteed loan notes.

28 Section 480. Section 1009.96, Florida Statutes, is
29 created to read:

30 1009.96 Annual review of financial assistance
31 programs.--All new and existing financial assistance programs

1 authorized under this chapter which are not funded for 3
2 consecutive years after enactment shall stand repealed.
3 Financial assistance programs provided under this part on July
4 1, 1992, which lose funding for 3 consecutive years shall
5 stand repealed. The Department of Education shall annually
6 review the legislative appropriation for financial assistance
7 programs to identify such programs.

8 Section 481. Part IV of chapter 1009, Florida
9 Statutes, shall be entitled "Prepaid College Board Programs"
10 and shall consist of ss. 1009.97-1009.984.

11 Section 482. Section 1009.97, Florida Statutes, is
12 created to read:

13 1009.97 General provisions.--

14 (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The
15 Legislature recognizes that educational opportunity at the
16 postsecondary level is a critical state interest and is best
17 ensured through the provision of postsecondary institutions
18 that are geographically and financially accessible, that
19 affordability and accessibility of higher education are
20 essential to the welfare and well-being of the residents of
21 the state and are a critical state interest, and that
22 promoting and enhancing financial access to postsecondary
23 institutions serve a legitimate public purpose.

24 (2) LEGISLATIVE INTENT.--It is the intent of the
25 Legislature that a prepaid program be established through
26 which many of the costs associated with postsecondary
27 attendance may be paid in advance and fixed at a guaranteed
28 level for the duration of undergraduate enrollment and that
29 this program fosters timely financial planning for
30 postsecondary attendance and to encourage employer
31 participation in such planning through program contributions

1 on behalf of employees and the dependents of employees. It is
2 further the intent of the Legislature that a savings program
3 be established as a supplement and alternative to the prepaid
4 program to allow persons to make contributions to a trust
5 account to meet some or all of the qualified higher education
6 expenses of a designated beneficiary, consistent with federal
7 law authorizing such programs, but without a guarantee by the
8 state that such contributions, together with the investment
9 return on such contributions, if any, will be adequate to pay
10 for qualified higher education expenses, to enable
11 participants to save for qualified higher education expenses,
12 and to provide a choice to persons who determine that the
13 overall educational needs of their families are best suited to
14 a savings program or who wish to save to meet postsecondary
15 educational needs beyond the traditional 4-year curriculum.
16 Finally, the Legislature intends that the prepaid program and
17 the savings program be conducted in a manner to maximize
18 program efficiency and effectiveness.

19 (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the
20 term:

21 (a) "Advance payment contract" means a contract
22 entered into by the board and a purchaser pursuant to s.
23 1009.98.

24 (b) "Board" means the Florida Prepaid College Board.

25 (c) "Trust fund" means the Florida Prepaid College
26 Trust Fund.

27 (d) "Prepaid program" means the Florida Prepaid
28 College Program established pursuant to s. 1009.98.

29 (e) "Purchaser" means a person who makes or is
30 obligated to make advance registration or dormitory residence
31 payments in accordance with an advance payment contract.

1 (f) "Qualified beneficiary" means:

2 1. A resident of this state at the time a purchaser
3 enters into an advance payment contract on behalf of the
4 resident;

5 2. A nonresident who is the child of a noncustodial
6 parent who is a resident of this state at the time that such
7 parent enters into an advance payment contract on behalf of
8 the child; or

9 3. For purposes of advance payment contracts entered
10 into pursuant to s. 1009.983, a graduate of an accredited high
11 school in this state who is a resident of this state at the
12 time he or she is designated to receive the benefits of the
13 advance payment contract.

14 (g) "Registration fee" means tuition fee, financial
15 aid fee, building fee, and Capital Improvement Trust Fund fee.

16 (h) "State postsecondary institution" means any public
17 community college or state university.

18 (i) "Benefactor" means any person making a deposit,
19 payment, contribution, gift, or other expenditure into the
20 savings program.

21 (j) "Designated beneficiary" means:

22 1. Any individual designated in the participation
23 agreement;

24 2. Any individual defined in s. 152(a)(1)-(8) of the
25 Internal Revenue Code; or

26 3. Any individual receiving a scholarship from
27 interests in the program purchased by a state or local
28 government or an organization described in s. 501(c)(3) of the
29 Internal Revenue Code.

30 (k) "Eligible educational institution" means an
31 institution of higher education that qualifies under s. 529 of

1 the Internal Revenue Code as an eligible educational
2 institution.

3 (l) "Internal Revenue Code" means the Internal Revenue
4 Code of 1986, as defined in s. 220.03(1), and regulations
5 adopted pursuant thereto.

6 (m) "Participation agreement" means an agreement
7 between the board and a benefactor for participation in the
8 savings program for a designated beneficiary.

9 (n) "Savings program" means the Florida College
10 Savings Program established pursuant to s. 1009.981.

11 (o) "Qualified higher education expenses" means higher
12 education expenses permitted under s. 529 of the Internal
13 Revenue Code and required for the enrollment or attendance of
14 a designated beneficiary at an eligible educational
15 institution, including undergraduate and graduate schools, and
16 any other higher education expenses that are permitted under
17 s. 529 of the Internal Revenue Code.

18 (p) "Prepaid fund" means the fund within the trust
19 fund into which moneys belonging to the prepaid program are
20 deposited and held.

21 (q) "Savings fund" means the fund within the trust
22 fund into which moneys belonging to the savings program are
23 deposited and held.

24 Section 483. Section 1009.971, Florida Statutes, is
25 created to read:

26 1009.971 Florida Prepaid College Board.--

27 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The
28 Florida Prepaid College Board is hereby created as a body
29 corporate with all the powers of a body corporate for the
30 purposes delineated in this section. The board shall
31 administer the prepaid program and the savings program, and

1 shall perform essential governmental functions as provided in
 2 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the
 3 State Constitution, the board shall be assigned to and
 4 administratively housed within the State Board of
 5 Administration, but it shall independently exercise the powers
 6 and duties specified in ss. 1009.97-1009.984.

7 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
 8 board shall consist of seven members to be composed of the
 9 Attorney General, the Chief Financial Officer, the Deputy
 10 Commissioner of Colleges and Universities, the Deputy
 11 Commissioner of Community Colleges, and three members
 12 appointed by the Governor and subject to confirmation by the
 13 Senate. Each member appointed by the Governor shall possess
 14 knowledge, skill, and experience in the areas of accounting,
 15 actuary, risk management, or investment management. Each
 16 member of the board not appointed by the Governor may name a
 17 designee to serve on the board on behalf of the member;
 18 however, any designee so named shall meet the qualifications
 19 required of gubernatorial appointees to the board. Members
 20 appointed by the Governor shall serve terms of 3 years. Any
 21 person appointed to fill a vacancy on the board shall be
 22 appointed in a like manner and shall serve for only the
 23 unexpired term. Any member shall be eligible for reappointment
 24 and shall serve until a successor qualifies. Members of the
 25 board shall serve without compensation but shall be reimbursed
 26 for per diem and travel in accordance with s. 112.061. Each
 27 member of the board shall file a full and public disclosure of
 28 his or her financial interests pursuant to s. 8, Art. II of
 29 the State Constitution and corresponding statute.

30 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;
 31 MEETINGS.--The board shall annually elect a board member to

1 serve as chair and a board member to serve as vice chair and
2 shall designate a secretary-treasurer who need not be a member
3 of the board. The secretary-treasurer shall keep a record of
4 the proceedings of the board and shall be the custodian of all
5 printed material filed with or by the board and of its
6 official seal. Notwithstanding the existence of vacancies on
7 the board, a majority of the members shall constitute a
8 quorum. The board shall take no official action in the absence
9 of a quorum. The board shall meet, at a minimum, on a
10 quarterly basis at the call of the chair.

11 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND
12 DUTIES.--The board shall have the powers and duties necessary
13 or proper to carry out the provisions of ss. 1009.97-1009.984,
14 including, but not limited to, the power and duty to:

15 (a) Appoint an executive director to serve as the
16 chief administrative and operational officer of the board and
17 to perform other duties assigned to him or her by the board.

18 (b) Adopt an official seal and rules.

19 (c) Sue and be sued.

20 (d) Make and execute contracts and other necessary
21 instruments.

22 (e) Establish agreements or other transactions with
23 federal, state, and local agencies, including state
24 universities and community colleges.

25 (f) Administer the trust fund in a manner that is
26 sufficiently actuarially sound to defray the obligations of
27 the prepaid program and the savings program, considering the
28 separate purposes and objectives of each program. The board
29 shall annually evaluate or cause to be evaluated the actuarial
30 soundness of the prepaid fund. If the board perceives a need
31 for additional assets in order to preserve actuarial soundness

1 of the prepaid program, the board may adjust the terms of
2 subsequent advance payment contracts to ensure such soundness.

3 (g) Invest funds not required for immediate
4 disbursement.

5 (h) Appear in its own behalf before boards,
6 commissions, or other governmental agencies.

7 (i) Hold, buy, and sell any instruments, obligations,
8 securities, and property determined appropriate by the board.

9 (j) Require a reasonable length of state residence for
10 qualified beneficiaries.

11 (k) Segregate contributions and payments to the trust
12 fund into the appropriate fund.

13 (l) Procure and contract for goods and services,
14 employ personnel, and engage the services of private
15 consultants, actuaries, managers, legal counsel, and auditors
16 in a manner determined to be necessary and appropriate by the
17 board.

18 (m) Solicit and accept gifts, grants, loans, and other
19 aids from any source or participate in any other way in any
20 government program to carry out the purposes of ss.
21 1009.97-1009.984.

22 (n) Require and collect administrative fees and
23 charges in connection with any transaction and impose
24 reasonable penalties, including default, for delinquent
25 payments or for entering into an advance payment contract or a
26 participation agreement on a fraudulent basis.

27 (o) Procure insurance against any loss in connection
28 with the property, assets, and activities of the trust fund or
29 the board.

30 (p) Impose reasonable time limits on use of the
31 benefits provided by the prepaid program or savings program.

1 However, any such limitations shall be specified within the
2 advance payment contract or the participation agreement,
3 respectively.

4 (q) Delineate the terms and conditions under which
5 payments may be withdrawn from the trust fund and impose
6 reasonable fees and charges for such withdrawal. Such terms
7 and conditions shall be specified within the advance payment
8 contract or the participation agreement.

9 (r) Provide for the receipt of contributions in lump
10 sums or installment payments.

11 (s) Require that purchasers of advance payment
12 contracts or benefactors of participation agreements verify,
13 under oath, any requests for contract conversions,
14 substitutions, transfers, cancellations, refund requests, or
15 contract changes of any nature. Verification shall be
16 accomplished as authorized and provided for in s.
17 92.525(1)(a).

18 (t) Delegate responsibility for administration of one
19 or both of the comprehensive investment plans required in s.
20 1009.973 to persons the board determines to be qualified. Such
21 persons shall be compensated by the board.

22 (u) Endorse insurance coverage written exclusively for
23 the purpose of protecting advance payment contracts, and
24 participation agreements, and the purchasers, benefactors, and
25 beneficiaries thereof, including group life policies and group
26 disability policies, which are exempt from the provisions of
27 part V of chapter 627.

28 (v) Form strategic alliances with public and private
29 entities to provide benefits to the prepaid program, savings
30 program, and participants of either or both programs.

31

1 (w) Solicit proposals and contract, pursuant to s.
2 287.057, for the marketing of the prepaid program or the
3 savings program, or both together. Any materials produced for
4 the purpose of marketing the prepaid program or the savings
5 program shall be submitted to the board for review. No such
6 materials shall be made available to the public before the
7 materials are approved by the board. Any educational
8 institution may distribute marketing materials produced for
9 the prepaid program or the savings program; however, all such
10 materials shall be approved by the board prior to
11 distribution. Neither the state nor the board shall be liable
12 for misrepresentation of the prepaid program or the savings
13 program by a marketing agent.

14 (x) Establish other policies, procedures, and criteria
15 to implement and administer the provisions of ss.
16 1009.97-1009.984.

17 (y) Adopt procedures to govern contract dispute
18 proceedings between the board and its vendors.

19 (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL
20 SERVICES.--The board shall solicit proposals and contract,
21 pursuant to s. 287.057, for:

22 (a) The services of records administrators.

23 (b) Investment consultants to review the performance
24 of the board's investment managers and advise the board on
25 investment management and performance and investment policy,
26 including the contents of the comprehensive investment plans.

27 (c) Trustee services firms to provide trustee and
28 related services to the board. The trustee services firm shall
29 agree to meet the obligations of the board to qualified
30 beneficiaries if moneys in the fund fail to offset the
31

1 obligations of the board as a result of imprudent selection or
2 supervision of investment programs by such firm.

3 (d) Investment managers to provide investment
4 portfolios for the prepaid program or the savings program.

5 Investment managers shall be limited to authorized insurers as
6 defined in s. 624.09, banks as defined in s. 658.12,

7 associations as defined in s. 665.012, authorized Securities
8 and Exchange Commission investment advisers, and investment
9 companies as defined in the Investment Company Act of 1940.

10 All investment managers shall have their principal place of
11 business and corporate charter located and registered in the
12 United States. In addition, each investment manager shall

13 agree to meet the obligations of the board to qualified
14 beneficiaries if moneys in the fund fail to offset the

15 obligations of the board as a result of imprudent investing by
16 such provider. Each authorized insurer shall evidence superior

17 performance overall on an acceptable level of surety in
18 meeting its obligations to its policyholders and other

19 contractual obligations. Only qualified public depositories
20 approved by the Insurance Commissioner and Treasurer shall be

21 eligible for board consideration. Each investment company
22 shall provide investment plans as specified within the request

23 for proposals.

24
25 The goals of the board in procuring such services shall be to
26 provide all purchasers and benefactors with the most secure,

27 well-diversified, and beneficially administered prepaid
28 program or savings program possible, to allow all qualified

29 firms interested in providing such services equal
30 consideration, and to provide such services to the state at no

31 cost and to the purchasers and benefactors at the lowest cost

1 possible. Evaluations of proposals submitted pursuant to this
2 subsection shall include, but not be limited to, fees and
3 other costs that are charged to purchasers or benefactors that
4 affect account values, or that impact the operational costs of
5 the prepaid program or the savings program; past experience
6 and past performance in providing the required services;
7 financial history and current financial strength and capital
8 adequacy to provide the required services; and capabilities
9 and experience of the proposed personnel that will provide the
10 required services.

11 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding
12 any other provision of ss. 1009.97-1009.984, the board may
13 adopt rules necessary for the prepaid program and the savings
14 program each to retain its status as a "qualified tuition
15 program" in order to maintain its tax exempt status or other
16 similar status of the program, purchasers, and qualified
17 beneficiaries under the Internal Revenue Code. The board shall
18 inform participants in the prepaid program and the savings
19 program of changes to the tax or securities status of advance
20 purchase contracts and participation agreements.

21 Section 484. Section 1009.972, Florida Statutes, is
22 created to read:

23 1009.972 Florida Prepaid College Trust Fund.--

24 (1) There is created within the State Board of
25 Administration the Florida Prepaid College Trust Fund. The
26 trust fund shall be segregated into two separate funds, the
27 prepaid fund and the savings fund.

28 (2) The prepaid fund shall consist of state
29 appropriations, moneys acquired from other governmental or
30 private sources for the prepaid program, and moneys remitted
31 in accordance with advance payment contracts. Dividends,

1 interest, and gains accruing to the prepaid fund shall
2 increase the total funds available for the prepaid program. If
3 dividends, interest, and gains for the prepaid fund exceed the
4 amount necessary for program administration and disbursements,
5 the board may designate an additional percentage of the
6 prepaid fund to serve as a contingency fund.

7 (3) The savings fund shall consist of appropriations,
8 moneys acquired from other governmental or private sources for
9 the savings program, and moneys remitted in accordance with
10 participation agreements. The amounts on deposit in the
11 savings fund shall remain therein and shall be available
12 solely for carrying out the purposes of the savings program.

13 (4) Any balance contained within the trust fund, and
14 within each fund in the trust fund, at the end of a fiscal
15 year shall remain therein and shall be available for carrying
16 out the purposes of each respective program and the
17 direct-support organization established pursuant to s.
18 1009.983. Moneys contained within the trust fund shall be
19 exempt from the investment requirements of s. 18.10. All funds
20 deposited in the prepaid fund may be invested pursuant to s.
21 215.47. Any funds of a direct-support organization created
22 pursuant to s. 1009.983 shall be exempt from the provisions of
23 this section.

24 (5) Notwithstanding the provisions of chapter 717,
25 funds associated with terminated advance payment contracts
26 pursuant to s. 1009.98(4)(k) and canceled contracts for which
27 no refunds have been claimed shall be retained by the board.
28 The board shall establish procedures for notifying purchasers
29 who subsequently cancel their advance payment contracts of any
30 unclaimed refund and shall establish a time period after which
31 no refund may be claimed by a purchaser who canceled a

1 contract. The board may transfer funds retained from such
2 terminated advance payment contracts and cancelled contracts
3 to the Florida Prepaid Tuition Scholarship Program to provide
4 matching funds for prepaid tuition scholarships for
5 economically disadvantaged youth that remain drug free and
6 crime free.

7 (6) The assets of the prepaid fund and the savings
8 fund shall be maintained, invested, and expended solely for
9 the purposes of the prepaid program and the savings program,
10 respectively, and shall not be loaned, transferred, or
11 otherwise used by the state for any purpose other than the
12 purposes of ss. 1009.97-1009.984. This subsection shall not be
13 construed to prohibit the board from investing in, by purchase
14 or otherwise, bonds, notes, or other obligations of the state
15 or an agency or instrumentality of the state. Unless otherwise
16 specified by the board, assets of the prepaid fund and the
17 savings fund shall be expended in the following order of
18 priority:

19 (a) To make payments to state postsecondary
20 institutions on behalf of qualified beneficiaries or
21 designated beneficiaries.

22 (b) To make refunds upon termination of advance
23 payment contracts or participation agreements.

24 (c) To pay the costs of administration and operations
25 for the prepaid program and the savings program.

26 Section 485. Section 1009.973, Florida Statutes, is
27 created to read:

28 1009.973 Comprehensive investment plans.--The Florida
29 Prepaid College Board shall establish separate comprehensive
30 investment plans for the prepaid program and for the savings
31 program, each subject to the approval of the State Board of

1 Administration. Each comprehensive investment plan shall
2 specify the investment policies to be utilized by the board in
3 its administration of each respective program. The board may
4 place assets of each program in investment products pursuant
5 to the comprehensive investment plan for each respective
6 program and in such proportions as may be designated or
7 approved under the plan for each respective program. Such
8 products shall be underwritten and offered in compliance with
9 the applicable federal and state laws, regulations, and rules
10 by persons authorized by applicable federal and state
11 authorities. A purchaser may not direct the investment of his
12 or her contribution to the prepaid program. A benefactor or
13 designated beneficiary may not direct the investment of any
14 contributions to the savings program other than the specific
15 fund options provided by the board, if any. Board members and
16 employees of the board are not prohibited from purchasing
17 advance payment contracts or entering into participation
18 agreements by virtue of their fiduciary responsibilities as
19 members of the board or official duties as employees of the
20 board.

21 Section 486. Section 1009.974, Florida Statutes, is
22 created to read:

23 1009.974 Exemption from claims of creditors.--Moneys
24 paid into or out of the trust fund by or on behalf of a
25 purchaser or qualified beneficiary of an advance payment
26 contract or benefactor or designated beneficiary of a
27 participation agreement are exempt, as provided by s. 222.22,
28 from all claims of creditors of the purchaser or the qualified
29 beneficiary of an advance payment contract or the benefactor
30 or designated beneficiary of a participation agreement,
31 respectively, provided that the advance payment contract or

1 participation agreement has not been terminated. Neither
2 moneys paid into the prepaid program or savings program nor
3 benefits accrued through the prepaid program or savings
4 program may be pledged for the purpose of securing a loan.

5 Section 487. Section 1009.975, Florida Statutes, is
6 created to read:

7 1009.975 Payroll deduction authority.--The state or
8 any state agency, county, municipality, or other political
9 subdivision may, by contract or collective bargaining
10 agreement, agree with any employee to remit payments toward
11 advance payment contracts or participation agreements through
12 payroll deductions made by the appropriate officer or officers
13 of the state, state agency, county, municipality, or political
14 subdivision. Such payments shall be held and administered in
15 accordance with ss. 1009.97-1009.984.

16 Section 488. Section 1009.976, Florida Statutes, is
17 created to read:

18 1009.976 Annual report.--On or before March 31 of each
19 year, the Florida Prepaid College Board shall prepare or cause
20 to be prepared separate reports setting forth in appropriate
21 detail an accounting of the prepaid program and the savings
22 program which include a description of the financial condition
23 of each respective program at the close of the fiscal year.
24 The board shall submit copies of the reports to the Governor,
25 the President of the Senate, the Speaker of the House of
26 Representatives, and the minority leaders of the House and
27 Senate and shall make the report for the prepaid program
28 available to each purchaser and the report for the savings
29 program available to each benefactor and designated
30 beneficiary. The accounts of the fund for the prepaid program
31

1 and the savings program shall be subject to annual audits by
2 the Auditor General or his or her designee.

3 Section 489. Section 1009.98, Florida Statutes, is
4 created to read:

5 1009.98 Florida Prepaid College Program.--

6 (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There
7 is created a Florida Prepaid College Program to provide a
8 medium through which the cost of registration and dormitory
9 residence may be paid in advance of enrollment in a state
10 postsecondary institution at a rate lower than the projected
11 corresponding cost at the time of actual enrollment. Such
12 payments shall be combined and invested in a manner that
13 yields, at a minimum, sufficient interest to generate the
14 difference between the prepaid amount and the cost of
15 registration and dormitory residence at the time of actual
16 enrollment. Students who enroll in a state postsecondary
17 institution pursuant to this section shall be charged no fees
18 in excess of the terms delineated in the advance payment
19 contract.

20 (2) PREPAID COLLEGE PLANS.--At a minimum, the board
21 shall make advance payment contracts available for two
22 independent plans to be known as the community college plan
23 and the university plan. The board may also make advance
24 payment contracts available for a dormitory residence plan.
25 The board may restrict the number of participants in the
26 community college plan, university plan, and dormitory
27 residence plan, respectively. However, any person denied
28 participation solely on the basis of such restriction shall be
29 granted priority for participation during the succeeding year.

30 (a)1. Through the community college plan, the advance
31 payment contract shall provide prepaid registration fees for a

1 specified number of undergraduate semester credit hours not to
2 exceed the average number of hours required for the conference
3 of an associate degree. Qualified beneficiaries shall bear the
4 cost of any laboratory fees associated with enrollment in
5 specific courses. Each qualified beneficiary shall be
6 classified as a resident for tuition purposes, pursuant to s.
7 1009.21, regardless of his or her actual legal residence.

8 2. Effective July 1, 1998, the board may provide
9 advance payment contracts for additional fees delineated in s.
10 1009.23, not to exceed the average number of hours required
11 for the conference of an associate degree, in conjunction with
12 advance payment contracts for registration fees. Community
13 college plan contracts purchased prior to July 1, 1998, shall
14 be limited to the payment of registration fees as defined in
15 s. 1009.97.

16 (b)1. Through the university plan, the advance payment
17 contract shall provide prepaid registration fees for a
18 specified number of undergraduate semester credit hours not to
19 exceed the average number of hours required for the conference
20 of a baccalaureate degree. Qualified beneficiaries shall bear
21 the cost of any laboratory fees associated with enrollment in
22 specific courses. Each qualified beneficiary shall be
23 classified as a resident for tuition purposes pursuant to s.
24 1009.21, regardless of his or her actual legal residence.

25 2. Effective July 1, 1998, the board may provide
26 advance payment contracts for additional fees delineated in s.
27 1009.24(8)-(11), for a specified number of undergraduate
28 semester credit hours not to exceed the average number of
29 hours required for the conference of a baccalaureate degree,
30 in conjunction with advance payment contracts for registration
31 fees. Such contracts shall provide prepaid coverage for the

1 sum of such fees, to a maximum of 45 percent of the cost of
2 registration fees. University plan contracts purchased prior
3 to July 1, 1998, shall be limited to the payment of
4 registration fees as defined in s. 1009.97.

5 (c) The cost of participation in contracts authorized
6 under paragraph (a) or paragraph (b) shall be based primarily
7 on the current and projected registration fees within the
8 Florida Community College System or the State University
9 System, respectively, and the number of years expected to
10 elapse between the purchase of the plan on behalf of a
11 qualified beneficiary and the exercise of the benefits
12 provided in the plan by such beneficiary.

13 (d) Through the dormitory residence plan, the advance
14 payment contract may provide prepaid housing fees for a
15 maximum of 10 semesters of full-time undergraduate enrollment
16 in a state university. Dormitory residence plans shall be
17 purchased in increments of 2 semesters. The cost of
18 participation in the dormitory residence plan shall be based
19 primarily on the average current and projected housing fees
20 within the State University System and the number of years
21 expected to elapse between the purchase of the plan on behalf
22 of a qualified beneficiary and the exercise of the benefits
23 provided in the plan by such beneficiary. Qualified
24 beneficiaries shall have the highest priority in the
25 assignment of housing within university residence halls.
26 Qualified beneficiaries shall bear the cost of any additional
27 elective charges such as laundry service or long-distance
28 telephone service. Each state university may specify the
29 residence halls or other university-held residences eligible
30 for inclusion in the plan. In addition, any state university
31 may request immediate termination of a dormitory residence

1 contract based on a violation or multiple violations of rules
 2 of the residence hall or other university-held residences. In
 3 the event that sufficient housing is not available for all
 4 qualified beneficiaries, the board shall refund the purchaser
 5 or qualified beneficiary an amount equal to the fees charged
 6 for dormitory residence during that semester. If a qualified
 7 beneficiary fails to be admitted to a state university or
 8 chooses to attend a community college that operates one or
 9 more dormitories or residency opportunities, or has one or
 10 more dormitories or residency opportunities operated by the
 11 community college direct-support organization, the qualified
 12 beneficiary may transfer or cause to have transferred to the
 13 community college, or community college direct-support
 14 organization, the fees associated with dormitory residence.
 15 Dormitory fees transferred to the community college or
 16 community college direct-support organization may not exceed
 17 the maximum fees charged for state university dormitory
 18 residence for the purposes of this section, or the fees
 19 charged for community college or community college
 20 direct-support organization dormitories or residency
 21 opportunities, whichever is less.

22 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
 23 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A
 24 qualified beneficiary may apply the benefits of an advance
 25 payment contract toward:

26 (a) An independent college or university that is
 27 located and chartered in Florida, that is not for profit, that
 28 is accredited by the Commission on Colleges of the Southern
 29 Association of Colleges and Schools or the Accrediting Council
 30 for Independent Colleges and Schools, and that confers degrees
 31 as defined in s. 1005.02.

1 (b) An out-of-state college or university that is not
2 for profit and is accredited by a regional accrediting
3 association, and that confers degrees.

4 (c) An applied technology diploma program or technical
5 certificate program conducted by a community college listed in
6 s. 1004.02(2) or technical center operated by a district
7 school board.

8
9 The board shall transfer or cause to be transferred to the
10 institution designated by the qualified beneficiary an amount
11 not to exceed the redemption value of the advance payment
12 contract at a state postsecondary institution. If the cost of
13 registration or housing fees at such institution is less than
14 the corresponding fees at a state postsecondary institution,
15 the amount transferred may not exceed the actual cost of
16 registration and housing fees. A transfer authorized under
17 this subsection may not exceed the number of semester credit
18 hours or semesters of dormitory residence contracted on behalf
19 of a qualified beneficiary. Notwithstanding any other
20 provision in this section, an institution must be an "eligible
21 educational institution" under s. 529 of the Internal Revenue
22 Code to be eligible for the transfer of advance payment
23 contract benefits.

24 (4) ADVANCE PAYMENT CONTRACTS.--The board shall
25 develop advance payment contracts for registration and may
26 develop advance payment contracts for dormitory residence as
27 provided in this section. Advance payment contracts shall be
28 exempt from chapter 517 and the Florida Insurance Code. Such
29 contracts shall include, but not be limited to, the following:

1 (a) The amount of the payment or payments and the
2 number of payments required from a purchaser on behalf of a
3 qualified beneficiary.

4 (b) The terms and conditions under which purchasers
5 shall remit payments, including, but not limited to, the date
6 or dates upon which each payment shall be due.

7 (c) Provisions for late payment charges and for
8 default.

9 (d) Provisions for penalty fees for withdrawals from
10 the fund.

11 (e) Except for an advance payment contract entered
12 into pursuant to subsection (9) or s. 1009.983, the name and
13 date of birth of the qualified beneficiary on whose behalf the
14 contract is drawn and the terms and conditions under which
15 another person may be substituted as the qualified
16 beneficiary.

17 (f) The name of any person who may terminate the
18 contract. The terms of the contract shall specify whether the
19 contract may be terminated by the purchaser, the qualified
20 beneficiary, a specific designated person, or any combination
21 of these persons.

22 (g) The terms and conditions under which a contract
23 may be terminated, modified, or converted, the name of the
24 person entitled to any refund due as a result of termination
25 of the contract pursuant to such terms and conditions, and the
26 amount of refund, if any, due to the person so named.

27 (h) The number of semester credit hours or semesters
28 of dormitory residence contracted by the purchaser.

29 (i) The state postsecondary system toward which the
30 contracted credit hours or semesters of dormitory residence
31 will be applied.

1 (j) The assumption of a contractual obligation by the
2 board to the qualified beneficiary to provide for a specified
3 number of semester credit hours of undergraduate instruction
4 at a state postsecondary institution, not to exceed the
5 average number of credit hours required for the conference of
6 the degree that corresponds to the plan purchased on behalf of
7 the qualified beneficiary or to provide for a specified number
8 of semesters of dormitory residence, not to exceed the number
9 of semesters of full-time enrollment required for the
10 conference of a baccalaureate degree.

11 (k) The period of time after which advance payment
12 contracts that have not been terminated or the benefits used
13 shall be considered terminated. Time expended by a qualified
14 beneficiary as an active duty member of any of the armed
15 services of the United States shall be added to the period of
16 time specified by the board. No purchaser or qualified
17 beneficiary whose advance payment contract is terminated
18 pursuant to this paragraph shall be entitled to a refund.
19 Notwithstanding chapter 717, the board shall retain any moneys
20 paid by the purchaser for an advance payment contract that has
21 been terminated in accordance with this paragraph. Such moneys
22 may be transferred to the Florida Prepaid Tuition Scholarship
23 Program to provide matching funds for prepaid tuition
24 scholarships for economically disadvantaged youths that remain
25 drug free and crime free.

26 (l) Other terms and conditions deemed by the board to
27 be necessary or proper.

28 (5) REFUNDS.--

29 (a) No refund shall exceed the amount paid into the
30 fund by the purchaser except as provided in paragraphs (b) and
31 (c).

1 (b) If the beneficiary is awarded a scholarship, the
 2 terms of which cover the benefits included in the advance
 3 payment contracts, moneys paid for the purchase of the advance
 4 payment contracts shall be refunded to the purchaser in
 5 semester installments coinciding with the tuition by the
 6 beneficiary in an amount which, in total, does not exceed the
 7 redemption value of the advance payment contract at a state
 8 postsecondary institution.

9 (c) In the event of the death or total disability of
 10 the beneficiary, moneys paid for the purchase of advance
 11 payment contracts shall be refunded to the purchaser in an
 12 amount not to exceed the redemption value of the advance
 13 payment contract at a state postsecondary institution.

14 (d) If an advance payment contract is converted from
 15 one registration plan to a plan of lesser value, the amount
 16 refunded shall not exceed the difference between the amount
 17 paid for the original contract and the amount that would have
 18 been paid for the contract to which the plan is converted had
 19 the converted plan been purchased under the same payment plan
 20 at the time the original advance payment contract was
 21 executed.

22 (e) No refund shall be authorized through an advance
 23 payment contract for any school year partially attended but
 24 not completed. For purposes of this section, a school year
 25 partially attended but not completed shall mean any one
 26 semester whereby the student is still enrolled at the
 27 conclusion of the official drop-add period, but withdraws
 28 before the end of such semester. If a beneficiary does not
 29 complete a community college plan or university plan for
 30 reasons other than specified in paragraph (c), the purchaser
 31 shall receive a refund of the amount paid into the fund for

1 the remaining unattended years of the advance payment contract
2 pursuant to rules promulgated by the board.

3 (6) CONFIDENTIALITY OF ACCOUNT
4 INFORMATION.--Information that identifies the purchasers or
5 beneficiaries of any plan promulgated under this section and
6 their advance payment account activities is exempt from the
7 provisions of s. 119.07(1). However, the board may authorize
8 the program's records administrator to release such
9 information to a community college, college, or university in
10 which a beneficiary may enroll or is enrolled. Community
11 colleges, colleges, and universities shall maintain such
12 information as exempt from the provisions of s. 119.07(1).

13 (7) OBLIGATIONS OF BOARD.--The state shall agree to
14 meet the obligations of the board to qualified beneficiaries
15 if moneys in the fund fail to offset the obligations of the
16 board. The Legislature shall appropriate to the Florida
17 Prepaid College Trust Fund the amount necessary to meet the
18 obligations of the board to qualified beneficiaries.

19 (8) PROGRAM TERMINATION.--In the event that the state
20 determines the prepaid program to be financially infeasible,
21 the state may discontinue the provision of the program. Any
22 qualified beneficiary who has been accepted by and is enrolled
23 or is within 5 years of enrollment in an eligible independent
24 college or university or state postsecondary institution shall
25 be entitled to exercise the complete benefits for which he or
26 she has contracted. All other contract holders shall receive a
27 refund of the amount paid in and an additional amount in the
28 nature of interest at a rate that corresponds, at a minimum,
29 to the prevailing interest rates for savings accounts provided
30 by banks and savings and loan associations.

31

1 (9) SCHOLARSHIPS.--A nonprofit organization described
2 in s. 501(c)(3) of the United States Internal Revenue Code and
3 exempt from taxation under s. 501(a) of the United States
4 Internal Revenue Code may purchase advance payment contracts
5 for a scholarship program that has been approved by the board
6 and is operated by the purchasing organization.

7 Section 490. Section 1009.981, Florida Statutes, is
8 created to read:

9 1009.981 Florida College Savings Program.--

10 (1)(a) The Florida Prepaid College Board is authorized
11 to create, establish, and administer the Florida College
12 Savings Program to promote and enhance the affordability of
13 higher education in the state and to enable persons to
14 contribute funds that are combined and invested to pay the
15 subsequent higher education expenses of a designated
16 beneficiary. The board may not implement the savings program
17 until it has obtained:

18 1. A written opinion from counsel specializing in
19 federal tax matters indicating that the savings program
20 constitutes a qualified tuition program under s. 529 of the
21 Internal Revenue Code;

22 2. A written opinion from a qualified member of the
23 United States Patent Bar indicating that the implementation of
24 the savings program or the operation of the savings program
25 will not knowingly infringe upon any patent or copyright
26 specifically related to the financing of higher education
27 expenses;

28 3. A written opinion of qualified counsel specializing
29 in federal securities law that the savings program and the
30 offering of participation in the savings program does not
31 violate federal securities law; and

1 4. A written opinion from the board's litigation
2 counsel indicating that the implementation or operation of the
3 savings program will not adversely impact any pending
4 litigation against the board.

5 (b) The benefactor retains ownership of all amounts on
6 deposit in his or her account with the savings program up to
7 the date of distribution on behalf of a designated
8 beneficiary. Earnings derived from investment of the
9 contributions shall be considered to be held in trust in the
10 same manner as contributions, except as applied for purposes
11 of the designated beneficiary and for purposes of maintaining
12 and administering the program as provided in this section.

13 (c) All amounts attributable to penalties shall be
14 used for purposes of the savings program or as required by the
15 Internal Revenue Code, and other amounts received other than
16 contributions shall be properties of the savings program.
17 Proceeds from penalties shall remain with the program and may
18 be used for any costs or purposes of the savings program or
19 used as required by the Internal Revenue Code.

20 (d) Deposits and contributions to the program, the
21 property of the board, and the earnings on the college savings
22 accounts are exempt from taxation.

23 (e) The assets of the savings program shall be
24 continuously invested and reinvested in a manner consistent
25 with the purposes of the program, expended on expenses
26 incurred by the operation and management of the savings
27 program, or refunded to the benefactor or designated
28 beneficiary under the conditions provided in the participation
29 agreement. The board is not required to invest directly in
30 obligations of the state or any political subdivision of the
31

1 state or in any investment or other fund administered by the
2 state.

3 (2) PARTICIPATION AGREEMENTS.--

4 (a) The board may establish plans to permit
5 benefactors to prepay the qualified higher education expenses
6 associated with enrollment in an eligible educational
7 institution and may permit benefactors to select from among
8 alternative investment plans designed to provide funds to pay
9 qualified education expenses of a designated beneficiary. The
10 board shall not accept contributions in excess of the amount
11 allowed pursuant to s. 529 of the Internal Revenue Code and
12 shall prescribe by rule the methodology and information
13 sources that shall be used to determine the projected costs of
14 qualified higher education expenses for designated
15 beneficiaries of prescribed ages.

16 (b) The board shall develop a participation agreement
17 which shall be the agreement between the board and each
18 benefactor, which may include, but is not limited to:

19 1. The name, date of birth, and social security number
20 of the designated beneficiary.

21 2. The amount of the contribution or contributions and
22 number of contributions required from a benefactor on behalf
23 of a designated beneficiary.

24 3. The terms and conditions under which benefactors
25 shall remit contributions, including, but not limited to, the
26 date or dates upon which each contribution is due. Deposits to
27 the savings program by benefactors may only be in cash.
28 Benefactors may contribute in a lump sum, periodically, in
29 installments, or through electronic funds transfer or employer
30 payroll deductions.

31

1 4. Provisions for late contribution charges and for
2 default.

3 5. Provisions for penalty fees for withdrawals from
4 the program.

5 6. The name of the person who may terminate
6 participation in the program. The participation agreement must
7 specify whether the account may be terminated by the
8 benefactor, the designated beneficiary, a specific designated
9 person, or any combination of these persons.

10 7. The terms and conditions under which an account may
11 be terminated, modified, or converted, the name of the person
12 entitled to any refund due as a result of termination of the
13 account pursuant to such terms and conditions, and the amount
14 of refund, if any, due to the person so named.

15 8. Penalties for distributions not used or made in
16 accordance with s. 529 of the Internal Revenue Code.

17 9. Any charges or fees in connection with the
18 administration of the savings fund.

19 10. The period of time after which each participation
20 agreement shall be considered to be terminated. Time expended
21 by a designated beneficiary as an active duty member of any of
22 the armed services of the United States shall be added to the
23 period specified pursuant to this subparagraph. Should a
24 participation agreement be terminated, the balance of the
25 account, after notice to the benefactor, shall be declared
26 unclaimed and abandoned property. The board shall retain any
27 monies paid by the benefactor for a participation agreement
28 that has been terminated in accordance with this subparagraph.
29 Such moneys may be transferred to the Florida Prepaid Tuition
30 Scholarship Program to provide matching funds for prepaid
31

1 tuition scholarships for economically disadvantaged youths
2 that remain drug free and crime free.

3 11. Other terms and conditions deemed by the board to
4 be necessary or proper.

5 (c) The participation agreement shall clearly state
6 that:

7 1. The contract is only a debt or obligation of the
8 savings program and the savings fund, and is not otherwise a
9 debt or obligation of the state.

10 2. Participation in the program does not guarantee
11 that sufficient funds will be available to cover all qualified
12 higher education expenses for any designated beneficiary and
13 does not guarantee admission to or continued enrollment at an
14 eligible educational institution of any designated
15 beneficiary.

16 (d) The participation agreement may be freely amended
17 throughout its term for purposes including, but not limited
18 to, allowing to enable the benefactor to increase or decrease
19 the level of participation, change designated beneficiaries,
20 and carry out similar matters permitted by this section and
21 the Internal Revenue Code.

22 (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
23 EXPENSES.--The board shall establish requirements and
24 procedures for beneficiaries to realize the benefits of
25 participation agreements. In establishing such requirements
26 and procedures, the board shall make distributions in as
27 efficient and expeditious manner as is prudent and possible,
28 consistent with the Internal Revenue Code.

29 (4) REFUNDS.--

30 (a) A benefactor may request a refund of the principal
31 amount of his or her contributions, plus actual investment

1 earnings or minus actual investment losses on the
2 contributions, less any applicable penalty, and less any
3 amounts used to provide benefits to the designated
4 beneficiary.

5 (b) Notwithstanding paragraph (a), a penalty may not
6 be levied if a benefactor requests a refund from the program
7 due to:

- 8 1. Death of the beneficiary.
- 9 2. Total disability of the beneficiary.
- 10 3. Scholarship, allowance, or payment received by the
11 beneficiary to the extent that the amount of the refund does
12 not exceed the amount of the scholarship, allowance, or
13 payment in accordance with federal law.

14 (c) If a benefactor requests a refund of funds
15 contributed to the program for any cause other than those
16 listed in paragraph (b), there shall be imposed a penalty of
17 10 percent of the earnings of the account and any applicable
18 taxes, or the amount required by the Internal Revenue Code.
19 Earnings shall be calculated as the total value of the
20 participation agreement, less the aggregate contributions, or
21 in the manner prescribed in the Internal Revenue Code.

22 (5) MATERIAL MISREPRESENTATION; PENALTY.--If the
23 benefactor or the designated beneficiary makes any material
24 misrepresentation in the application for a participation
25 agreement or in any communication with the board regarding the
26 program, especially regarding the withdrawal or distribution
27 of funds therefrom, the account may be involuntarily
28 liquidated by the board. If the account is so liquidated, the
29 benefactor is entitled to a refund, subject to a 10-percent
30 penalty or the amount required by the Internal Revenue Code.

31

1 (6) CONFIDENTIALITY OF ACCOUNT
2 INFORMATION.--Information that identifies the benefactors or
3 the designated beneficiary of any account initiated under this
4 section and information regarding individual account
5 activities conducted through the savings program established
6 in this section are confidential and exempt from the
7 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution. However, the board may authorize the release of
9 such information to a community college, college, or
10 university in which a designated beneficiary may enroll or is
11 enrolled. Community colleges, colleges, and universities shall
12 maintain the confidentiality of such information. This
13 subsection is subject to the Open Government Sunset Review Act
14 of 1995 in accordance with s. 119.15, and shall stand repealed
15 on October 2, 2005, unless reviewed and saved from repeal
16 through reenactment by the Legislature.

17 (7) OBLIGATIONS OF BOARD.--Any contract or
18 participation agreement entered into by or any obligation of
19 the board on behalf of and for the benefit of the savings
20 program does not constitute a debt or obligation of the state
21 but is an obligation of the savings program. The state has no
22 obligation to any designated beneficiary or any other person
23 as a result of the savings program. The obligation of the
24 savings program is limited solely to those amounts deposited
25 in the savings fund. All amounts obligated to be paid from the
26 savings fund are limited to amounts available for such
27 obligation. The amounts on deposit in the savings program may
28 only be disbursed in accordance with the provisions of this
29 section.

30 (8) PROGRAM TERMINATION.--The savings program shall
31 continue in existence until its existence is terminated by

1 law. If the state determines that the savings program is
2 financially infeasible, the state may discontinue the savings
3 program. Upon termination of the savings program, all deposits
4 shall be returned to benefactors, to the extent possible, and
5 any unclaimed assets in the savings program may be transferred
6 to the Florida Prepaid Tuition Scholarship Program to provide
7 matching funds for prepaid tuition scholarships for
8 economically disadvantaged youths that remain drug free and
9 crime free.

10 (9) STATE PLEDGE.--The state pledges to benefactors
11 and designated beneficiaries of the savings program that the
12 state will not limit or alter the rights under this section
13 which are vested in the program until such obligations are met
14 and discharged. However, this subsection does not preclude
15 such limitation if adequate provision is made by law for the
16 protection of the benefactors and designated beneficiaries
17 pursuant to the obligations of the board, and, if the state or
18 the board determines that the savings program is not
19 financially feasible, the state or the board may discontinue
20 the program. If the program is discontinued, the board shall
21 refund to benefactors their contributions to the program, plus
22 any investment earnings or minus any investment losses. The
23 board, on behalf of the state, may include this pledge and
24 undertaking by the state in participation agreements.

25 Section 491. Section 1009.982, Florida Statutes, is
26 created to read:

27 1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984
28 shall be construed as a promise or guarantee that a qualified
29 beneficiary or a designated beneficiary will be admitted to a
30 state postsecondary institution or to a particular state
31 postsecondary institution, will be allowed to continue

1 enrollment at a state postsecondary institution after
2 admission, or will be graduated from a state postsecondary
3 institution.

4 Section 492. Section 1009.983, Florida Statutes, is
5 created to read:

6 1009.983 Direct-support organization; authority.--

7 (1) The Florida Prepaid College Board may establish a
8 direct-support organization which is:

9 (a) A Florida corporation, not for profit,
10 incorporated under the provisions of chapter 617 and approved
11 by the Secretary of State.

12 (b) Organized and operated exclusively to receive,
13 hold, invest, and administer property and to make expenditures
14 to or for the benefit of the board.

15 (c) An organization which the board, after review, has
16 certified to be operating in a manner consistent with the
17 goals of the board and in the best interests of the state.
18 Unless so certified, the organization may not use the name of
19 the prepaid program or savings program.

20 (2) The direct-support organization shall operate
21 under written contract with the board. The contract must
22 provide for:

23 (a) Approval of the articles of incorporation and
24 bylaws of the direct-support organization by the board.

25 (b) Submission of an annual budget for the approval of
26 the board. The budget must comply with rules adopted by the
27 board.

28 (c) An annual financial and compliance audit of its
29 financial accounts and records by an independent certified
30 public accountant in accordance with s. 215.981.

31

1 (d) Certification by the board that the direct-support
2 organization is complying with the terms of the contract and
3 in a manner consistent with the goals and purposes of the
4 board and in the best interest of the state. Such
5 certification must be made annually and reported in the
6 official minutes of a meeting of the board.

7 (e) The reversion to the board, or to the state if the
8 board ceases to exist, of moneys and property held in trust by
9 the direct-support organization for the benefit of the board
10 or prepaid program if the direct-support organization is no
11 longer approved to operate for the board or if the board
12 ceases to exist.

13 (f) The fiscal year of the direct-support
14 organization, which must begin July 1 of each year and end
15 June 30 of the following year.

16 (g) The disclosure of material provisions of the
17 contract and of the distinction between the board and the
18 direct-support organization to donors of gifts, contributions,
19 or bequests, and such disclosure on all promotional and
20 fundraising publications.

21 (3) An annual financial and compliance audit of the
22 financial accounts and records of the direct-support
23 organization must be performed by an independent certified
24 public accountant. The audit must be submitted to the board
25 for review and approval. Upon approval, the board shall
26 certify the audit report to the Auditor General for review.
27 The board and Auditor General shall have the authority to
28 require and receive from the organization or its independent
29 auditor any detail or supplemental data relative to the
30 operation of the organization.

31

1 (4) The identity of donors who desire to remain
 2 anonymous shall be confidential and exempt from the provisions
 3 of s. 119.07(1) and s. 24(a), Art. I of the State
 4 Constitution, and such anonymity shall be maintained in the
 5 auditor's report. Information received by the organization
 6 that is otherwise confidential or exempt by law shall retain
 7 such status. Any sensitive, personal information regarding
 8 contract beneficiaries, including their identities, is exempt
 9 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
 10 the State Constitution.

11 (5) The chair and the executive director of the board
 12 shall be directors of the direct-support organization and
 13 shall jointly name, at a minimum, three other individuals to
 14 serve as directors of the organization.

15 (6) The board may authorize the direct-support
 16 organization established in this section to use board
 17 property, except money, and use facilities and personal
 18 services subject to the provisions of this section. If the
 19 direct-support organization does not provide equal employment
 20 opportunities to all persons regardless of race, color,
 21 religion, sex, age, or national origin, it may not use the
 22 property, facilities, or personal services of the board. For
 23 the purposes of this section, the term "personal services"
 24 includes full-time personnel and part-time personnel as well
 25 as payroll processing as prescribed by rule of the board. The
 26 board shall adopt rules prescribing the procedures by which
 27 the direct-support organization is governed and any conditions
 28 with which such a direct-support organization must comply to
 29 use property, facilities, or personal services of the board.

30 (7) The board may invest funds of the direct-support
 31 organization which have been allocated for the purchase of

1 advance payment contracts for scholarships with receipts for
2 advance payment contracts.

3 Section 493. Section 1009.984, Florida Statutes, is
4 created to read:

5 1009.984 Florida Prepaid Tuition Scholarship
6 Program.--The Florida Prepaid Tuition Scholarship Program is
7 established to provide economically disadvantaged youth with
8 prepaid postsecondary tuition scholarships. The direct-support
9 organization established pursuant to s. 1009.983 shall
10 administer the program with the assistance and cooperation of
11 the Department of Education to:

12 (1) Provide an incentive for economically
13 disadvantaged youth to improve school attendance and academic
14 performance in order to graduate and pursue a postsecondary
15 education.

16 (2) Obtain the commitment and involvement of private
17 sector entities by virtue of funding matches with a ratio of
18 50 percent provided by the private sector and 50 percent
19 provided by the state.

20 (3) Purchase prepaid tuition scholarships for students
21 certified by the Department of Education to the direct-support
22 organization who meet minimum economic and school requirements
23 and remain drug free and crime free.

24 (a) For the purpose of this subsection, "drug free"
25 means not being convicted of, or adjudicated delinquent for,
26 any violation of chapter 893 after being designated a
27 recipient of a Florida prepaid tuition scholarship.

28 (b) For the purpose of this subsection, "crime free"
29 means not being convicted of, or adjudicated delinquent for,
30 any felony or first degree misdemeanor as defined in ss.

31

1 775.08 and 775.081 after being designated a recipient of a
2 Florida prepaid tuition scholarship.

3 Section 494. 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 495. 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 496. 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 497. 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 498. 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 499. 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

1 standards for borrowers as the authority determines to be
2 necessary, but such standards shall include the following:

3 (a) Each student shall have a certificate of admission
4 or enrollment at a participating institution;

5 (b) Each student or his or her parents shall satisfy
6 such financial qualifications as the authority shall
7 establish; and

8 (c) Each student and his or her parents shall submit
9 such information to the applicable institution as may be
10 required by the authority.

11 (7) To contract with financial institutions and other
12 qualified loan origination and servicing organizations, which
13 shall assist in prequalifying borrowers for education loans
14 and which shall service and administer each education loan and
15 the respective loan series portfolio of each institution, and
16 to establish sufficient fees for each educational loan to
17 cover the applicable pro rata cost of such servicing and
18 originating organizations.

19 (8) To establish criteria governing the eligibility of
20 institutions to participate in its programs, the making and
21 allocation of authority loans and education loans, provisions
22 for default, the establishment of default reserve funds, the
23 purchase of default insurance, the provision of prudent debt
24 service reserves, and the furnishing by participating
25 institutions of such additional guarantees of the education
26 loans, authority loans, or obligations as the authority shall
27 determine necessary to assure the marketability of the
28 obligations and the adequacy of the security therefor;
29 however, the provisions applicable to participation by Florida
30 public participating institutions in the financing programs of
31 the authority shall be subject to approval and authorization

1 by the budgetary and other state agencies having jurisdiction
2 over those institutions.

3 (9) To fix, revise, charge, and collect rates, fees,
4 and charges for services furnished by the authority and to
5 contract with any person in respect thereto, including any
6 financial institution, loan originator, servicer,
7 administrator, issuer of letters of credit, or insurer.

8 (10) To employ consultants, attorneys, accountants,
9 financial experts, loan processors, bankers, managers, and
10 such other employees and agents as may be necessary and to fix
11 their compensation.

12 (11) To receive and accept, from any source, loans,
13 contributions, or grants for or in aid of an authority
14 education loan financing program or any portion thereof and,
15 when required, to use such funds, property, or labor only for
16 the purposes for which it was loaned, contributed, or granted.

17 (12) To make authority loans to institutions and
18 require that the proceeds thereof be used solely for making
19 education loans or for costs and fees in connection therewith
20 and to require institutions to obtain certification from each
21 borrower that proceeds from any education loan are used solely
22 for the purpose intended by this act.

23 (13) To charge to and apportion among participating
24 institutions administrative and operating costs and expenses
25 incurred in the exercise of the powers and duties conferred by
26 this act.

27 (14) To borrow working capital funds and other funds
28 as may be necessary for startup and continuing operations,
29 provided that such funds are borrowed solely in the name of
30 the authority. Such borrowings shall be limited obligations of
31 the character described in s. 1009.9975 and shall be payable

1 solely from revenues of the authority or proceeds of
2 obligations pledged for that purpose.

3 (15) Notwithstanding any other provisions of this act,
4 to commingle and pledge as security for a series or issue of
5 obligations, with the consent of all of the institutions which
6 are participating in such series or issue:

7 (a) The education loan series portfolios and some or
8 all future education loan series portfolios of such
9 institutions; and

10 (b) The loan funding deposits of such institutions,
11 except that education loan series portfolios and other
12 security and moneys set aside in any fund pledged for any
13 series or issue of obligations shall be held for the sole
14 benefit of such series or issue separate and apart from
15 education loan series portfolios and other security and moneys
16 pledged for any other series of issue of obligations of the
17 authority. Obligations may be issued in series under one or
18 more resolutions or trust agreements in the discretion of the
19 authority.

20 (16) To examine records and financial reports of
21 participating institutions and to examine records and
22 financial reports of any contractor organization or
23 institution retained by the authority under the provisions of
24 this act.

25 (17) To make loans to a participating institution to
26 refund outstanding obligations, mortgages, or advances issued,
27 made, or given by such institution for authority loans; and
28 whenever such refunding obligations are issued to refund
29 obligations, the proceeds of which were used to make authority
30 loans, the authority may reduce the amount of interest owed to
31 it by the institution which had received authority loans from

1 the proceeds of the refunded obligations. Such institution
2 may use this reduced amount to reduce the amount of interest
3 being paid on education loans which the institution had made
4 pursuant to the authority loans from the proceeds of the
5 refunded obligations.

6 (18) To authorize its officers, agents, and employees
7 to take any other action which is necessary in order to carry
8 out the purposes of this act.

9 Section 500. Section 1009.995, Florida Statutes, is
10 created to read:

11 1009.995 Expenses of authority.--All expenses incurred
12 in carrying out the provisions of this act shall be payable
13 solely from funds provided under the provisions of this act;
14 and, except as specifically authorized under this act, no
15 liability shall be incurred by an authority beyond the extent
16 to which moneys have been provided under this act.

17 Section 501. Section 1009.996, Florida Statutes, is
18 created to read:

19 1009.996 Higher education facilities authority as
20 higher education loan authority.--As an alternative to the
21 creation of an authority, a commission may confer all rights,
22 powers, privileges, duties, and immunities of an authority
23 upon any entity in existence on July 1, 1982, which has been
24 authorized by law to function as a higher education facilities
25 authority pursuant to the provisions of chapter 243. Any such
26 entity which has been vested with the rights, powers,
27 privileges, duties, and immunities of a higher education loan
28 authority shall be subject to all provisions and
29 responsibilities imposed by this act, notwithstanding any
30 provisions to the contrary in any law which established the
31 entity. Nothing in this act shall be construed to impair or

1 diminish any powers of any other entity in existence on July
2 1, 1982, or to repeal, modify, or amend any law establishing
3 such entity, except as specifically set forth herein.

4 Section 502. Section 1009.9965, Florida Statutes, is
5 created to read:

6 1009.9965 Moneys, endowments, properties; acquisition,
7 deposit, and guarantees.--Each authority is authorized to
8 establish specific guidelines relating to the deposits of
9 moneys, endowments, or properties by institutions which
10 moneys, endowments, or properties would provide prudent
11 security for education loan funding programs, authority loans,
12 education loans, or obligations; and it may establish
13 guidelines relating to guarantees of, or contracts to
14 purchase, education loans or obligations by such institutions,
15 financial institutions, or others. A default reserve fund may
16 be established for each series or issue of obligations. In
17 this regard, the authority is empowered to receive such
18 moneys, endowments, properties, and guarantees as it deems
19 appropriate and, if necessary, to take title in the name of
20 the authority or in the name of a participating institution or
21 a trustee, subject, however, to the limitations applicable to
22 public participating institutions set forth in s. 1009.994(8).

23 Section 503. Section 1009.997, Florida Statutes, is
24 created to read:

25 1009.997 Conveyance of loan funding deposit to
26 participating institutions.--When the principal of and
27 interest on obligations of an authority issued to finance the
28 cost of an education loan financing program, including any
29 refunding obligations issued to refund and refinance such
30 obligations, have been fully paid and retired or when adequate
31 provision has been made to fully pay and retire the

1 obligations and all other conditions of the bond resolution
2 have been satisfied and the lien created by such bond
3 resolution has been released in accordance with the provisions
4 thereof, the authority shall promptly do such things and
5 execute such deeds and conveyances as are necessary to convey
6 any remaining moneys, properties, and other assets comprising
7 loan funding deposits to the institutions in proportion to the
8 amounts furnished by the respective institutions.

9 Section 504. Section 1009.9975, Florida Statutes, is
10 created to read:

11 1009.9975 Notes of authority.--An authority may issue
12 its negotiable notes for any corporate purpose and renew any
13 notes by the issuance of new notes, whether or not the notes
14 to be renewed have matured. The authority may issue notes
15 partly to renew notes or to discharge other obligations then
16 outstanding and partly for any other purpose. The notes may be
17 authorized, sold, executed, and delivered in the same manner
18 as bonds. Any resolution authorizing notes of the authority
19 or any issue thereof may contain any provisions which the
20 authority is authorized to include in any resolution
21 authorizing revenue bonds or any issue thereof, and the
22 authority may include in any notes any terms, covenants, or
23 conditions which it is authorized to include in any bonds.
24 All such notes shall be payable solely from the revenues of
25 the authority, subject only to any contractual rights of the
26 holders of any of its notes or other obligations then
27 outstanding.

28 Section 505. Section 1009.9976, Florida Statutes, is
29 created to read:

30 1009.9976 Issuance of obligations.--
31

1 (1) An authority may issue its negotiable revenue
 2 obligations for any corporate purpose. In anticipation of the
 3 sale of such obligations, the authority may issue negotiable
 4 bond anticipation notes and may renew them, but the maximum
 5 maturity of any such note, including renewals thereof, shall
 6 not exceed 5 years from the date of issue of the original
 7 note. Such notes shall be paid from revenues of the authority
 8 available therefor and not otherwise pledged or from the
 9 proceeds of sale of the revenue bonds of the authority in
 10 anticipation of which they were issued. The notes shall be
 11 issued in the same manner as the revenue bonds. Such notes and
 12 the resolution authorizing them may contain any provisions,
 13 conditions, or limitations which a bond resolution of the
 14 authority may contain.

15 (2) Each issue of obligations shall be payable solely
 16 out of those revenues of the authority that pertain to the
 17 program relating to such issue, including principal and
 18 interest on authority loans and education loans; payments by
 19 institutions of higher education, banks, insurance companies,
 20 or others pursuant to letters of credit or purchase
 21 agreements; investment earnings from funds or accounts
 22 maintained pursuant to the bond resolution; insurance
 23 proceeds; loan funding deposits; proceeds of sales of
 24 education loans; proceeds of refunding obligations; and fees,
 25 charges, and other revenues of the authority from such
 26 program, subject only to any agreements with the holders of
 27 particular revenue bonds or notes pledging any particular
 28 reserves.

29 (3) The obligations may be issued as serial
 30 obligations or as term obligations, or in both forms. The
 31 obligations shall be authorized by a bond resolution of the

1 authority and shall bear such dates; mature at such times, not
 2 to exceed the year following the last year in which the final
 3 payments in an education loan series portfolio are due or 30
 4 years, whichever is sooner, from their respective dates of
 5 issue; bear interest at such rates; be payable at such times;
 6 be in such denominations; be in such form, either coupon or
 7 fully registered; carry such registration and conversion
 8 privileges; be payable in lawful money of the United States of
 9 America at such places; and be subject to such terms of
 10 redemption as such bond resolution may provide. Obligations
 11 shall be executed by the manual or facsimile signatures of
 12 such officers of the authority as shall be designated by the
 13 authority. Obligations may be sold at public or private sale
 14 in such manner and for such price as the authority shall
 15 determine. Pending preparation of the definitive bonds, the
 16 authority may issue interim receipts or certificates which
 17 shall be exchanged for such definitive bonds.

18 (4) Any bond resolution may contain provisions, which
 19 shall be a part of the contract with the holders of the
 20 obligations to be authorized, as to:

21 (a) The pledging or assigning of all or part of the
 22 revenues derived from the authority loans and education loans
 23 to secure the payment of the obligations to be issued.

24 (b) The fees and other amounts to be charged; the sums
 25 to be raised in each year thereby; and the use, investment,
 26 and disposition of such sums.

27 (c) The setting aside of loan funding deposits, debt
 28 service reserves, capitalized interest accounts, cost of
 29 insurance accounts, and sinking funds and the regulation,
 30 investment, and disposition thereof.

31

1 (d) Limitations on the right of the authority or its
2 agent to restrict and regulate the use of education loans.

3 (e) Limitations on the purpose to which the proceeds
4 of sale of any issue of obligations then or thereafter to be
5 issued may be invested or applied.

6 (f) Limitations on the issuance of additional
7 obligations; the terms upon which additional obligations may
8 be issued and secured; the terms upon which additional
9 obligations may rank on a parity with, or be subordinate or
10 superior to, other obligations; and the refunding of
11 outstanding obligations.

12 (g) The procedure, if any, by which the terms of any
13 contract with bondholders may be amended or abrogated, the
14 amount of obligations the holders of which must consent
15 thereto, and the manner in which such consent may be given.

16 (h) Limitations on the amount of moneys derived from
17 the loan program to be expended for operating, administrative,
18 or other expenses of the authority.

19 (i) Defining the acts or omissions to act which
20 constitute a default in the duties of the authority to holders
21 of obligations and providing the rights or remedies of such
22 holders in the event of a default.

23 (j) Providing for guarantees, pledges or endowments,
24 letters of credit, property, or other security for the benefit
25 of the holders of such obligations.

26 (k) Any other matters relating to the obligations
27 which the authority deems desirable to include in the bond
28 resolution.

29 (5) Neither the members of the authority nor any
30 person executing the obligations shall be liable personally on
31

1 the obligations or be subject to any personal liability or
2 accountability by reason of the issuance thereof.

3 (6) The authority shall have power to purchase its
4 obligations out of any funds available therefor. The
5 authority may hold, pledge, cancel, or resell such obligations
6 subject to and in accordance with agreements with bondholders.

7 (7) The authority shall have the power to refund any
8 of its obligations. Such refunding obligations shall be
9 issued in the same manner as other obligations of the
10 authority.

11 Section 506. Section 1009.9977, Florida Statutes, is
12 created to read:

13 1009.9977 Trust agreement to secure obligations.--In
14 the discretion of the authority, any obligations issued under
15 the provisions of this act may be secured by a trust agreement
16 by and between the authority and a corporate trustee, which
17 may be any trust company or bank having the powers of a trust
18 company within or without the state. The trust agreement may
19 pledge or assign the revenues to be received by the authority;
20 may contain such provisions for protecting and enforcing the
21 rights and remedies of the bondholders as may be reasonable
22 and proper and not in violation of law, particularly including
23 such provisions as have hereinabove been specifically
24 authorized to be included in any bond resolution of the
25 authority; and may restrict individual rights of action by
26 bondholders. Any bank or trust company incorporated under the
27 laws of this state which may act as depository of the proceeds
28 of bonds or of revenues or other moneys may furnish such
29 indemnifying bonds or pledge such securities as may be
30 required by the authority. Any such trust agreement may set
31 forth the rights and remedies of the bondholders and of the

1 trustee. In addition, any trust agreement may contain such
2 other provisions as the authority may deem reasonable and
3 proper for the security of the bondholders. All expenses
4 incurred in carrying out the provisions of the trust agreement
5 may be treated as part of the cost of the operation of an
6 education loan program.

7 Section 507. Section 1009.9978, Florida Statutes, is
8 created to read:

9 1009.9978 Payment of obligations.--Obligations issued
10 under the provisions of this act shall not be deemed to
11 constitute a debt or liability of the state or the county or a
12 pledge of the faith and credit of the state or any county, but
13 such obligations shall be payable solely from the funds herein
14 provided therefor from revenues. Each such obligation shall
15 contain on its face a statement to the effect that neither the
16 county nor the authority shall be obligated to pay the same or
17 the interest thereon except from revenues of the loan program
18 for which it is issued and that neither the faith and credit
19 nor the taxing power of the state or of any political
20 subdivision thereof is pledged to the payment of the principal
21 of or the interest on such bonds. The issuance of obligations
22 under the provisions of this act shall not directly,
23 indirectly, or contingently obligate the state or any
24 political subdivision thereof to levy or pledge any form of
25 taxation whatever therefor or to make any appropriation for
26 their payment.

27 Section 508. Section 1009.9979, Florida Statutes, is
28 created to read:

29 1009.9979 Pledge of revenues.--Each authority shall
30 fix, revise, charge, and collect fees, and it is empowered to
31 contract with any person in respect thereof. Each agreement

1 entered into by the authority with an institution shall
2 provide that the fees and other amounts payable by the
3 institution of higher education with respect to any program of
4 the authority shall be sufficient at all times to:

5 (1) Pay the institution's share of the administrative
6 costs and expenses of such program;

7 (2) Pay the principal of, the premium, if any, on, and
8 the interest on outstanding obligations of the authority which
9 have been issued in respect of such program to the extent that
10 other revenues of the authority pledged for the payment of the
11 obligations are insufficient to pay the obligations as they
12 become due and payable;

13 (3) Create and maintain reserves which may, but need
14 not, be required or provided for in the bond resolution
15 relating to such obligations of the authority; and

16 (4) Establish and maintain whatever education loan
17 servicing, control, or audit procedures are deemed necessary
18 to the prudent operations of the authority.

19
20 The authority shall pledge the revenues from each program as
21 security for the issue of obligations relating to such
22 program. Such pledge shall be valid and binding from the time
23 the pledge is made; the revenues so pledged by the authority
24 shall immediately be subject to the lien of such pledge
25 without any physical delivery thereof or further act, and the
26 lien of any such pledge shall be valid and binding against all
27 parties having claims of any kind in tort, in contract, or
28 otherwise against the authority or any participating
29 institution, irrespective of whether such parties have notice
30 thereof.

31

1 Section 509. Section 1009.998, Florida Statutes, is
2 created to read:

3 1009.998 Funds as trust funds.--All moneys received by
4 or on behalf of an authority pursuant to this act, whether as
5 proceeds from the sale of obligations or as revenues, shall be
6 deemed to be trust funds to be held and applied solely as
7 provided in this act. Any officer with whom, or any bank or
8 trust company with which, such moneys are deposited shall act
9 as trustee of such moneys and shall hold and apply the same
10 for the purposes of this act, subject to such regulations as
11 this act and the bond resolution authorizing the issue of any
12 obligations may provide.

13 Section 510. Section 1009.9981, Florida Statutes, is
14 created to read:

15 1009.9981 Obligations; qualities of investment
16 securities.--All obligations issued under the provisions of
17 this act, regardless of form or terms, shall have all the
18 qualities and incidents, including negotiability, of
19 investment securities under the Uniform Commercial Code.
20 Compliance with the provisions of such code respecting the
21 filing of a financing statement to perfect a security interest
22 is not necessary for perfecting any security interest granted
23 by an authority.

24 Section 511. Section 1009.9982, Florida Statutes, is
25 created to read:

26 1009.9982 Rights of holders of obligations.--Any
27 holder of obligations issued pursuant to this act or a trustee
28 under a trust agreement entered into pursuant to this act,
29 except to the extent that the rights herein given may be
30 restricted by any bond resolution or trust agreement, may, by
31 any suitable form of legal proceedings:

1 (1) Protect and enforce any and all rights under the
2 laws of this state or granted hereunder or by the bond
3 resolution or trust agreement;

4 (2) Enjoin unlawful activities; and

5 (3) In the event of default with respect to the
6 payment of any principal of, premiums, if any, on, and
7 interest on any obligation or in the performance of any
8 covenant or agreement on the part of the authority in the bond
9 resolution, apply to the circuit court to appoint a receiver
10 to administer and operate the education loan program or
11 programs, the revenues of which are pledged to the payment of
12 principal of, premium, if any, on, and interest on such
13 obligations, with full power to pay, and to provide for
14 payment of, principal of, premium, if any, on, and interest on
15 such obligations and with such powers, subject to the
16 direction of the court, as are permitted by law and are
17 accorded receivers, excluding any power to pledge additional
18 revenues of the authority to the payment of such principal,
19 premium, and interest.

20 Section 512. Section 1009.9983, Florida Statutes, is
21 created to read:

22 1009.9983 Refunding obligations; purpose, proceeds;
23 investment of proceeds.--

24 (1) An authority may provide for the issuance of
25 obligations for the purpose of refunding any of its
26 obligations then outstanding, including the payment of any
27 redemption premium thereon and any interest accrued or to
28 accrue to the earliest or any subsequent date of redemption,
29 purchase, or maturity of such obligations.

30 (2) The proceeds of any such obligations issued for
31 the purpose of refunding outstanding obligations may, in the

1 discretion of the authority, be applied to the purchase or
2 retirement at maturity or redemption of such outstanding
3 obligations either on their earliest or any subsequent
4 redemption date or upon the purchase or at the maturity
5 thereof and may, pending such application, be placed in escrow
6 to be applied to such purchase or retirement at maturity or
7 redemption on such date as may be determined by the authority.

8 (3) Any such escrowed proceeds, pending such use, may
9 be invested and reinvested in direct obligations of the United
10 States of America or in certificates of deposit or time
11 deposits of financial institutions secured as to principal by
12 such direct obligations, which direct obligations,
13 certificates of deposit, or time deposits mature at such time
14 as shall be appropriate to assure the prompt payment, as to
15 principal, interest, and redemption premium, if any, of the
16 outstanding obligations to be so refunded. The interest,
17 income, and profits, if any, earned or realized on any such
18 investment may also be applied to the payment of the
19 outstanding obligations to be so refunded. After the terms of
20 the escrow have been fully satisfied and carried out, any
21 balance of such proceeds and interest, income, and profits, if
22 any, earned or realized on the investments thereof shall be
23 returned to the authority for use in any lawful manner.

24 (4) All such refunding bonds shall be subject to this
25 act in the same manner and to the same extent as other revenue
26 bonds issued pursuant to this act.

27 Section 513. Section 1009.9984, Florida Statutes, is
28 created to read:

29 1009.9984 Investment of funds of authority.--Except as
30 otherwise provided in s. 1009.9983(3), an authority may invest
31 any funds in:

- 1 (1) Direct obligations of the United States of
2 America;
- 3 (2) Obligations as to which the timely payment of
4 principal and interest is fully guaranteed by the United
5 States of America;
- 6 (3) Obligations of the Federal Intermediate Credit
7 Banks, Federal Banks for Cooperatives, Federal Land Banks,
8 Federal Home Loan Banks, Federal National Mortgage
9 Association, Government National Mortgage Association, and
10 Student Loan Marketing Association;
- 11 (4) Certificates of deposit or time deposits
12 constituting direct obligations of any financial institution
13 as defined by the financial institutions codes, as now or
14 hereafter amended, except that investments may be made only in
15 those certificates of deposit or time deposits in financial
16 institutions which are insured by the appropriate federal
17 regulatory agency as defined in s. 655.005; and
- 18 (5) Withdrawable capital accounts or deposits of state
19 or federally chartered savings and loan associations which are
20 insured by an agency of the Federal Government. Any such
21 securities may be purchased at the offering or market price
22 thereof at the time of such purchase. All such securities so
23 purchased shall mature or be redeemable on a date prior to the
24 time when, in the judgment of the authority, the funds so
25 invested will be required for expenditure. The express
26 judgment of the authority as to the time when any funds will
27 be required for expenditure or be redeemable is final and
28 conclusive.

29 Section 514. Section 1009.9985, Florida Statutes, is
30 created to read:
31

1 1009.9985 Obligations as legal investments.--Any bank,
2 banker, trust company, savings bank or institution, building
3 and loan association, savings and loan association, investment
4 company, or other person carrying on a banking business or
5 investment business; insurance company or insurance
6 association; executor, administrator, guardian, trustee, or
7 other fiduciary; or public officer or public body of the state
8 or its political subdivisions may legally invest any sinking
9 funds, moneys, or other funds belonging to it or within its
10 control in any obligations issued pursuant to this act.

11 Section 515. Section 1009.9986, Florida Statutes, is
12 created to read:

13 1009.9986 Validation of bonds and proceedings.--A
14 higher education loan authority shall determine its authority
15 to issue any of its bonds, and the legality of all proceedings
16 in connection therewith, as provided in chapter 75.

17 Section 516. Section 1009.9987, Florida Statutes, is
18 created to read:

19 1009.9987 Actions to contest validity of bonds.--An
20 action or proceeding to contest the validity of any bond
21 issued under this act, other than a proceeding pursuant to s.
22 1009.9986, shall be commenced within 30 days after
23 notification, in a newspaper of general circulation within the
24 area, of the passage by the authority of the resolution
25 authorizing the issuance of such bond.

26 Section 517. Section 1009.9988, Florida Statutes, is
27 created to read:

28 1009.9988 Annual report.--Each authority shall keep an
29 accurate account of all of its activities and shall annually
30 provide a report thereof to the commission and to the
31 Commissioner of Education. Such report shall be a public

1 record and open for inspection at the offices of the authority
2 during normal business hours. The report shall include:

3 (1) Summaries of all applications by institutions of
4 higher education for education loan financing assistance
5 presented to the authority during such fiscal year;

6 (2) Summaries of all education loan programs which
7 have received any form of financial assistance from the
8 authority during such year;

9 (3) The nature and amount of all education loan
10 financing assistance;

11 (4) A report concerning the financial condition of the
12 various education loan series portfolios; and

13 (5) Projected activities of the authority for the next
14 fiscal year, including projections of the total amount of
15 financial assistance anticipated and the amount of obligations
16 that will be necessary to provide the projected level of
17 assistance during the next fiscal year.

18 Section 518. Section 1009.9989, Florida Statutes, is
19 created to read:

20 1009.9989 Act as alternative method.--This act shall
21 be deemed to provide a complete, additional, and alternative
22 method for the doing of the things authorized hereby and shall
23 be regarded as supplemental and additional to powers or rights
24 conferred by other laws; however, the issuance of obligations
25 and refunding obligations under this act need not comply with
26 the requirements of any other law applicable to the issuance
27 of obligations. Except as otherwise expressly provided in
28 this act, none of the powers granted to an authority under
29 this act shall be subject to the supervision or regulation, or
30 require the approval or consent, of any municipality or
31 political subdivision or any department, division, commission,

1 board, body, bureau, official, or agency thereof or of the
2 state.

3 Section 519. Section 1009.9990, Florida Statutes, is
4 created to read:

5 1009.9990 State agreement.--The state does hereby
6 pledge to and agree with the holders of any obligations issued
7 under this act, and with those parties who may enter into
8 contracts with an authority pursuant to the provisions of this
9 act, that the state will not limit or alter the rights hereby
10 vested in the authority until such obligations, together with
11 the interest thereon, are fully met and discharged and such
12 contracts are fully performed on the part of the authority;
13 however, nothing herein contained shall preclude such
14 limitation or alteration if adequate provision is made by law
15 for the protection of the holders of such obligations of an
16 authority or those entering into such contracts with an
17 authority. An authority is authorized to include this pledge
18 and undertaking for the state in such obligations or
19 contracts.

20 Section 520. Section 1009.9991, Florida Statutes, is
21 created to read:

22 1009.9991 Conflicts of interest.--

23 (1) If any member, officer, or employee of an
24 authority has an interest, either direct or indirect, in any
25 contract to which the authority is, or is to be, a party or in
26 any institution requesting an authority loan from the
27 authority, such interest shall be disclosed to the authority
28 in writing and shall be set forth in the minutes of the
29 authority. The person having such interest shall not
30 participate in any action by the authority with respect to
31 such contract or such institution.

1 (2) Nothing in this section shall be construed to
2 limit the right of any member, officer, or employee of an
3 authority to acquire an interest in bonds of the authority or
4 to have an interest in any banking institution in which the
5 bonds of the authority are, or are to be, deposited or which
6 is, or is to be, acting as trustee or paying agent under any
7 bond resolution, trust indenture, or similar instrument to
8 which the authority is a party.

9 Section 521. Section 1009.9992, Florida Statutes, is
10 created to read:

11 1009.9992 Liberal construction.--This act, being
12 necessary for the welfare of the state and its inhabitants,
13 shall be liberally construed to effect its purpose.

14 Section 522. Section 1009.9993, Florida Statutes, is
15 created to read:

16 1009.9993 Tax exemption.--Neither an authority nor its
17 agent or trustee shall be required to pay any taxes or
18 assessments upon any transactions, or any property acquired or
19 used by the authority or its agents or trustees under the
20 provisions of this act or upon the income therefrom. Any
21 bonds, notes, or other obligations issued under the provisions
22 of this act and their transfer and the income therefrom,
23 including any profit made on the sale thereof, shall at all
24 times be exempt from taxation of any kind by the state or any
25 of its political subdivisions. The exemption granted by this
26 section shall not be applicable to any tax imposed by chapter
27 220 on interest, income, or profits on debt obligations owned
28 by corporations.

29 Section 523. Section 1009.9994, Florida Statutes, is
30 created to read:

31

1 1009.9994 State Board of Administration authority to
2 borrow and lend funds to finance student loans; conditions and
3 limitations.--

4 (1) The State of Florida, acting through the State
5 Board of Administration, is authorized to borrow funds to
6 finance student loans and to lend such funds to eligible
7 lenders described under the provisions of the Higher Education
8 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
9 be amended, or other federal laws providing for the guarantee
10 of loans to students and the partial payment of interest on
11 such loans by the United States Government.

12 (2) In order to obtain such funds, the State of
13 Florida, acting through the State Board of Administration, is
14 authorized to enter into loan agreements and interlocal
15 agreements with any county, municipality, special district, or
16 other local governmental body. Such agreements shall be for
17 such periods and under such terms and conditions as may be
18 mutually agreed upon by the parties thereto in order to carry
19 out the purposes of s. 15, Art. VII of the State Constitution.
20 The loans shall be repaid only from the proceeds received
21 under loan agreements with eligible lenders or from the
22 proceeds received from the repayment of the student loans.
23 Such agreements shall provide that the loans to the state will
24 not constitute a general or moral obligation or a pledge of
25 the faith and credit or the taxing power of the state.

26 (3) The State of Florida, acting through the State
27 Board of Administration, is further authorized to enter into
28 loan agreements or other contracts under which the state will
29 loan the funds obtained from the local governments to eligible
30 lenders as defined in s. 435(g)(1)(D) of the Higher Education
31 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may

1 be amended, or other federal laws providing for the guarantee
 2 of loans to students and the partial payment of interest on
 3 such loans by the United States Government. Such agreements
 4 or contracts shall be for such periods and under such terms
 5 and conditions as may be mutually agreed upon by the parties
 6 thereto in order to carry out the purposes of s. 15, Art. VII
 7 of the State Constitution. Higher Education Loan Program of
 8 Florida, Inc., a Florida nonprofit corporation, is hereby
 9 designated an eligible lender hereunder, and any other lender,
 10 to the extent permitted under s. 435(g)(1)(D) of the Higher
 11 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended
 12 or as may be amended, or other federal laws providing for the
 13 guarantee of loans to students and the partial payment of
 14 interest on such loans by the United States Government, may be
 15 designated by the Governor, with the concurrence of the State
 16 Board of Administration, as an eligible lender hereunder.

17 (4) The State of Florida, acting through the State
 18 Board of Administration, is further authorized to enter into
 19 such further contracts and to take such further actions as may
 20 be necessary or convenient in order to carry out the purposes
 21 of this section.

22 (5) Notice shall be published in a newspaper of
 23 general circulation within the territorial jurisdiction of the
 24 governmental body following adoption by the local governmental
 25 body of a resolution authorizing a loan agreement or
 26 interlocal agreement under this section. An action or
 27 proceeding to contest the validity of any such loan agreement
 28 or interlocal agreement must be commenced within 30 days after
 29 publication of such notice.

30 (6) The provisions of this section shall be liberally
 31 construed in order to effectively carry out its purposes.

1 This section shall be deemed to provide an additional and
2 alternative method for the doing of the things authorized
3 hereby and shall be regarded as supplemental to powers
4 conferred by other laws, and shall not be regarded as in
5 derogation of any powers now existing.

6 Section 524. Contingent upon ss. 1011.41 and
7 1011.4106, Florida Statutes, which transfer funding associated
8 with student tuition and fees and other authorized fees for
9 services to local accounts to be managed by university boards
10 of trustees, becoming law, the total receipts of the state
11 which are subject to the revenue limitations of Article VII,
12 Section 1(e) of the Florida Constitution shall be reduced by
13 the Revenue Estimation Conference to reflect this transfer.

14 Section 525. Chapter 1010, Florida Statutes, shall be
15 entitled "Financial Matters" and shall consist of ss.
16 1010.01-1010.86.

17 Section 526. Part I of chapter 1010, Florida Statutes,
18 shall be entitled "General Accounting Requirements" and shall
19 consist of ss. 1010.01-1010.11.

20 Section 527. Section 1010.01, Florida Statutes, is
21 created to read:

22 1010.01 Uniform records and accounts.--

23 (1) The financial records and accounts of each school
24 district, community college, university, and other institution
25 or agency under the supervision of the State Board of
26 Education shall be prepared and maintained as prescribed by
27 law and rules of the State Board of Education.

28 (2) Rules of the State Board of Education shall
29 incorporate the requirements of law and the appropriate
30 requirements of the Governmental Accounting Standards Board
31 (GASB) for State and Local Government.

1 (3) Required financial accounts and reports shall
2 include provisions that are unique to each of the following:
3 K-12 school districts, community colleges, and state
4 universities, and shall provide for the data to be reported to
5 the National Center of Educational Statistics and other
6 governmental and professional educational data information
7 services as appropriate.

8 Section 528. Section 1010.011, Florida Statutes, is
9 created to read:

10 1010.011 Definition.--For purposes of chapters 1010
11 and 1011, the following terms: university, universities, and
12 university board of trustees include New College under the
13 supervision of the State Board of Education.

14 Section 529. Section 1010.02, Florida Statutes, is
15 created to read:

16 1010.02 Financial accounting and expenditures.--All
17 funds accruing to a school district, a community college, or a
18 university must be received, accounted for, and expended in
19 accordance with law and rules of the State Board of Education.

20 Section 530. Section 1010.03, Florida Statutes, is
21 created to read:

22 1010.03 Delinquent accounts.--District school boards,
23 community college boards of trustees, and university boards of
24 trustees:

25 (1) Shall exert every effort to collect all delinquent
26 accounts.

27 (2) May charge off or settle such accounts as may
28 prove uncollectible.

29 (3) May employ the services of a collection agency
30 when deemed advisable in collecting delinquent accounts.

31

1 (4) May adopt rules, as necessary, to implement the
2 provisions of this section, including setoff procedures,
3 payroll deductions, and restrictions on release of
4 transcripts, awarding of diplomas, and access to other
5 resources and services of the school district, community
6 college, or university.

7 Section 531. Section 1010.04, Florida Statutes, is
8 created to read:

9 1010.04 Purchasing.--

10 (1) Purchases and leases by school districts,
11 community colleges, and universities shall comply with the
12 requirements of law and rules of the State Board of Education.

13 (2) Each district school board, community college
14 board of trustees, and each university board of trustees shall
15 adopt rules to be followed in making purchases.

16 (3) In districts in which the county purchasing agent
17 is authorized by law to make purchases for the benefit of
18 other governmental agencies within the county, the district
19 school board and community college board of trustees shall
20 have the option to purchase from the current county contracts
21 at the unit price stated therein if such purchase is to the
22 economic advantage of the district school board or the
23 community college board of trustees; subject to confirmation
24 of the items of purchase to the standards and specifications
25 prescribed by the school district or community college.

26 (4) The State Board of Education may, by rule, provide
27 for alternative procedures for bidding or purchasing in cases
28 in which the character of the item requested renders
29 competitive bidding impractical.

30 Section 532. Section 1010.05, Florida Statutes, is
31 created to read:

1 1010.05 Federal grants; maximization of indirect cost
2 allowance.--The Department of Education shall maximize the
3 available federal indirect cost allowed on all federal grants.
4 Beginning with the 2002-2003 fiscal year, none of the funds
5 received from indirect cost allowance shall be expended by the
6 department without specific appropriation by the Legislature.
7 Funds received pursuant to s. 1004.22 are specifically exempt
8 from this provision.

9 Section 533. Section 1010.07, Florida Statutes, is
10 created to read:

11 1010.07 Bonds or insurance required.--

12 (1) Each district school board, community college
13 board of trustees, and university board of trustees shall
14 ensure that each official and employee responsible for
15 handling, expending, or authorizing the expenditure of funds
16 shall be appropriately bonded or insured to protect the board
17 and the funds involved.

18 (2) Contractors paid from school district, community
19 college, or university funds shall give bond for the faithful
20 performance of their contracts in such amount and for such
21 purposes as prescribed by s. 255.05 or by rules of the State
22 Board of Education relating to the type of contract involved.
23 It shall be the duty of the district school board, community
24 college board of trustees, and university board of trustees to
25 require construction contractors a bond adequate to protect
26 the board and the board's funds involved.

27 Section 534. Section 1010.08, Florida Statutes, is
28 created to read:

29 1010.08 Promotion and public relations; funding.--Each
30 district school board and community college board of trustees
31 may budget and use a portion of the funds accruing to it from

1 auxiliary enterprises and undesignated gifts for promotion and
2 public relations as prescribed by rules of the State Board of
3 Education. Such funds may be used to provide hospitality to
4 business guests in the district or elsewhere. However, such
5 hospitality expenses may not exceed the amount authorized for
6 such contingency funds as prescribed by rules of the State
7 Board of Education.

8 Section 535. Section 1010.09, Florida Statutes, is
9 created to read:

10 1010.09 Direct-support organizations.--School
11 district, community college, and university direct-support
12 organizations shall be organized and conducted under the
13 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the
14 State Board of Education, as applicable.

15 Section 536. Section 1010.11, Florida Statutes, is
16 created to read:

17 1010.11 Electronic transfer of funds.--Pursuant to the
18 provisions of s. 215.85, each district school board, community
19 college board of trustees, and university board of trustees
20 shall adopt written policies prescribing the accounting and
21 control procedures under which any funds under their control
22 are allowed to be moved by electronic transaction for any
23 purpose including direct deposit, wire transfer, withdrawal,
24 or investment. Electronic transactions shall comply with the
25 provisions of chapter 668.

26 Section 537. Part II of chapter 1010, Florida
27 Statutes, shall be entitled "Financial Reporting" and shall
28 consist of ss. 1010.20-1010.24.

29 Section 538. Section 1010.20, Florida Statutes, is
30 created to read:

31

1 1010.20 Cost accounting and reporting for school
2 districts.--

3 (1) COST ACCOUNTING.--Each school district shall
4 account for expenditures of all state, local, and federal
5 funds on a school-by-school and a district-aggregate basis in
6 accordance with the manual developed by the Department of
7 Education or as provided by law.

8 (2) COST REPORTING.--

9 (a) Each district shall report on a district-aggregate
10 basis expenditures for inservice training pursuant to s.
11 1011.62(3) and for categorical programs as provided in s.
12 1011.62(5).

13 (b) Each district shall report on a school-by-school
14 and on an aggregate district basis expenditures for each
15 program funded in s. 1011.62(1)(c).

16 (c) The Commissioner of Education shall present to the
17 Legislature, prior to the opening of the regular session each
18 year, a district-by-district report of the expenditures
19 reported pursuant to paragraphs (a) and (b). The report shall
20 include total expenditures, a detailed analysis showing
21 expenditures for each program, and such other data as may be
22 useful for management of the education system. The
23 Commissioner of Education shall also compute cost factors
24 relative to the base student allocation for each funded
25 program in s. 1011.62(1)(c).

26 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

- 30 1. Kindergarten and grades 1, 2, and 3, 90 percent.
31 2. Grades 4, 5, 6, 7, and 8, 80 percent.

- 1 3. Grades 9, 10, 11, and 12, 80 percent.
- 2 4. Programs for exceptional students, on an aggregate
3 program basis, 90 percent.
- 4 5. Grades 7 through 12 career and technical education
5 programs, on an aggregate program basis, 80 percent.
- 6 6. Students-at-risk programs, on an aggregate program
7 basis, 80 percent.
- 8 7. Juvenile justice programs, on an aggregate program
9 basis, 80 percent.
- 10 8. Any new program established and funded under s.
11 1011.62(1)(c), that is not included under subparagraphs 1.-6.,
12 on an aggregate basis as appropriate, 80 percent.
- 13 (b) Funds for inservice training established in s.
14 1011.62(3) and for categorical programs established in s.
15 1011.62(5) shall be expended for the costs of the identified
16 programs as provided by law and in accordance with the rules
17 of the State Board of Education.
- 18 Section 539. Section 1010.21, Florida Statutes, is
19 created to read:
- 20 1010.21 Indirect costs.--District school boards shall
21 assess district indirect costs only for services received by
22 the program or institution against which such cost is
23 assessed. When assigning each specific indirect cost to
24 multiple programs or institutions, district school boards
25 shall identify one basis for the assessment of such cost and
26 shall maintain the same basis for assigning such cost to each
27 program or institution.
- 28 Section 540. Section 1010.215, Florida Statutes, is
29 created to read:
- 30 1010.215 Educational funding accountability.--
- 31 (1) As used in this section, the term:

1 (a) "Administrative personnel" means those employees
2 responsible for management functions such as the development
3 of broad policies and implementation of those policies through
4 the direction of personnel.

5 (b) "Educational support personnel" means
6 district-based and school-based employees, including
7 professional staff, technicians, secretaries, clerks, skilled
8 workers, transportation employees, food service employees, and
9 custodial and maintenance workers.

10 (c) "Instructional personnel" means classroom
11 teachers, including substitute teachers.

12 (d) "Instructional specialists" means staff members
13 responsible for providing student personnel services,
14 librarians, and media specialists.

15 (e) "Instructional support personnel" means aides or
16 assistants to instructional personnel or instructional
17 specialists.

18 (f) "Managers" means instructional and
19 noninstructional employees with some managerial and
20 supervisory functions, although primarily responsible for
21 general operations. This category includes only
22 district-based employees.

23 (2) Each district school board must classify each
24 employee of the district school board into one of the
25 following categories:

26 (a) Instructional personnel;

27 (b) Instructional specialists;

28 (c) Instructional support personnel;

29 (d) Administrative personnel;

30 (e) Managers; or

31 (f) Educational support personnel.

1
2 The district school board shall notify each employee of such
3 classification.

4 (3)(a) The school public accountability report to
5 parents must include the number of employees in each of the
6 categories listed in subsection (2), by work location.
7 However, this does not include the number of temporary
8 substitute employees.

9 (b) Any teacher-to-student ratio or class size measure
10 required by law or State Board of Education rule must be
11 computed by dividing the number of students in membership at
12 the school by the number of full-time equivalent instructional
13 personnel pursuant to paragraph (2)(a). Class size reports for
14 exceptional student education shall be computed by dividing
15 the number of exceptional students in membership by the number
16 of full-time equivalent exceptional education classroom
17 teachers who are classified as instructional personnel
18 pursuant to paragraph (2)(a).

19 (4)(a) All expenditures within the general and special
20 revenue funds for each district school board, including
21 salaries, benefits, purchased services, energy services,
22 materials and supplies, capital outlay, and miscellaneous
23 expenditures, for the following purposes are classified as
24 administrative expenditures:

- 25 1. District school board.
26 2. General administration.
27 3. School administration, excluding support
28 expenditures.
29 4. Facilities acquisition and construction at the
30 district level.
31 5. Fiscal services.

1 6. Central services at the district level.
2 (b) All expenditures within the general and special
3 revenue funds for each district school board, including
4 salaries, benefits, purchased services, energy services,
5 materials and supplies, capital outlay, and miscellaneous
6 expenditures, for the following purposes are classified as
7 instructional expenditures:
8 1. Instruction.
9 2. Instructional support services, including student
10 personnel services, instructional media services, instruction
11 and curriculum development, and instructional staff training
12 services.
13 3. School administration, including support
14 expenditures.
15 4. Facilities acquisition and construction at the
16 school level.
17 5. Food services.
18 6. Central services at the school level.
19 7. Student transportation services.
20 8. Operation of plant.
21 9. Maintenance of plant.
22
23 Definitions for the functions specified in this subsection are
24 specified in State Board of Education rules.
25 (5) The annual school public accountability report
26 required by ss. 1001.42(16) and 1008.345 must include a school
27 financial report. The purpose of the school financial report
28 is to better inform parents and the public concerning how
29 revenues were spent to operate the school during the prior
30 fiscal year. Each school's financial report must follow a
31

1 uniform, districtwide format that is easy to read and
2 understand.

3 (a) Total revenue must be reported at the school,
4 district, and state levels. The revenue sources that must be
5 addressed are state and local funds, other than lottery funds;
6 lottery funds; federal funds; and private donations.

7 (b) Expenditures must be reported as the total
8 expenditures per unweighted full-time equivalent student at
9 the school level and the average expenditures per full-time
10 equivalent student at the district and state levels in each of
11 the following categories and subcategories:

12 1. Teachers, excluding substitute teachers, and
13 education paraprofessionals who provide direct classroom
14 instruction to students enrolled in programs classified by s.
15 1011.62 as:

16 a. Basic programs;

17 b. Students-at-risk programs;

18 c. Special programs for exceptional students;

19 d. Career education programs; and

20 e. Adult programs.

21 2. Substitute teachers.

22 3. Other instructional personnel, including
23 school-based instructional specialists and their assistants.

24 4. Contracted instructional services, including
25 training for instructional staff and other contracted
26 instructional services.

27 5. School administration, including school-based
28 administrative personnel and school-based education support
29 personnel.

30 6. The following materials, supplies, and operating
31 capital outlay:

- 1 a. Textbooks;
- 2 b. Computer hardware and software;
- 3 c. Other instructional materials;
- 4 d. Other materials and supplies; and
- 5 e. Library media materials.
- 6 7. Food services.
- 7 8. Other support services.
- 8 9. Operation and maintenance of the school plant.
- 9 (c) The school financial report must also identify the
- 10 types of district-level expenditures that support the school's
- 11 operations. The total amount of these district-level
- 12 expenditures must be reported and expressed as total
- 13 expenditures per full-time equivalent student.
- 14 (6) Based on the classifications in this section, each
- 15 district school board shall annually submit a report by
- 16 January 1, which identifies and summarizes administrative
- 17 expenditures and instructional expenditures by fund for the
- 18 preceding fiscal year. The report shall also state the number
- 19 of unweighted full-time equivalent students enrolled in the
- 20 school district. The total amount of administrative
- 21 expenditures shall be divided by the number of unweighted
- 22 full-time equivalent students to determine the administrative
- 23 expenditures per student. This calculation is to be made
- 24 separately for the general and the special revenue funds. In
- 25 addition, the report shall reflect the number of employees in
- 26 each category outlined in subsection (2) and the percentage of
- 27 employees in each category, excluding the number of temporary
- 28 substitute employees. This report shall be submitted to the
- 29 commissioner and shall be made available to the public. The
- 30 school public accountability report shall contain notification
- 31 of the availability of this report.

1 Section 541. Section 1010.22, Florida Statutes, is
2 created to read:

3 1010.22 Cost accounting and reporting for workforce
4 education.--

5 (1) Each school district and each community college
6 shall account for expenditures of all state, local, federal,
7 and other funds in the manner prescribed by the State Board of
8 Education.

9 (2) Each school district and each community college
10 shall report expenditures for workforce education in
11 accordance with requirements prescribed by the State Board of
12 Education.

13 (3) The Department of Education, in cooperation with
14 school districts and community colleges, shall develop and
15 maintain a database of valid comparable information on
16 workforce education which will meet both state and local
17 needs.

18 Section 542. Section 1010.23, Florida Statutes, is
19 created to read:

20 1010.23 Cost accounting and reporting for community
21 colleges.--Community colleges shall provide an annual report
22 on the cost of operations as provided in s. 1011.84.

23 Section 543. Section 1010.24, Florida Statutes, is
24 created to read:

25 1010.24 Cost accounting and reporting for
26 universities.--Universities shall provide an annual
27 expenditure analysis report as provided in s. 1011.90.

28 Section 544. Part III of chapter 1010, Florida
29 Statutes, shall be entitled "Audit Requirements and
30 Procedures" and shall consist of ss. 1010.30-1010.34.

31

1 Section 545. Section 1010.30, Florida Statutes, is
2 created to read:

3 1010.30 Audits required.--School districts, community
4 colleges, universities, and other institutions and agencies
5 under the supervision of the State Board of Education are
6 subject to the audit provisions under chapter 11.

7 Section 546. Section 1010.305, Florida Statutes, is
8 created to read:

9 1010.305 Audit of student enrollment.--

10 (1) The Auditor General shall periodically examine the
11 records of school districts, and other agencies as
12 appropriate, to determine compliance with law and State Board
13 of Education rules relating to the classification, assignment,
14 and verification of full-time equivalent student enrollment
15 for purposes of the Florida Education Finance Program.

16 (2) If it is determined that the approved criteria and
17 procedures for the placement of students and the conduct of
18 programs have not been followed by the district, appropriate
19 adjustments in the full-time equivalent student count for that
20 district must be made, and any excess funds must be deducted
21 from subsequent allocations of state funds to that district.
22 As provided for by rule, if errors in a specific program of a
23 district recur in consecutive years due to lack of corrective
24 action by the district, adjustments may be made based upon
25 statistical estimates of error projected to the overall
26 district program.

27 Section 547. Section 1010.33, Florida Statutes, is
28 created to read:

29 1010.33 Financial and performance audits.--Each
30 district school board and community college board of trustees,
31 and university board of trustees is authorized to have an

1 audit of their accounts and records by an independent
2 certified public accountant retained by them and paid from
3 their public funds. These audits are in addition to those
4 required by ss. 11.45 and 218.39.

5 Section 548. Section 1010.34, Florida Statutes, is
6 created to read:

7 1010.34 Audits of direct-support organizations and
8 citizen support organizations.--Audits of school district,
9 community college, and state university direct-support
10 organizations and citizen support organizations are subject to
11 the audit provisions of ss. 215.981, 1013.77(4), 1004.23(5),
12 and 1004.70(6), as applicable.

13 Section 549. Part IV of chapter 1010, Florida
14 Statutes, shall be entitled "Provisions Relating to Bonding"
15 and shall consist of ss. 1010.40-1010.619.

16 Section 550. Section 1010.40, Florida Statutes, is
17 created to read:

18 1010.40 Proposals for issuing bonds.--Whenever the
19 residents of a school district in this state shall desire the
20 issuance of bonds by such school district for the purpose of
21 acquiring, building, enlarging, furnishing, or otherwise
22 improving buildings or school grounds, or for any other
23 exclusive use of the public schools within such school
24 district, they shall present to the district school board a
25 petition signed by not less than 25 percent of the duly
26 qualified electors residing within the school district,
27 setting forth in general terms the amount of the bonds desired
28 to be issued, the purpose thereof, and that the proceeds
29 derived from the sale of such bonds shall be used for the
30 purposes set forth in the petition. The requirement for such
31 petition may be dispensed with and the proposition of issuing

1 bonds for the purposes as herein outlined may be initiated by
2 the district school board of the said district; however,
3 nothing contained in this section shall repeal any of the
4 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,
5 and 100.351.

6 Section 551. Section 1010.41, Florida Statutes, is
7 created to read:

8 1010.41 Procedure of district school boards with
9 reference to proposals for issuing bonds.--It shall be the
10 duty of the district school board to plan the school financial
11 program of the district so that, insofar as practicable,
12 needed capital outlay expenditures can be made without the
13 necessity of issuing bonds. Whenever the district school board
14 proposes an issue of bonds or has received any petition
15 proposing the issuance of bonds, as provided in s. 1010.40,
16 the said board shall forthwith proceed as follows:

17 (1) The district school board, after considering
18 recommendations submitted by the district school
19 superintendent, shall determine whether in its opinion the
20 projects for which bonds are proposed to be issued are
21 essential for the school program of the district.

22 (2) If the proposed projects are deemed essential by
23 the district school board or if the proposed projects are
24 rejected in whole or in part, the district school board shall,
25 if practicable, prepare a plan for carrying out the projects,
26 or at least part of the projects, with current funds which
27 have been or can be set aside for that purpose.

28 (3) If the district school board determines that any
29 portion of the projects cannot be carried out so that all
30 costs can be met from the proceeds of a special district
31 millage voted for that purpose or from district current funds

1 that are not needed for salaries of teachers or other
 2 necessary expenses of operating the schools or from such funds
 3 that can reasonably be expected to be available by the time
 4 the projects are completed, or cannot be completed on the
 5 basis of a loan against district current funds, approved in
 6 accordance with s. 1011.14, the district school board shall
 7 then determine the amount of bonds necessary to be issued to
 8 complete the projects as proposed for the district and shall
 9 adopt and transmit to the Department of Education a resolution
 10 setting forth the proposals with reference to the projects and
 11 the proposed plan for financing the projects, said resolution
 12 to be in such form and contain such information as may be
 13 prescribed by the State Board of Education. If the Department
 14 of Education shall determine that the issuance of bonds as
 15 proposed is unnecessary or is unnecessary in the amount and
 16 according to the plan proposed, and shall notify the district
 17 school board accordingly, the district school board shall then
 18 amend its resolution to conform to the recommendation of the
 19 Department of Education, and no further action shall be taken
 20 for a period of at least 1 year on the proposal for a bond
 21 issue unless, within 30 days thereafter, a petition signed by
 22 at least 35 percent of the qualified electors within the
 23 district is received by the school board requesting that an
 24 election be called to vote bonds for the purposes set forth
 25 and in an amount which shall not exceed the amount of bonds
 26 proposed by the district school board. If such a petition is
 27 received by the district school board, as provided herein, or
 28 if the resolution proposing a bond issue has been approved by
 29 the Department of Education, the school board shall then
 30 proceed at its next ensuing meeting to adopt a resolution
 31

1 authorizing that an election be held for the purpose of
2 determining whether bonds shall be issued as proposed.

3 Section 552. Section 1010.42, Florida Statutes, is
4 created to read:

5 1010.42 Publication of resolution.--It shall be the
6 duty of the district school board, when the resolution
7 proposing a bond issue has been approved by the Department of
8 Education or when such a proposal has been rejected by the
9 Department of Education and a new petition signed by 35
10 percent of the qualified electors of the district has been
11 presented, and when the resolution authorizing an election has
12 been adopted as set forth above, to cause such resolution to
13 be published at least once each week for 2 consecutive weeks
14 in some newspaper published in the district. This resolution
15 may also include a notice of election as prescribed in s.
16 1010.43.

17 Section 553. Section 1010.43, Florida Statutes, is
18 created to read:

19 1010.43 Notice of election; qualifications of
20 electors.--The district school board shall also, at the
21 meeting at which is passed the resolution provided for in s.
22 1010.41, order that an election shall be held in the school
23 district to determine whether or not there shall be issued by
24 the district the bonds provided for in such resolution, in
25 which election only the duly qualified electors thereof shall
26 vote; and prior to the time of holding such election, the
27 district school board shall cause to be published at least
28 once each week for 2 consecutive weeks in a newspaper
29 published in the district a notice of the holding of such
30 election, which shall specify the time and place or places of
31 the holding thereof. The resolution prescribed in s. 1010.41

1 may be incorporated in and published as a part of the notice
2 prescribed in this section.

3 Section 554. Section 1010.44, Florida Statutes, is
4 created to read:

5 1010.44 Conduct of election; form of ballot;
6 appointment of inspectors; canvassing returns.--The election,
7 provided for in s. 1010.43, shall be held at the place or
8 several places in the district where the last general election
9 was held throughout the district, unless the district school
10 board orders otherwise; and the district school board shall
11 appoint inspectors for the election and cause to be prepared
12 and furnished to the inspectors the ballots to be used at the
13 election; the form of ballots for such election shall be: "For
14 bonds" or "Against bonds." The inspectors shall make returns
15 to the the district school board immediately after the
16 election, and the school board shall hold a special meeting as
17 soon thereafter as practicable for the purpose of canvassing
18 the election returns and shall determine and certify its
19 result.

20 Section 555. Section 1010.45, Florida Statutes, is
21 created to read:

22 1010.45 Result of election held.--If it appears by the
23 result of the election that a majority of the votes cast shall
24 be "For bonds," the district school board shall issue the
25 bonds authorized by the election for the purposes specified in
26 the resolution as published, not to exceed the amount named
27 therein. If the majority of the votes cast shall have been
28 "Against bonds," no bonds shall be issued.

29 Section 556. Section 1010.46, Florida Statutes, is
30 created to read:

31

1 1010.46 If election adverse, no second election within
2 6 months.--If the result of the election is adverse to the
3 issuance of the bonds, no election shall be held for such
4 purpose within 6 months thereafter. In the event such election
5 shall result or shall have resulted in an equal number of
6 votes being cast for the issuance of the bonds as shall be
7 cast adverse to issuance of bonds, the district school board
8 may call and order another or second election within the
9 district to have determined the question of whether the bonds
10 specified in the original petition and resolution shall be
11 issued by the district, after giving notice as provided for by
12 s. 1010.43, and it shall not be necessary to have presented to
13 the district school board further petitions to order the
14 second election.

15 Section 557. Section 1010.47, Florida Statutes, is
16 created to read:

17 1010.47 Receiving bids and sale of bonds.--

18 (1) If the issuance of bonds is authorized at the
19 election, or if any bonds outstanding against the district are
20 being refunded, the district school board shall cause notice
21 to be given by publication in some newspaper published in the
22 district that the board will receive bids for the purchase of
23 the bonds at the office of the district school superintendent.
24 The notice shall be published twice and the first publication
25 shall be given not less than 30 days prior to the date set for
26 receiving the bids. The notice shall specify the amount of the
27 bonds offered for sale, shall state whether the bids shall be
28 sealed bids or whether the bonds are to be sold at auction,
29 and shall give the schedule of maturities of the proposed
30 bonds and such other pertinent information as may be
31 prescribed by rules of the State Board of Education. Bidders

1 may be invited to name the rate of interest that the bonds are
 2 to bear or the district school board may name rates of
 3 interest and invite bids thereon. In addition to publication
 4 of notice of the proposed sale as set forth in this
 5 subsection, the district school board shall notify in writing
 6 at least three recognized bond dealers in the state, and, at
 7 the same time, notify the Department of Education concerning
 8 the proposed sale and enclose a copy of the advertisement.

9 (2) All bonds and refunding bonds issued as provided
 10 by law shall be sold to the highest and best bidder at such
 11 public sale unless sold at a better price or yield basis
 12 within 30 days after failure to receive an acceptable bid at a
 13 duly advertised public sale, provided that at no time shall
 14 bonds or refunding bonds be sold or exchanged at less than par
 15 value except as specifically authorized by the Department of
 16 Education; and provided, further, that the district school
 17 board shall have the right to reject all bids and cause a new
 18 notice to be given in like manner inviting other bids for such
 19 bonds, or to sell all or any part of such bonds to the State
 20 Board of Education at a price and yield basis that shall not
 21 be less advantageous to the district school board than that
 22 represented by the highest and best bid received. In the
 23 marketing of the bonds the district school board shall be
 24 entitled to have such assistance as can be rendered by the
 25 Division of Bond Finance, the Commissioner of Education, or
 26 any other public state officer or agency. In determining the
 27 highest and best bidder for bonds offered for sale, the net
 28 interest cost to the school board as shown in standard bond
 29 tables shall govern, provided that the determination of the
 30 district school board as to the highest and best bidder shall
 31 be final.

1 Section 558. Section 1010.48, Florida Statutes, is
2 created to read:

3 1010.48 Bidders to give security.--The district school
4 board may require of all bidders for the bonds that they give
5 security by bond or by a deposit to the district school board
6 that the bidder shall comply with the terms of the bid, and
7 any bidder whose bid is accepted shall be liable to the
8 district school board for all damages on account of the
9 nonperformance of the terms of such bid or to a forfeiture of
10 the deposit required by the district school board.

11 Section 559. Section 1010.49, Florida Statutes, is
12 created to read:

13 1010.49 Form and denomination of bonds.--The district
14 school board may prescribe the denomination of the bonds to be
15 issued, and such bonds may be issued with or without interest
16 coupons in the discretion of the board. The form of the bonds
17 to be issued may be prescribed by the State Board of Education
18 on the recommendation of the Department of Legal Affairs. The
19 schedule of maturities of the proposed bonds shall be so
20 arranged that the total payments required each year shall be
21 as nearly equal as practicable. The schedule shall provide
22 that all bonds are to be retired within a period of 20 years
23 from the date of issuance unless a longer period is required
24 and has been specifically approved by the Department of
25 Education. All bonds issued under this section that bear
26 interest in excess of 2.99 percent shall be callable on terms
27 prescribed by the district school board beginning not later
28 than 10 years from the date of issuance.

29 Section 560. Section 1010.50, Florida Statutes, is
30 created to read:

31

1 1010.50 Investment of fiduciary funds in bonds;
2 security for deposit of public funds.--School district bonds
3 authorized and issued under the provisions of this chapter
4 shall be lawful investments for fiduciary and trust funds,
5 including all funds in the control of trustees, assignees,
6 administrators, and executors, and may be accepted as security
7 for all deposits of public funds.

8 Section 561. Section 1010.51, Florida Statutes, is
9 created to read:

10 1010.51 Records to be kept and reports to be
11 made.--The district school board shall maintain a complete
12 record of all bonds issued under the provisions of this
13 chapter, which record shall show upon what authority the bonds
14 are issued, the amount for which issued, the persons to whom
15 issued, the date of issuance, the purpose or purposes for
16 which issued, the rate of interest to be paid, and the time
17 and place of payment of each installment of principal and
18 interest. This record shall be so arranged as to show the
19 amount of principal and interest to be paid each year and
20 shall also show the annual or semiannual payments which are
21 made and the bonds which are canceled. In addition the
22 district school superintendent shall file with the Department
23 of Education in accordance with rules of the State Board of
24 Education reports giving such information as may be required
25 regarding any bonds which may be issued as provided herein.

26 Section 562. Section 1010.52, Florida Statutes, is
27 created to read:

28 1010.52 Bonds may be validated; validity of
29 bonds.--When an issue of bonds for any school district shall
30 be authorized in the manner provided under the terms of this
31 chapter, such bonds shall, in the discretion of the district

1 school board, be subject to validation in the manner provided
2 for in chapter 75. In lieu of validation as set forth in that
3 chapter, the district school board may, in its discretion,
4 submit to the Department of Legal Affairs all information
5 relating to the issuance of bonds as provided in said chapter
6 75, and an approving opinion of the Department of Legal
7 Affairs shall be sufficient evidence that the bonds are valid.
8 Bonds reciting that they are issued pursuant to the terms of
9 this chapter shall, in any action or proceeding involving
10 their validity, be conclusively deemed to be fully authorized
11 thereby, to have been issued, sold, executed, and delivered in
12 conformity therewith, and with all other provisions of law
13 applicable thereto, and shall be incontestable, anything
14 herein or in other statutes to the contrary notwithstanding,
15 unless such action or proceeding is begun before or within 30
16 days after the date upon which the bonds are sold, paid for
17 and delivered.

18 Section 563. Section 1010.53, Florida Statutes, is
19 created to read:

20 1010.53 Proceeds; how expended.--The proceeds derived
21 from the sale of the bonds shall be held by the district
22 school board and shall be expended by the board for the
23 purpose for which the bonds were authorized for the school
24 district, and shall be held and expended in the manner
25 following:

26 (1) The district school board shall deposit, or cause
27 to be deposited, the proceeds arising from the sale of each
28 issue of bonds in a separate bond construction fund account in
29 the school depository.

30 (2) All or any part of the fund derived from the
31 proceeds of any such bond issue that in the judgment of the

1 district school board is not immediately needed may be placed
2 in the following securities maturing not later than the time
3 when the funds are reasonably expected to be needed:

4 (a) In investments listed in s. 218.415(16).

5 (b) In any bonds issued by the district; provided,
6 such bonds are not in default and can be obtained at a price
7 which will result in a net saving to the taxpayers of the
8 district.

9 (c) In any obligations of the district school board
10 approved in accordance with the provisions of ss. 1011.13,
11 1011.14, and 1011.15.

12 (d) In any bonds issued by the State Board of
13 Education or another school district.

14 Section 564. Section 1010.54, Florida Statutes, is
15 created to read:

16 1010.54 Disposition of surplus of bond issue.--Should
17 there remain any of the proceeds of the sale of school
18 district bonds after the purpose and object for which the
19 bonds were issued shall have been carried out and performed by
20 the district school board, the surplus then shall be held by
21 the district school board and expended for the exclusive use
22 of the public schools within the school district as the
23 district school board may deem reasonable and proper.

24 Section 565. Section 1010.55, Florida Statutes, is
25 created to read:

26 1010.55 Additional bond issues.--After the issuance by
27 any school district of bonds in the manner authorized in this
28 chapter, the qualified electors of the school district may
29 thereafter, from time to time, in the manner herein provided
30 for, authorize one or more additional bond issues as they may
31 determine upon.

1 Section 566. Section 1010.56, Florida Statutes, is
2 created to read:

3 1010.56 Board of Administration to act as fiscal agent
4 in issuance and sale of motor vehicle anticipation
5 certificates.--

6 (1) In aid of the provisions of s. 18, Art. XII of the
7 State Constitution of 1885 as adopted by s. 9(d), Art. XII,
8 1968 revised constitution and the additional provisions of s.
9 9(d), the State Board of Administration may upon request of
10 the State Board of Education, act as fiscal agent for the
11 State Board of Education in the issuance and sale of any or
12 all bonds or motor vehicle tax anticipation certificates,
13 including any refunding of bonds, certificates or interest
14 coupons thereon which may be issued pursuant to the above
15 cited provisions of the State Constitution and upon request of
16 the State Board of Education the State Board of Administration
17 may take over the management, control, bond trusteeship,
18 administration, custody and payment of any or all debt service
19 or other funds or assets now or hereafter available for any
20 bonds or certificates issued for the purpose of obtaining
21 funds for the use of any district school board or to pay, fund
22 or refund any bonds or certificates theretofore issued for
23 such purpose. The State Board of Education may from time to
24 time provide by its duly adopted resolution or resolutions the
25 duties said fiscal agent shall perform as authorized by this
26 section and such duties may be changed, modified or repealed
27 by subsequent resolution or resolutions as the State Board of
28 Education may deem appropriate, provided, however, that such
29 changes shall only affect the duties of the State Board of
30 Administration as fiscal agent and shall not affect or modify
31 the paramount constitutional authority of the State Board of

1 Education nor affect, modify, or impair the contract rights of
2 persons holding or owning the obligations so authorized to be
3 issued.

4 (2) No such bonds or motor vehicle tax anticipation
5 certificates shall ever be issued by the State Board of
6 Administration until after the adoption of a resolution
7 requesting the issuance thereof by the State Board of
8 Education for and on behalf of the district for which the
9 obligations are to be issued.

10 (3) All such bonds or certificates issued pursuant to
11 this part shall be issued in the name of the State Board of
12 Education but shall be issued for and on behalf of the
13 district school board requesting the issuance thereof and
14 shall be issued pursuant to any rules adopted by the State
15 Board of Education which are not in conflict with the
16 provisions of s. 18, Art. XII of the State Constitution of
17 1885 as adopted by s. 9(d), Art. XII, 1968 revised
18 constitution, and the additional provisions of s. 9(d).

19 (4) The proceeds of any sale of original bonds or
20 original certificates shall be deposited in the State Treasury
21 to the credit of the particular construction account for which
22 the original bonds or original certificates were issued and
23 shall be under the direct control and supervision of the State
24 Board of Education, and withdrawals from such construction
25 accounts shall be made only upon warrants signed by the
26 Comptroller and drawn upon the Treasurer. Such warrants shall
27 be issued by the Comptroller only when the vouchers requesting
28 such warrants are accompanied by the certificates of the State
29 Board of Education to the effect that such withdrawals are
30 proper expenditures for the cost of the particular
31

1 construction account against which the requested warrants are
 2 to be drawn.

3 (5) The State Board of Administration shall annually
 4 determine the amounts necessary to meet the debt service
 5 requirements of all bonds or certificates administered by it
 6 pursuant to this section and shall certify to the State Board
 7 of Education said amounts needed. The State Board of
 8 Education, upon being satisfied that the amounts are correct,
 9 shall pay the amounts direct to the State Board of
 10 Administration for application by the State Board of
 11 Administration as provided under the terms of the resolutions
 12 authorizing the issuance of the bonds or certificates and as
 13 provided in s. 18, Art. XII of the State Constitution of 1885
 14 as adopted by s. 9(d), Art. XII, 1968 revised constitution,
 15 and the additional provisions of s. 9(d).

16 (6) The expenses of the State Board of Administration
 17 incident to the issuance and sale of any bonds or certificates
 18 issued under the provisions of the constitution and under the
 19 provisions of this section shall be paid from the proceeds of
 20 the sale of the bonds or certificates or from the funds
 21 distributable to each county under the provisions of s. 18(a),
 22 Art. XII of the Constitution of 1885 as adopted by s. 9(d),
 23 Art. XII, 1968 revised constitution. All other expenses of the
 24 State Board of Administration for services rendered
 25 specifically for, or which are properly chargeable to the
 26 account of any bonds or certificates issued for and on behalf
 27 of any district school board under the above cited provisions
 28 of the State Constitution shall be paid from the funds
 29 distributable to each county under the provisions of s. 18(a),
 30 Art. XII of the State Constitution of 1885 as adopted by s.
 31 9(d), Art. XII, 1968 revised constitution; but general

1 expenses of the State Board of Administration for services
2 rendered all the districts alike shall be prorated among them
3 and paid from the funds distributable to each district on the
4 same basis as such funds are distributable under the
5 provisions of s. 18(a), Art. XII of the State Constitution of
6 1885 as adopted by s. 9(d), Art. XII, 1968 revised
7 constitution.

8 (7) The provisions of this section contemplate that it
9 will aid the State Board of Education and better serve the
10 purposes contemplated by s. 18, Art. XII of the State
11 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968
12 revised constitution, and the additional provisions of s. 9(d)
13 and not be inconsistent therewith.

14 Section 567. Section 1010.57, Florida Statutes, is
15 created to read:

16 1010.57 Bonds payable from motor vehicle license tax
17 funds; instruction units computed.--

18 (1) For the purpose of administering the provisions of
19 s. 9(d), Art. XII of the State Constitution as amended in
20 1972, the number of current instruction units in districts
21 shall be computed annually by the Department of Education by
22 multiplying the number of full-time equivalent students in
23 programs under s. 1011.62(1)(c) in each district by the cost
24 factors established in the General Appropriations Act and
25 dividing by 23, except that all basic program cost factors
26 shall be one, and the special program cost factors for
27 hospital and homebound I and for community service shall be
28 zero. Full-time equivalent membership for students residing in
29 Department of Children and Family Services residential care
30 facilities or identified as Department of Juvenile Justice
31 students shall not be included in this computation. Any

1 portion of the fund not expended during any fiscal year may be
 2 carried forward in ensuing budgets and shall be temporarily
 3 invested as prescribed by law or rules of the State Board of
 4 Education.

5 (2) Whenever the State Board of Education issues bonds
 6 or certificates for and on behalf of any district school
 7 board, or whenever any district school board issues bonds or
 8 certificates repayable from motor vehicle license tax funds,
 9 the aggregate number of instruction units in the district in
 10 any future school fiscal year, as authorized under the
 11 amendment contained in s. 18, Art. XII of the State
 12 Constitution of 1885 as amended and adopted by reference in s.
 13 9(d), Art. XII of the Constitution of 1968, to the full extent
 14 necessary to pay all principal of and interest on, and
 15 reserves for, bonds or certificates issued for and on behalf
 16 of the district or by the district school board in any school
 17 fiscal year, as they become due and payable, shall be not less
 18 than the aggregate number of instruction units in the district
 19 for the school fiscal year preceding the school fiscal year in
 20 which the bonds or certificates are issued, computed in
 21 accordance with the statutes in force in the school fiscal
 22 year preceding the school fiscal year in which the bonds or
 23 certificates are issued.

24 (3) The provisions of this section are not intended
 25 to, and shall not, be applicable to, or confer any rights on,
 26 any district to payments from said motor vehicle license taxes
 27 except to the full extent necessary to pay all principal of
 28 and interest on, and reserves for, bonds or certificates so
 29 issued by the district school board and by the State Board of
 30 Education for and on behalf of the school districts, in each
 31 future school fiscal year as they mature and become due; and

1 except for such purpose, all payments of the amounts of the
2 motor vehicle license taxes distributable under the provisions
3 of s. 18, Art. XII of the State Constitution of 1885 as
4 amended and adopted by reference in s. 9(d), Art. XII of the
5 Constitution of 1968 shall continue to be made and distributed
6 to the districts in the manner provided by the amendment and
7 the general laws of Florida in force and effect at the time of
8 the distributions.

9 Section 568. Section 1010.58, Florida Statutes, is
10 created to read:

11 1010.58 Procedure for determining number of
12 instruction units for community colleges.--The number of
13 instruction units for community colleges shall be determined
14 from the full-time equivalent students in the community
15 college, provided that full-time equivalent students may not
16 be counted more than once in determining instruction units.
17 Instruction units for community colleges shall be computed as
18 follows:

19 (1) One unit for each 12 full-time equivalent students
20 at a community college for the first 420 students and one unit
21 for each 15 full-time equivalent students for all over 420
22 students, in other than career and technical education
23 programs as defined by rules of the State Board of Education,
24 and one unit for each 10 full-time equivalent students in
25 career and technical education programs and compensatory
26 education programs as defined by rules of the State Board of
27 Education. Full-time equivalent students enrolled in a
28 community college shall be defined by rules of the State Board
29 of Education.

30 (2) For each 8 instruction units in a community
31 college, 1 instruction unit or proportionate fraction of a

1 unit shall be allowed for administrative and special
2 instructional services, and for each 20 instruction units, 1
3 instruction unit or proportionate fraction of a unit shall be
4 allowed for student personnel services.

5 Section 569. Section 1010.59, Florida Statutes, is
6 created to read:

7 1010.59 Interest rates.--All bonds issued by the State
8 Board of Education pursuant to the provisions of s. 9(a), Art.
9 XII of the State Constitution, as amended, may bear interest
10 at such rate or rates as may be determined by the State Board
11 of Education. However, the maximum rate of interest shall not
12 exceed the rates authorized under the provisions of s. 215.84.

13 Section 570. Section 1010.60, Florida Statutes, is
14 created to read:

15 1010.60 State Board of Education; issuance of bonds
16 pursuant to s. 11(f), Art. VII, State Constitution.--

17 (1) Pursuant to s. 11(f), Art. VII of the State
18 Constitution, the State Board of Education, supported by the
19 building fee, the capital improvement fee, or any other
20 revenue approved by the Legislature for facilities
21 construction, is authorized to request the issuance of bonds
22 or other forms of indebtedness pursuant to the State Bond Act
23 to finance or refinance capital projects authorized by the
24 Legislature. In order to take advantage of economic
25 conditions, the Division of Bond Finance shall process
26 requests by the State Board of Education to refinance capital
27 projects under this section on a priority basis.

28 (2) The State Board of Education may approve the
29 issuance of revenue bonds or other forms of indebtedness by a
30 direct-support organization when such revenue bonds or other
31 forms of indebtedness are used to finance or refinance capital

1 projects which are to provide facilities necessary and
2 desirable to serve the needs and purposes of the university,
3 as determined by the systemwide strategic plan adopted by the
4 State Board of Education, and when the project has been
5 approved by the Legislature.

6 Section 571. Section 1010.61, Florida Statutes, is
7 created to read:

8 1010.61 Powers.--The State Board of Education shall
9 have all the powers necessary or advisable to carry out and
10 effectuate the purposes and provisions of s. 1010.60 and this
11 part and is hereby authorized:

12 (1) Pursuant to the State Bond Act, to borrow money
13 and issue interest-bearing revenue certificates or other forms
14 of indebtedness to acquire any projects approved by the
15 Legislature and to provide for the payment of the same and for
16 the rights of the holders thereof as herein provided.

17 (2) To pledge any trust funds which are available, and
18 not otherwise obligated, for purposes of securing the revenue
19 certificates and to combine such funds as the board may deem
20 appropriate.

21 (3) To adopt such rules as may be necessary for
22 carrying out the requirements of this part and to perform all
23 acts and do all things necessary or convenient to carry out
24 the powers granted herein.

25 Section 572. Section 1010.611, Florida Statutes, is
26 created to read:

27 1010.611 Resolution for issuance of revenue
28 certificates.--The issuance of revenue certificates under the
29 provisions of this part and the State Bond Act shall be
30 requested by resolution of the State Board of Education. Said
31 revenue certificates shall bear interest at such rate or rates

1 not exceeding the interest rate limitations set forth in s.
2 215.84(3), provided that certificates may be sold at a
3 reasonable discount to par not to exceed 3 percent, except
4 that this limitation on discount does not apply to the portion
5 of the discount that constitutes original issue discount. The
6 revenue certificates may be issued in one or more series, may
7 bear such date or dates, may be in such denomination or
8 denominations, may mature at such time or times, not exceeding
9 30 years from their respective dates, may be in such form,
10 either coupon or registered, may carry such registration
11 privileges, may be executed in such manner, may be payable in
12 such medium of payment and at such place or places, may be
13 subject to such terms of redemption, with or without premium,
14 may contain such terms, covenants, and conditions, and may be
15 declared or become due before the maturity date thereof as
16 such resolution or other resolutions may provide. The revenue
17 certificate may be sold at public sale by competitive bid or
18 negotiated sale. Pending the preparation of the definitive
19 certificates, interim receipts or certificates in such form
20 and with such provisions as the board may determine may be
21 issued to the purchaser or purchasers of certificates sold
22 pursuant to this part. The certificates and interim receipts
23 shall be fully negotiable within the meaning and for all the
24 purposes of the negotiable instruments law.

25 Section 573. Section 1010.612, Florida Statutes, is
26 created to read:

27 1010.612 Powers to secure revenue certificates.--The
28 State Board of Education, in connection with the issuance of
29 revenue certificates to acquire any projects for an
30 institution or in order to secure the payment of such revenue
31

1 certificates and interest thereon, shall have power by
2 resolution:

3 (1) To fix and maintain fees, rentals, and other
4 charges from students and others using or being served by, or
5 having the right to use, or having the right to be served by,
6 such projects.

7 (2) To provide that such revenue certificates shall be
8 secured by a first, exclusive, and closed lien on the income
9 and revenue (but not the real property of such institution)
10 derived from, and shall be payable from, fees, rentals, and
11 other charges from students and others using or being served
12 by, or having the right to use, or having the right to be
13 served by, such project.

14 (3) To pledge and assign to, or in trust for the
15 benefit of, the holder or holders of such revenue certificates
16 an amount of the income and revenue derived from fees,
17 rentals, and other charges from students and others using or
18 being served by, or having the right to use, or having the
19 right to be served by, such project.

20 (4) To covenant with or for the benefit of the holder
21 or holders of such revenue certificates that so long as any of
22 such revenue certificates shall remain outstanding and unpaid,
23 such institution will fix, maintain, and collect in such
24 installments as may be agreed upon an amount of the fees,
25 rentals, and other charges from students and others using or
26 being served by, or having the right to use, or having the
27 right to be served by, such project, which shall be sufficient
28 to pay when due such revenue certificates and interest
29 thereon, and to create and maintain reasonable reserves
30 therefor, and to pay the cost of operation and maintenance of
31

1 such project, which costs of operation and maintenance shall
2 be determined by the board in its absolute discretion.

3 (5) To make and enforce and agree to make and enforce
4 parietal rules that shall ensure the use of such project by
5 all students in attendance at such institutions to the maximum
6 extent to which such project is capable of serving such
7 students.

8 (6) To covenant that so long as any of such revenue
9 certificates shall remain outstanding and unpaid, it will not,
10 except upon such terms and conditions as may be determined:

11 (a) Voluntarily create or cause to be created any
12 debt, lien, pledge, assignment, encumbrance or other charge
13 having priority to the lien of such revenue certificates upon
14 any of the income and revenues derived from fees, rentals, and
15 other charges from students and others using or being served
16 by, or having the right to use, or having the right to be
17 served by, such project, or

18 (b) Convey or otherwise alienate such project or the
19 real estate upon which such project shall be located, except
20 at a price sufficient to pay all such revenue certificates
21 then outstanding and interest accrued thereon, and then only
22 in accordance with any agreements with the holder or holders
23 of such revenue certificates.

24 (7) To covenant as to the procedure by which the terms
25 of any contract with a holder or holders of such revenue
26 certificates may be amended or abrogated, the amount of
27 percentage of revenue certificates the holder or holders of
28 which must consent thereto, and the manner in which such
29 consent may be given.

30 (8) To vest in a trustee or trustees the right to
31 receive all or any part of the income and revenue pledged and

1 assigned to, or for the benefit of, the holder or holders of
 2 such revenue certificates and to hold, apply and dispose of
 3 the same and the right to enforce any covenant made to secure
 4 or pay or in relation to such revenue certificates; to execute
 5 and deliver a trust agreement or trust agreements which may
 6 set forth the powers and duties and the remedies available to
 7 such trustee or trustees and limiting the liabilities thereof
 8 and describing what occurrences shall constitute events of
 9 default and prescribing the terms and conditions upon which
 10 such trustee or trustees or the holder or holders of revenue
 11 certificates of any specified amount or percentage of such
 12 revenue certificate may exercise such rights and enforce any
 13 and all such covenants and resort to such remedies as may be
 14 appropriate.

15 (9) To vest in a trustee or trustees or the holder or
 16 holders of any specified amount or percentage of revenue
 17 certificates the right to apply to any court of competent
 18 jurisdiction for and have granted the appointment of a
 19 receiver or receivers of the income and revenue pledged and
 20 assigned to or for the benefit of the holder or holders of
 21 such revenue certificates, which receiver or receivers may
 22 have and be granted such powers and duties as such court may
 23 order or decree for the protection of the revenue certificate
 24 holders.

25 (10) To make covenants with the holders of any bonds
 26 and to perform any other duties and responsibilities which are
 27 deemed necessary or advisable to enhance the security of such
 28 bonds, and the marketability thereof, and which are customary
 29 in accordance with the market requirements for the sale of
 30 such bonds.

31

1 Section 574. Section 1010.613, Florida Statutes, is
2 created to read:

3 1010.613 Remedies of any holder of revenue
4 certificates.--Any holder or holders of revenue certificates,
5 including a trustee, or trustees for holders of such revenue
6 certificates, shall have the right, in addition to all other
7 rights, by mandamus or other suit, action, or proceeding in
8 any court of competent jurisdiction to enforce his or her or
9 their rights against the State Board of Education to fix and
10 collect such rentals and other charges adequate to carry out
11 any agreement as to or pledge of such fees, rentals, or other
12 charges, and require the State Board of Education to carry out
13 any other covenants and agreements and to perform its duties
14 under this part.

15 Section 575. Section 1010.614, Florida Statutes, is
16 created to read:

17 1010.614 Validity of revenue certificates.--The
18 revenue certificates bearing the signatures of officers in
19 office on the date of the signing thereof shall be valid and
20 binding obligations, notwithstanding that before the delivery
21 thereof and payment therefor any or all of the persons whose
22 signatures appear thereon shall have ceased to be officers of
23 the State Board of Education. The validity of the revenue
24 certificates shall not be dependent on nor affected by the
25 validity or regularity of any proceedings to acquire the
26 project financed by the revenue certificates or taken in
27 connection therewith.

28 Section 576. Section 1010.615, Florida Statutes, is
29 created to read:

30 1010.615 Prohibitions against obligating
31 state.--Nothing in this part shall be construed to authorize

1 the State Board of Education to contract a debt on behalf of,
2 or in any way to obligate, the state, or to pledge, assign, or
3 encumber in any way, or to permit the pledging, assigning, or
4 encumbering in any way of, appropriations made by the
5 Legislature.

6 Section 577. Section 1010.616, Florida Statutes, is
7 created to read:

8 1010.616 Revenue certificate obligations of State
9 Board of Education.--All revenue certificates issued pursuant
10 to this part shall be obligations of the State Board of
11 Education, payable only in accordance with the terms thereof
12 and shall not be obligations general, special, or otherwise of
13 the state. Such revenue certificates shall not be a bond or
14 debt of the state, and shall not be enforceable against the
15 state, nor shall payment thereof be enforceable out of any
16 funds of the board other than the income and revenue pledged
17 and assigned to, or in trust for the benefit of, the holder or
18 holders of such revenue certificates.

19 Section 578. Section 1010.617, Florida Statutes, is
20 created to read:

21 1010.617 Tax exemption and eligibility as legal
22 investments.--

23 (1) The exercise of the powers granted by this part in
24 all respects constitutes the performance of essential public
25 functions for the benefit of the people of the state. All
26 properties, revenues, or other assets of the State Board of
27 Education for which revenue certificates are issued under this
28 part, and all revenue certificates issued hereunder and the
29 interest thereon, shall be exempt from all taxation by any
30 agency or instrumentality of a county, municipality, or the
31 state. The exemption granted by this section is not applicable

1 to any tax imposed by chapter 220 on interest, income, or
2 profits on debt obligations owned by corporations.

3 (2) All obligations issued pursuant to this part shall
4 be and constitute legal investments without limitation for all
5 public bodies and for all banks, savings banks, guardians,
6 insurance funds, trustees, or other fiduciaries and shall be
7 and constitute eligible securities to be deposited as
8 collateral for security of any state, county, municipal, or
9 other public funds.

10 Section 579. Section 1010.618, Florida Statutes, is
11 created to read:

12 1010.618 Supplemental nature of part; construction and
13 purpose.--The powers conferred by this part shall be in
14 addition to and supplemental to, and the limitations imposed
15 by this part shall not affect, the powers conferred by any
16 other law, general or special, and revenue certificates may be
17 issued hereunder without any referendum, notwithstanding the
18 provisions of any other such law and without regard to the
19 procedure required by any other such law. Insofar as the
20 provisions of this part are inconsistent with the provisions
21 of any other law, general or special, the provisions of this
22 part shall be controlling.

23 Section 580. Section 1010.619, Florida Statutes, is
24 created to read:

25 1010.619 Board of Administration to act as fiscal
26 agent.--Prior to the issuance of any revenue certificates, the
27 State Board of Education may request the State Board of
28 Administration to advise the State Board of Education as to
29 the fiscal sufficiency of the proposed issue. Upon sale and
30 delivery of any revenue certificates and disbursement of the
31 proceeds thereof pursuant to this part, the State Board of

1 Administration may upon request of the State Board of
2 Education take over the management, control, administration,
3 custody, and payment of any or all debt services or funds or
4 assets now or hereafter available for any revenue certificates
5 issued pursuant to this part. The State Board of
6 Administration shall upon request of the State Board of
7 Education invest all funds, including reserve funds, available
8 for any revenue certificates issued pursuant to this part in
9 the manner provided in s. 215.47. The State Board of Education
10 may from time to time provide by its duly adopted resolution
11 the duties the State Board of Administration shall perform,
12 and such duties may be changed, modified, or repealed by
13 subsequent resolution as the State Board of Education may deem
14 appropriate.

15 Section 581. Part V of chapter 1010, Florida Statutes,
16 shall be entitled "Trust Funds" and shall consist of ss.
17 1010.70-1010.86.

18 Section 582. Section 1010.70, Florida Statutes, is
19 created to read:

20 1010.70 Educational Enhancement Trust Fund.--Each
21 fiscal year, at least 38 percent of the gross revenue from the
22 sale of lottery tickets and other earned revenue, excluding
23 application processing fees, shall be deposited in the
24 Educational Enhancement Trust Fund as provided in s. 24.121.

25 Section 583. Section 1010.71, Florida Statutes, is
26 created to read:

27 1010.71 State School Trust Fund.--

28 (1) The State School Trust Fund shall be derived from
29 the following sources:

30
31

1 (a) The proceeds of all lands that have been or may
2 hereafter be granted to the state by the United States for
3 public school purposes;

4 (b) Donations to the state when the purpose is not
5 specified;

6 (c) Appropriations by the state;

7 (d) The proceeds of escheated property or forfeitures;
8 and

9 (e) Twenty-five percent of the sales of public lands
10 which are now or may hereafter be owned by the state.

11 (2) The land comprising part of the State School Trust
12 Fund shall not be subject to taxes of any kind whatsoever, but
13 shall enjoy constitutional immunity therefrom, nor shall taxes
14 of any kind be imposed thereon; nor, since not subject to tax,
15 shall the state or any state agency be liable for taxes or the
16 equivalent thereof sought to be imposed upon said land. All
17 outstanding tax sale certificates against land of the State
18 School Trust Fund are hereby canceled.

19 Section 584. Section 1010.72, Florida Statutes, is
20 created to read:

21 1010.72 Excellent Teaching Program Trust Fund.--

22 (1) The Excellent Teaching Program Trust Fund is
23 created to be administered by the Department of Education.
24 Funds must be credited to the trust fund as provided in
25 chapter 98-309, Laws of Florida, to be used for the purposes
26 set forth therein.

27 (2) Pursuant to the provisions of s. 19(f)(2), Art.
28 III of the State Constitution, the Excellent Teaching Program
29 Trust Fund shall, unless terminated sooner, be terminated on
30 July 1, 2002. Prior to its scheduled termination, the trust
31 fund shall be reviewed as provided in s. 215.3206(1) and (2).

1 Section 585. Section 1010.73, Florida Statutes, is
2 created to read:

3 1010.73 State Student Financial Assistance Trust
4 Fund.--

5 (1) The State Student Financial Assistance Trust Fund
6 is hereby created, to be administered by the Department of
7 Education. Funds shall be credited to the trust fund as
8 provided in the General Appropriations Act or similar
9 legislation, to be used for the purposes set forth therein.

10 (2) The department may transfer into this trust fund
11 general revenue, private donations for the purpose of matching
12 state funds, and federal receipts for scholarships and grant
13 programs. An individual account code shall be established for
14 each funded scholarship and grant program for auditing
15 purposes.

16 (3) Notwithstanding the provisions of s. 216.301, and
17 pursuant to s. 216.351, any balance in the trust fund at the
18 end of any fiscal year shall remain in the trust fund and
19 shall be available for carrying out the purposes of the trust
20 fund.

21 Section 586. Section 1010.731, Florida Statutes, is
22 created to read:

23 1010.731 Student Loan Guaranty Reserve Trust
24 Fund.--Chapter 99-35, Laws of Florida, re-created the Student
25 Loan Guaranty Reserve Trust Fund to be used by the Department
26 of Education for the administration of the guaranteed student
27 loan program as provided in s. 1009.92.

28 Section 587. Section 1010.74, Florida Statutes, is
29 created to read:

30 1010.74 Educational Certification and Services Trust
31 Fund.--The proceeds from the collection of certification fees,

1 fines, penalties, and costs levied pursuant to s. 1012.59
2 shall be remitted by the Department of Education to the
3 Treasurer for deposit into and disbursed from the "Educational
4 Certification and Services Trust Fund" as re-created by
5 chapter 99-31, Laws of Florida.

6 Section 588. Section 1010.75, Florida Statutes, is
7 created to read:

8 1010.75 Teacher Certification Examination Trust
9 Fund.--The proceeds for the certification examination fee
10 levied pursuant to s. 1012.59 shall be remitted by the
11 Department of Education to the Treasurer for deposit into and
12 disbursed for the "Teacher Certification Examination Trust
13 Fund" as re-created by chapter 99-28, Laws of Florida.

14 Section 589. Section 1010.76, Florida Statutes, is
15 created to read:

16 1010.76 Educational Aids Trust Fund.--Chapter 99-27,
17 Laws of Florida, re-created the Educational Aids Trust Fund to
18 administer receipts and disbursements for federal grants
19 received by the Department of Education.

20 Section 590. Section 1010.77, Florida Statutes, is
21 created to read:

22 1010.77 Food and Nutrition Services Trust
23 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and
24 Nutrition Services Trust Fund to record revenue and
25 disbursements of Federal Food and Nutrition funds received by
26 the Department of Education as authorized in s. 1006.06.

27 Section 591. Section 1010.78, Florida Statutes, is
28 created to read:

29 1010.78 Projects, Contracts, and Grants Trust
30 Fund.--There is created in the Department of Education the
31 Projects, Contracts, and Grants Trust Fund. The personnel

1 employed to plan and administer grants or contracts for
2 specific projects shall be considered in time-limited
3 employment not to exceed the duration of the grant or until
4 completion of the project, whichever first occurs. Such
5 employees shall not acquire retention rights under the Career
6 Service System. Any employee holding permanent career service
7 status in a Department of Education position who is appointed
8 to a position under the Projects, Contracts, and Grants Trust
9 Fund shall retain such permanent status in the career service
10 position.

11 Section 592. Section 1010.79, Florida Statutes, is
12 created to read:

13 1010.79 Sophomore Level Test Trust Fund.--Chapter
14 99-26, Laws of Florida, re-created the Sophomore Level Test
15 Trust Fund to record revenue and disbursements of examination
16 fees received by the Department of Education as authorized in
17 s. 1008.29.

18 Section 593. Section 1010.80, Florida Statutes, is
19 created to read:

20 1010.80 Educational Media and Technology Trust
21 Fund.--Chapter 99-25, Laws of Florida, re-created the
22 Educational Media and Technology Trust Fund to record revenue
23 and disbursements by the Department of Education for the cost
24 of producing and disseminating educational materials and
25 products as authorized in s. 1006.39.

26 Section 594. Section 1010.81, Florida Statutes, is
27 created to read:

28 1010.81 Knott Data Center Working Capital Trust
29 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott
30 Data Center Working Capital Trust Fund to record the revenue
31 from fees paid for services provided by the Department of

1 Education's data center and disbursements to pay the costs of
2 operating the data center as authorized in s. 216.272.

3 Section 595. Section 1010.82, Florida Statutes, is
4 created to read:

5 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws
6 of Florida, re-created the Textbook Bid Trust Fund to record
7 the revenue and disbursements of textbook bid performance
8 deposits submitted to the Department of Education as required
9 in s. 1006.32.

10 Section 596. Section 1010.83, Florida Statutes, is
11 created to read:

12 1010.83 Institutional Assessment Trust Fund.--
13 (1) Chapter 99-32, Laws of Florida, re-created the
14 Institutional Assessment Trust Fund to be administered by the
15 Department of Education pursuant to this section and rules of
16 the State Board of Education. The trust fund shall consist of
17 all fees and fines imposed upon nonpublic colleges and schools
18 pursuant to this chapter, including all fees collected from
19 nonpublic colleges for participation in the common course
20 designation and numbering system. The department shall
21 maintain separate revenue accounts for independent colleges
22 and universities; nonpublic career education; and the
23 Department of Education.

24 (2) Funds from the trust fund shall be used for
25 purposes including, but not limited to, the following:

26 (a) Authorized expenses of the respective boards in
27 carrying out their required duties.

28 (b) Financial assistance programs for students who
29 attend nonpublic institutions licensed by the board.

30 (c) Educational programs for the benefit of current
31 and prospective owners, administrators, agents, authorized

1 groups of individuals, and faculty of institutions receiving a
2 license, a certificate of exemption, or an authorization by
3 the board.

4 (d) Authorized expenses of the Department of Education
5 incurred as a result of the inclusion of nonpublic colleges in
6 the statewide course numbering system.

7 (3) The board may utilize other individuals or
8 entities to administer the programs authorized in subsection
9 (2).

10 Section 597. Section 1010.84, Florida Statutes, is
11 created to read:

12 1010.84 Displaced Homemaker Trust Fund.--Chapter
13 99-33, Laws of Florida, re-created the Displaced Homemaker
14 Trust Fund to record revenue and disbursements from fees as
15 authorized in s. 446.50.

16 Section 598. Section 1010.85, Florida Statutes, is
17 created to read:

18 1010.85 Phosphate Research Trust Fund.--Chapter 99-45,
19 Laws of Florida, re-created the Phosphate Research Trust Fund
20 to record the revenue and disbursements from tax on severance
21 of phosphate rock as provided in s. 211.3103.

22 Section 599. Section 1010.86, Florida Statutes, is
23 created to read:

24 1010.86 Administration of capital improvement and
25 building fees trust funds.--The State Board of Education shall
26 administer the Capital Improvement Fee Trust Fund and the
27 Building Fee Trust Fund which include receipts from capital
28 improvement and building student fee assessments, interest
29 earnings, and subsidy grants. All funds, except those to be
30 used for debt service payments, reserve requirements, and
31 educational research centers for child development, pursuant

1 to s. 1011.48, shall be used to fund projects appropriated by
2 the Legislature. Projects funded pursuant to this section may
3 be expanded by the use of supplemental funds such as grants,
4 auxiliary enterprises, private donations, and other nonstate
5 sources.

6 Section 600. Chapter 1011, Florida Statutes, shall be
7 entitled "Planning and Budgeting" and shall consist of ss.
8 1011.01-1011.93.

9 Section 601. Part I of chapter 1011, Florida Statutes,
10 shall be entitled "Preparation, Adoption, and Implementation
11 of Budgets" and shall consist of ss. 1011.01-1011.57.

12 Section 602. Section 1011.01, Florida Statutes, is
13 created to read:

14 1011.01 Budget system established.--

15 (1) The State Board of Education shall prepare and
16 submit a coordinated K-20 education annual legislative budget
17 request to the Governor and the Legislature on or before the
18 date provided by the Governor and the Legislature. The board's
19 legislative budget request must clearly define the needs of
20 school districts, community colleges, universities, other
21 institutions, organizations, programs, and activities under
22 the supervision of the board and that are assigned by law or
23 the General Appropriations Act to the Department of Education.

24 (2) There shall be established in each school
25 district, community college, and university a budget system as
26 prescribed by law and rules of the State Board of Education.

27 (3) Each district school board, each community college
28 board of trustees, and each state university board of trustees
29 shall prepare, adopt, and submit to the Commissioner of
30 Education for review an annual operating budget. Operating
31 budgets shall be prepared and submitted in accordance with the

1 provisions of law, rules of the State Board of Education, the
2 General Appropriations Act, and for district school boards in
3 accordance with the provisions of ss. 200.065 and 1011.64.

4 Section 603. Section 1011.011, Florida Statutes, is
5 created to read:

6 1011.011 Legislative capital outlay budget
7 request.--The State Board of Education shall submit an
8 integrated, comprehensive budget request for educational
9 facilities construction and fixed capital outlay needs for
10 school districts, community colleges, and universities
11 pursuant to this section and 1013.46 and applicable provisions
12 of chapter 216.

13 Section 604. Section 1011.012, Florida Statutes, is
14 created to read:

15 1011.012 Annual capital outlay budget.--

16 (1) Each district school board, community college
17 board of trustees, and university board of trustees shall,
18 each year, adopt a capital outlay budget for the ensuing year
19 in order that the capital outlay needs of the board for the
20 entire year may be well understood by the public. This capital
21 outlay budget shall be a part of the annual budget and shall
22 be based upon and in harmony with the educational plant and
23 ancillary facilities plan. This budget shall designate the
24 proposed capital outlay expenditures by project for the year
25 from all fund sources. The board may not expend any funds on
26 any project not included in the budget, as amended.

27 (2) Each district school board must prepare its
28 tentative district facilities work program as required by s.
29 1013.35 before adopting the capital outlay budget.

30 Section 605. Part I.a. of chapter 1011, Florida
31 Statutes, shall be entitled "District School Boards:

1 Preparation, Adoption, and Implementation of Budgets" and
2 shall consist of ss. 1011.02-1011.24.

3 Section 606. Section 1011.02, Florida Statutes, is
4 created to read:

5 1011.02 District school boards to adopt tentative
6 budget.--

7 (1) On or before the date prescribed in rules of the
8 State Board of Education, each district school board shall
9 receive and examine the tentative budget submitted by the
10 district school superintendent, and shall require such changes
11 to be made, in keeping with the purposes of the school code,
12 as may be to the best interest of the school program in the
13 district.

14 (2) The district school board shall determine, within
15 prescribed limits, the reserves to be allotted for
16 contingencies, and the cash balance to be carried forward at
17 the end of the year. If the district school board shall
18 require any changes to be made in receipts, in the reserves
19 for contingencies, or in the cash balance to be carried
20 forward at the end of the year, it shall also require
21 necessary changes to be made in the appropriations for
22 expenditures so that the budget, as changed, will not contain
23 appropriations for expenditures and reserves in excess of, or
24 less than, estimated receipts and balances.

25 (3) The proposed budget shall include an amount for
26 local required effort for current operation, in accordance
27 with the requirements of s. 1011.62(4).

28 (4) When a tentative budget has been prepared in
29 accordance with rules of the State Board of Education, the
30 proposed expenditures, plus transfers, and balances shall not
31

1 exceed the estimated income, transfers, and balances. The
2 budget and each of the parts thereof shall balance.

3 (5) The district school board shall adopt a tentative
4 budget.

5 Section 607. Section 1011.03, Florida Statutes, is
6 created to read:

7 1011.03 Public hearings; budget to be submitted to
8 Department of Education.--

9 (1) Each district school board must cause a summary of
10 its tentative budget, including the proposed millage levies as
11 provided for by law, and graphs illustrating a historical
12 summary of financial and demographic data, to be advertised at
13 least one time as a full-page advertisement in the newspaper
14 with the largest circulation published in the district or to
15 be posted at the courthouse door if there be no such
16 newspaper.

17 (2)(a) The advertisement must include a graph
18 illustrating the historical summary of financial and
19 demographic data for each of the following data values which
20 shall be plotted along the vertical axis of each graph:

21 1. Total revenue provided to the school district from
22 all sources for the corresponding fiscal year, including all
23 federal, state, and local revenue.

24 2. Total revenue provided to the school district for
25 the corresponding fiscal year for current operations.

26 3. Total revenue provided to the school district for
27 the corresponding fiscal year for fixed capital outlay
28 projects.

29 4. Total revenue provided to the school district for
30 the corresponding fiscal year for debt service.

31

1 5. Total number of unweighted full-time equivalent
2 students, inclusive of all programs listed in s. 1011.62.

3 6. Total revenue provided to the school district for
4 current operations divided by the number of unweighted
5 full-time equivalent students for the corresponding fiscal
6 year.

7 7. Total number of employees of the school district
8 for the corresponding fiscal year.

9 8. Total number of employees of the school district
10 classified as instructional personnel under s. 1012.01 for the
11 corresponding fiscal year.

12 (b) Each graph must include a separate histogram
13 corresponding to the financial and demographic data for each
14 of the following fiscal years, which shall be plotted along
15 the horizontal axis of each graph:

16 1. Current fiscal year.

17 2. Fiscal year that is 5 years before the current
18 fiscal year.

19 3. Fiscal year that is 10 years before the current
20 fiscal year.

21 (c) The numeric value of the financial and demographic
22 data corresponding to each histogram must be included in each
23 graph.

24 (3) The advertisement of a district that has been
25 required by the Legislature to increase classroom expenditures
26 pursuant to s. 1011.64 must include the following statement:

27
28 "This proposed budget reflects an increase in classroom
29 expenditures as a percent of total current operating
30 expenditures of XX percent over the (previous fiscal year)
31 fiscal year. This increase in classroom expenditures is

1 required by the Legislature because the district has performed
2 below the required performance standard on XX of XX student
3 performance standards for the (previous school year) school
4 year. In order to achieve the legislatively required level of
5 classroom expenditures as a percentage of total operating
6 expenditures, the proposed budget includes an increase in
7 overall classroom expenditures of \$XX,XXX,XXX above the amount
8 spent for this same purpose during the (previous fiscal year)
9 fiscal year. In order to achieve improved student academic
10 performance, this proposed increase is being budgeted for the
11 following activities: (list activities and amount budgeted)."

12 (4) The advertisement shall appear adjacent to the
13 advertisement required pursuant to s. 200.065. The State Board
14 of Education may adopt rules necessary to provide specific
15 requirements for the format of the advertisement.

16 (5) The board shall hold public hearings to adopt
17 tentative and final budgets pursuant to s. 200.065. The
18 hearings shall be primarily for the purpose of hearing
19 requests and complaints from the public regarding the budgets
20 and the proposed tax levies and for explaining the budget and
21 proposed or adopted amendments thereto, if any. The district
22 school board shall then require the superintendent to transmit
23 forthwith two copies of the adopted budget to the Department
24 of Education for approval as prescribed by law and rules of
25 the State Board of Education.

26 Section 608. Section 1011.04, Florida Statutes, is
27 created to read:

28 1011.04 Levying of taxes.--

29 (1) Upon receipt of the certificate of the property
30 appraiser giving the assessed valuation of the county and of
31 each of the special tax school districts pursuant to s.

1 200.065, the district school board shall determine by
2 resolution the amounts necessary to be raised for current
3 operating purposes and for each district bond interest and
4 sinking fund and the millage necessary to be levied for each
5 such fund, including the voted millage. A certified copy of
6 the resolution shall thereupon be filed with the county
7 property appraiser, and the district school board shall also
8 order the property appraiser to assess the several millages
9 certified by the school board against the appropriate taxable
10 property in the school district.

11 (2) The property appraiser shall then assess the taxes
12 as ordered by the district school board. Tax millages so
13 assessed shall be clearly designated and separately identified
14 as to source on the tax bill for other county taxes.

15 (3) The collector shall collect said taxes and pay
16 over the same promptly as collected to the district school
17 depository or depositories to be used as provided by law;
18 provided, that all taxes authorized herein shall be assessed
19 and collected on railroad, street railroad, sleeping car,
20 parlor car, and telegraph company property in the manner now
21 provided by law.

22 Section 609. Section 1011.05, Florida Statutes, is
23 created to read:

24 1011.05 Implementation of the official budget.--The
25 official budget shall give the appropriations and reserves
26 therein the force and effect of fixed appropriations and
27 reserves, and the same shall not be altered, amended, or
28 exceeded except as authorized. However, if the actual
29 receipts during any year are less than budgeted receipts, and
30 any obligations are thereby incurred which cannot be met
31 before the close of the year, such obligations shall be paid

1 and accounted for in the ensuing fiscal year in the manner
2 prescribed by rules of the State Board of Education and shall
3 be payable out of the first funds available for that purpose.

4 Section 610. Section 1011.06, Florida Statutes, is
5 created to read:

6 1011.06 Expenditures.--

7 (1) Expenditures shall be limited to the amount
8 budgeted under the classification of accounts provided for
9 each fund and to the total amount of the budget after the same
10 have been amended as prescribed by law and rules of the State
11 Board of Education. The school board shall endeavor to obtain
12 maximum value for all expenditures.

13 (2) EXPENDITURES FROM DISTRICT AND OTHER
14 FUNDS.--Expenditures from district and all other funds
15 available for the public school program of any district shall
16 be authorized by law and must be in accordance with procedures
17 prescribed by the district school board. A district school
18 board may establish policies that allow expenditures to exceed
19 the amount budgeted by function and object, provided that the
20 district school board approves the expenditure and amends the
21 budget within timelines established by school board policies.

22 Section 611. Section 1011.07, Florida Statutes, is
23 created to read:

24 1011.07 Internal funds.--

25 (1) The district school board shall be responsible for
26 the administration and control of all local school funds
27 derived by any public school from all activities or sources,
28 and shall prescribe the principles and procedures to be
29 followed in administering these funds consistent with
30 regulations adopted by the State Board of Education.

31

1 (2) The State Board of Education shall adopt rules
2 governing the procedures for the recording of the receipts,
3 expenditures, deposits, and disbursements of internal funds.

4 Section 612. Section 1011.08, Florida Statutes, is
5 created to read:

6 1011.08 Expenditures between July 1 and date budget
7 becomes official.--During the period from July 1 to the date
8 the tentative budget becomes official, district school boards
9 are authorized to approve ordinary expenditures, including
10 salary payments, which are necessary for the approved school
11 program.

12 Section 613. Section 1011.09, Florida Statutes, is
13 created to read:

14 1011.09 Expenditure of funds by district school
15 board.--All state funds apportioned to the credit of any
16 district constitute a part of the district school fund of that
17 district and must be budgeted and expended under authority of
18 the district school board subject to the provisions of law and
19 rules of the State Board of Education.

20 (1) A district school board shall credit interest or
21 profits on investments to the specific budgeted fund, as
22 defined by the accounting system required by s. 1010.01, that
23 produced the earnings unless otherwise authorized by law or
24 rules of the State Board of Education.

25 (2) A district school board may temporarily advance
26 moneys from one fund, as defined by the accounting system
27 required by s. 1010.01, to another fund when insufficient
28 moneys are available to meet current obligations if the
29 temporary advancement is repaid within 13 months, appropriate
30 accounting records are maintained, and the temporary
31 advancement does not restrict, impede, or limit implementation

1 or fulfillment of the original purposes for which the moneys
2 were received in the fund providing the advancement.

3 (3) Funds expended from school nonrecurring incentives
4 or bonus type state or federal funded programs based on
5 performance outcomes may not be used for measuring compliance
6 with state or federal maintenance of effort, supplanting, or
7 comparability standards.

8 Section 614. Section 1011.10, Florida Statutes, is
9 created to read:

10 1011.10 Penalty.--

11 (1) Any member of a district school board or any
12 district school superintendent who violates the provisions of
13 this section commits malfeasance and misfeasance in office and
14 shall be subject to removal from office by the Governor, and
15 any contract or attempted contract entered into by any school
16 officer or subordinate school officer that is not within the
17 purview or in violation of the provisions of this section
18 shall be void, and no such contract or attempted contract
19 shall be enforceable in any court.

20 (2) Each member of any district school board voting to
21 incur an indebtedness against the district school funds in
22 excess of the expenditure allowed by law, or in excess of any
23 appropriation as adopted in the original official budget or
24 amendments thereto, or to approve or pay any illegal charge
25 against the funds, and any chair of a district school board or
26 district school superintendent who signs a warrant for payment
27 of any such claim or bill of indebtedness against any of the
28 funds shall be personally liable for the amount, and shall be
29 guilty of malfeasance in office and subject to removal by the
30 Governor. It shall be the duty of the Auditor General or other
31 state official charged by law with the responsibility for

1 auditing school accounts, upon discovering any such illegal
2 expenditure or expenditures in excess of the appropriations in
3 the budget as officially amended, to certify such fact to the
4 Department of Banking and Finance, which thereupon shall
5 verify such fact and it shall be the duty of the Department of
6 Banking and Finance to advise the Department of Legal Affairs
7 thereof, and it shall be the duty of the Department of Legal
8 Affairs to cause to be instituted and prosecuted, either
9 through its office or through any state attorney, proceedings
10 at law or in equity against such member or members of a
11 district school board or district school superintendent. If
12 either of the officers does not institute proceedings within
13 90 days after the audit has been certified to them by the
14 Department of Banking and Finance, any taxpayer may institute
15 suit in his or her own name on behalf of the district.

16 Section 615. Section 1011.11, Florida Statutes, is
17 created to read:

18 1011.11 Certain provisions to be directory.--No
19 irregularities of form or manner in the preparation or
20 adoption of any budget under the provisions of this chapter
21 shall invalidate either the budget adopted or the taxes levied
22 therefor. However, the budget and the taxes levied must
23 conform substantially to the principles and provisions of law
24 and rules of the State Board of Education.

25 Section 616. Section 1011.12, Florida Statutes, is
26 created to read:

27 1011.12 Purposes of and procedures in incurring school
28 indebtedness.--Indebtedness for school purposes may be
29 incurred only as follows:

30 (1) School districts may issue bonds creating a
31 long-term indebtedness as prescribed by law.

1 (2) Notes may be issued for money borrowed in
2 anticipation of the receipt of current school funds, included
3 in the budget from the state, county, or districts, as
4 authorized under s. 1011.13.

5 (3) Indebtedness may be incurred for certain purposes
6 as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

7 (4) Bonds or revenue certificates issued on behalf of
8 the district by the State Board of Education as authorized by
9 s. 18, Art. XII of the State Constitution of 1885 as adopted
10 by s. 9(d), Art. XII, 1968 revised constitution, and the
11 additional provisions of s. 9(d), Art. XII of said revision.

12 Section 617. Section 1011.13, Florida Statutes, is
13 created to read:

14 1011.13 Current loans authorized under certain
15 conditions.--Except as provided in subsection (2), for any
16 fiscal year in which school funds are estimated to be
17 insufficient at any time during that fiscal year to pay
18 obligations created by the district school board in accordance
19 with the official budget of the district, or a budget approved
20 by the district school board which is prepared preliminarily
21 to the tentative budget required by this chapter, the school
22 board is authorized to negotiate a current loan to pay these
23 obligations, providing for the repayment of that loan from the
24 proceeds of revenues reasonably to be anticipated during the
25 fiscal year in which the loan is made as prescribed below.
26 However, the district school board shall, whenever possible,
27 so arrange its expenditures as to make the incurring of
28 current loans unnecessary. When it is deemed necessary for the
29 benefit of the schools of the district for a current loan to
30 be negotiated, the school board shall arrange for a loan in an
31 amount not violative of federal arbitrage regulations and for

1 the repayment of the loan, in accord with the other provisions
2 of this section.

3 (1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT
4 CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING
5 FUNDS.--

6 (a) District school boards are authorized and
7 empowered to borrow money, to be retired from the district tax
8 receipts anticipated in the operating budget, the district
9 capital projects budget, and the debt service budget, at a
10 rate of interest not to exceed the rate authorized under the
11 provisions of s. 215.84, for the purpose of paying all
12 outstanding obligations and for the further purpose of paying
13 any and all lawful expenses incurred in operating the schools
14 of the district. However, it is unlawful for any district
15 school board to borrow any sum of money in any one year in
16 excess of 80 percent of the amount as estimated by it in the
17 official budget for the current fiscal year for the district
18 to be available from the district tax. The sum so borrowed
19 shall be paid in full before the school board is authorized to
20 borrow money in any succeeding year.

21 (b) Nothing in paragraph (a) shall be construed to
22 invalidate any outstanding debt of any district as now
23 existing and now due, or to become due, or as requiring any
24 school board to pay the same in full before being permitted to
25 borrow 80 percent on the estimate for the next ensuing year.

26 (c) In the event that the county tax roll is subjected
27 to litigation and the tax collector is prevented from
28 collecting taxes on that roll, the following provisions shall
29 apply:

30
31

1 1. The restriction of 80 percent in paragraph (b)
2 shall not apply if the collection of taxes is delayed beyond
3 May 1.

4 2. District school boards are authorized and empowered
5 to borrow money, to be repaid from the district school fund
6 for operating purposes, the district capital projects funds,
7 and the district interest and sinking funds, at a rate not to
8 exceed the rate authorized under the provisions of s. 215.84,
9 for the purposes of paying any and all lawful operating
10 expense, capital expense, and required debt service necessary
11 for the outstanding bond issues of such districts at the times
12 that the funds are needed to prevent the bonds or interest
13 payments from being in default. However, the amount of money
14 so borrowed shall be limited to the amount of the district
15 school fund and district interest and sinking fund tax
16 receipts included in the official school budget for that year
17 or the amount necessary to be borrowed to meet such
18 obligations, whichever amount is the lesser. Any funds
19 borrowed pursuant to the authority of this subsection shall,
20 insofar as possible, be repaid during the fiscal year in which
21 the loan was made. However, any such loan unpaid at the end
22 of the fiscal year shall be repaid from the first available
23 revenue in the next succeeding year.

24 (2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

25 (a) A district school board is also authorized to
26 negotiate a current loan before the end of the fiscal year,
27 the note or notes from which loan shall be issued no earlier
28 than 60 days before the beginning of the subsequent fiscal
29 year, to be repaid during the subsequent fiscal year from the
30 proceeds of revenue reasonably anticipated to be received
31 during that year. The proceeds of any loan obtained pursuant

1 to this subsection shall be limited, and the district school
2 board shall take any and all action necessary, to assure that
3 the Internal Revenue Code and the regulations promulgated
4 thereunder are not violated.

5 (b) Loans arranged pursuant to this subsection shall
6 be negotiated in accordance with a budget approved by the
7 district school board which is prepared preliminarily to the
8 tentative budget required by this chapter. Such loans shall
9 be at a rate of interest not to exceed the rate of interest
10 authorized under the provisions of s. 215.84 and shall not be
11 in excess of amounts authorized under the Internal Revenue
12 Code for arbitrage.

13 (c) The proceeds of any loan obtained pursuant to this
14 subsection, or any interest earnings thereon, shall not be
15 used to pay any expenses incurred in the fiscal year in which
16 the loan is made; nor shall the proceeds of the loan or
17 interest earnings thereon be in any way encumbered to pay
18 expenses incurred in the fiscal year in which the loan is
19 made, but shall be held in escrow until the subsequent fiscal
20 year. Any outstanding loan issued pursuant to subsection (1)
21 must be defeased not less than 5 business days prior to the
22 issuance of any obligation pursuant to this subsection. All
23 proceeds of any loan obtained pursuant to this subsection, and
24 any interest earnings thereon, shall be placed at closing in
25 an irrevocable escrow account and held until the beginning of
26 the subsequent fiscal year. The district school board shall
27 maintain the integrity of such loan proceeds and related
28 interest in its accounting records so as to be able to
29 validate compliance with the provisions of this paragraph.

30 Section 618. Section 1011.14, Florida Statutes, is
31 created to read:

1 1011.14 Obligations for a period of 1 year.--District
2 school boards are authorized only under the following
3 conditions to create obligations by way of anticipation of
4 budgeted revenues accruing on a current basis without pledging
5 the credit of the district or requiring future levy of taxes
6 for certain purposes for a period of 1 year; however, such
7 obligations may be extended from year to year with the consent
8 of the lender for a period not to exceed 4 years, or for a
9 total of 5 years including the initial year of the loan:

10 (1) PURPOSES.--The purposes for which such obligations
11 may be incurred within the intent of this section shall
12 include only the purchase of school buses, land, and equipment
13 for educational purposes; the erection of, alteration to, or
14 addition to educational facilities; and the adjustment of
15 insurance on educational property on a 5-year plan, as
16 provided by rules of the State Board of Education.

17 (2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT
18 AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING
19 YEAR.--No obligation of the nature prescribed herein may be
20 incurred by any district school board when such proposed
21 obligations exceed one-fourth of the revenue received during
22 the preceding year for the district school fund for operating
23 expense of the district.

24 (3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
25 district school board proposes to incur obligations of the
26 nature authorized in this section, it shall adopt and spread
27 upon its minutes a resolution giving the nature of the
28 obligations to be incurred, stating the plan of payment, and
29 providing that such funds will be budgeted during the period
30 of the loan from the current revenue to retire the obligations
31

1 maturing during the year. This plan of payment shall not
2 extend over a period longer than 1 year.

3 (4) INTEREST-BEARING NOTES AUTHORIZED.--Each district
4 school board which has authorized the incurring of the
5 obligations as provided in this section shall issue
6 interest-bearing notes for the obligations. The notes shall
7 provide the terms of payment and shall not bear interest in
8 excess of the rate authorized under the provisions of s.
9 215.84. No additional obligations of a similar nature may be
10 incurred against the funds of any school district when notes
11 authorized under this subsection are still outstanding and
12 unpaid when such proposed obligations together with the unpaid
13 notes outstanding exceed one-fourth of the revenue of the
14 preceding year, as defined in subsection (2).

15 Section 619. Section 1011.15, Florida Statutes, is
16 created to read:

17 1011.15 Obligations to eliminate major emergency
18 conditions.--The district school board of any district
19 experiencing a major emergency condition in an existing school
20 plant that demands immediate correction in order to prevent
21 further damage to the building or equipment or to eliminate a
22 safety hazard that constitutes an immediate danger to the
23 students and other occupants is authorized to create an
24 obligation for a period of 1 year by way of anticipation of
25 revenues for capital outlay purposes accruing on a current
26 basis without pledging the credit of the district. Such
27 obligation may be extended from year to year with the consent
28 of the lender for a period not to exceed 4 years, or for a
29 total of 5 years including the initial year of the loan.
30 Obligations occurring under this section may be repaid from
31 funds to be received from taxes authorized by s. 1011.71(2)

1 and from any other funds available to the district school
2 board for the purpose under the following conditions:

3 (1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
4 district school board proposes to incur obligations of the
5 nature authorized in this section, it shall adopt and spread
6 upon its minutes a resolution fully describing the emergency
7 condition outlined above, giving the nature of the obligations
8 to be incurred, stating the plan of payment, and providing
9 that such funds will be budgeted during the period of the loan
10 from the current revenue to retire the obligations maturing
11 during the year. This plan of payment shall not extend over a
12 period longer than 1 year.

13 (2) INTEREST-BEARING NOTES AUTHORIZED.--Each district
14 school board which has authorized the incurring of the
15 obligations as provided in this section shall issue
16 interest-bearing notes for the obligations. The notes shall
17 provide the terms of payment and shall not bear interest in
18 excess of the rate authorized in s. 1010.59.

19 Section 620. Section 1011.16, Florida Statutes, is
20 created to read:

21 1011.16 Provisions for retirement of existing
22 indebtedness which is unfunded or in default.--In any district
23 in which there is any indebtedness outstanding against the
24 district school fund which has not yet been funded, or at any
25 time any such indebtedness is in default as to principal or
26 interest, the district school board shall proceed as follows:

27 (1) PLAN FOR RETIRING INDEBTEDNESS TO BE
28 PROPOSED.--The district school board shall prepare and propose
29 a plan for retiring any unfunded indebtedness or any such
30 indebtedness which is in default so that no creditor having a
31 valid claim will be given a preferred status. This plan shall

1 be so prepared as to show the funds needed for operating the
 2 schools on the most economical basis practicable, the amount
 3 of any other obligations which must be met each year, the
 4 total funds available each year for the entire school program,
 5 and the funds that can reasonably be spared for retirement of
 6 indebtedness without needlessly handicapping the school
 7 program and which can be budgeted each year for the retirement
 8 of such indebtedness.

9 (2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF
 10 EDUCATION.--The proposal for funding and retiring all such
 11 indebtedness, when approved by the district school board,
 12 shall be submitted to the Department of Education for
 13 consideration. The district school board shall not attempt to
 14 retire any such indebtedness until this procedure has been
 15 followed and until it has had the benefit of the
 16 recommendations of the department. Upon receiving the
 17 proposal, the department shall determine the minimum funds
 18 which are, in its opinion, necessary for the operation of the
 19 school program in the district; shall determine what funds
 20 remain for retirement of indebtedness each year; shall
 21 determine whether the proposed plan is in accordance with
 22 these facts, and, if it is not, shall propose modifications in
 23 the plan in accordance with the facts. The recommendations of
 24 the department shall then be submitted to the district school
 25 board for consideration.

26 (3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring
 27 indebtedness, herein prescribed, shall become effective when
 28 the district school board and the Department of Education
 29 jointly agree upon the amount of funds necessary for operating
 30 the schools and the amount which can be budgeted each year for
 31 retiring indebtedness. When this plan has been agreed upon, it

1 shall become the duty of the district school board to see that
2 the amount approved for retiring indebtedness is incorporated
3 in the budget each year, and the department shall see that
4 this amount has been incorporated before the budget is
5 approved, or, if such an amount can not reasonably be
6 incorporated in the budget, as shown by evidence submitted by
7 the district school board, determine the respects in which the
8 plan should be modified, and to see that the budget includes
9 the amount for retiring indebtedness which can reasonably be
10 included.

11 (4) FUNDING OUTSTANDING INDEBTEDNESS.--

12 (a) Each district school board having an outstanding
13 indebtedness legally incurred and constituting an obligation
14 or obligations payable from the district school fund is
15 authorized to issue and sell interest-bearing coupon warrants
16 in a sum or sums not to exceed the total amount of such
17 indebtedness. Such coupon warrants shall bear interest at a
18 rate not to exceed the rates authorized under the provisions
19 of s. 215.84, shall be payable either annually or
20 semiannually, and shall be in such form and denomination as
21 the district school board issuing the same shall prescribe.
22 None of such warrants shall be issued to run for a longer
23 period of time than 10 years from the date of issue. Such
24 warrants shall be numbered consecutively, beginning with
25 number one, and each warrant shall have attached thereto
26 interest coupons, each coupon bearing the number of its
27 warrant and representing or calling for an annual or
28 semiannual, as the case may be, payment of interest on its
29 warrant.

30 (b) Each such warrant shall be signed by the chair and
31 attested by the secretary of the district school board issuing

1 the same, and shall have the seal of the district school board
 2 affixed thereto, and the interest coupons attached thereto
 3 shall be signed by, or bear the printed or lithographed
 4 facsimile signature of the chair and secretary. Each warrant
 5 and interest coupon shall be dated and shall bear the due
 6 date. Such warrants and interest coupons shall be issued upon,
 7 and payable from, the fund designated on the face thereof. The
 8 fund so designated shall be the district school fund. All
 9 funds derived from the sale of interest-bearing coupon
 10 warrants, as herein provided, shall be used for the purpose of
 11 retiring the indebtedness for payment of which the warrants
 12 were issued, and for no other purpose, and any funds remaining
 13 from the sale of such warrants shall be applied to retiring
 14 the interest-bearing coupon warrants from which such funds
 15 were derived.

16 (5) FUNDING OR REFUNDING OTHER TYPES OF
 17 INDEBTEDNESS.--Any proposed plan for refunding any type of
 18 outstanding and legally incurred school indebtedness, not
 19 covered by this section, shall be submitted to the Department
 20 of Education for approval under rules of the State Board of
 21 Education. No such indebtedness may be refunded and no plan
 22 for refunding such indebtedness may be approved, unless the
 23 plan provides for retiring the indebtedness in reasonably
 24 equal annual installments over the period of years covered,
 25 unless other obligations to be retired during any of these
 26 years make adjustments necessary. No indebtedness of any type
 27 may be refunded on a sinking fund basis. The district school
 28 board shall provide that all refunding warrants, notes, or
 29 bonds shall be callable, upon proper notice, beginning not
 30 more than 10 years following the date of refunding. If any
 31 indebtedness outstanding against the county or district

1 current school funds cannot be retired over a period of 10
2 years as prescribed in this section, or cannot be funded or
3 refunded by issuing interest-bearing coupon warrants, the
4 Department of Education is authorized to cooperate with the
5 school officials of the district in developing a practicable
6 plan for refunding such indebtedness and, when such a plan has
7 been developed, may approve an agreement with the district
8 school officials for refunding such indebtedness to be retired
9 over a period of time which shall not exceed a maximum of 20
10 years; and, if necessary, for refunding the indebtedness by
11 issuing interest-bearing notes. Any funding or refunding
12 obligations issued, as prescribed herein, are not and shall
13 not be deemed to be additional bonds within the meaning of the
14 Constitution and laws of Florida, and it shall not be
15 necessary for such obligations to be submitted to, or approved
16 by, a vote of the people of the district. In preparing and
17 carrying out such a plan for funding or refunding the school
18 indebtedness, the district school board and the district
19 school superintendent shall follow the procedures prescribed
20 in this section, supplemented by rules of the State Board of
21 Education, except for the modifications which are herein
22 authorized.

23 Section 621. Section 1011.17, Florida Statutes, is
24 created to read:

25 1011.17 School funds to be paid to Treasurer or into
26 depository.--

27 (1) Every tax collector, or other person having moneys
28 which by law go to any district school fund shall at least
29 once each month pay the same over to the depository or
30 depositories designated by the district school board for such
31 purpose, and shall provide said board with confirmation of the

1 deposit. Every officer having moneys which by law go to any
2 state school fund, shall pay the same to the Treasurer of the
3 state, and the Treasurer shall see that these moneys are
4 deposited to the credit of the proper state school fund.

5 (2) The district school board shall have the authority
6 to designate that funds due it be placed for investment for
7 its account with the State Board of Administration rather than
8 be deposited, and said board may direct those persons having
9 moneys due it or due any state school fund to pay out such
10 funds to the State Board of Administration to make authorized
11 investments for its account.

12 Section 622. Section 1011.18, Florida Statutes, is
13 created to read:

14 1011.18 School depositories; payments into and
15 withdrawals from depositories.--

16 (1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The
17 tax collector, the clerk of the circuit court, the
18 superintendent, and all other persons having, receiving, or
19 collecting any money payable to the school district shall
20 promptly pay the same to the bank or banks selected by the
21 district school board to receive funds for that purpose. No
22 bank shall be so selected unless it is qualified as an
23 approved depository as provided by law. Each bank receiving
24 any school money as provided herein shall make a receipt for
25 same.

26 (2) INVESTMENT OF FUNDS DUE.--The district school
27 board shall have the authority to designate that funds due it
28 be placed for investment for its account with the State Board
29 of Administration rather than be deposited, and the district
30 school board may direct those persons having moneys due it or
31 due any state school fund to pay out such funds to the State

1 Board of Administration to make authorized investments for its
2 account.

3 (3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING
4 ACCOUNTS PROHIBITED.--The district school board shall require
5 an accurate and complete set of accounts to be maintained in
6 the books and records for each fund on deposit in each
7 district school depository. Each such account shall show the
8 amount subject to withdrawal, the amount deposited, the amount
9 expended, and the balance of the account. In compliance with
10 the provisions of this subsection, a district school board may
11 maintain a separate checking account for each such fund or may
12 utilize a single checking account for the deposit and
13 withdrawal of moneys from all funds and segregate the various
14 funds on the books and records only. No check or warrant shall
15 be drawn in excess of the balance to the credit of the
16 appropriate fund. The funds awaiting clearing may be invested
17 in an approved county depository in instruments earning
18 interest, such as repurchase agreements, savings accounts,
19 etc. If repurchase agreements are involved, United States
20 Treasury securities or GNMA's must be pledged as collateral
21 for an amount to exceed the principal, interest, and a
22 reasonable safety margin for protection against date-to-date
23 price fluctuation.

24 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money
25 drawn from any district school depository holding same as
26 prescribed herein shall be upon a check or warrant drawn on
27 authority of the district school board as prescribed by law.
28 Each check or warrant shall be signed by the chair or, in his
29 or her absence, the vice chair of the district school board
30 and countersigned by the district school superintendent, with
31 corporate seal of the school board affixed. However, as a

1 matter of convenience, the corporate seal of the district
 2 school board may be printed upon the warrant and a proper
 3 record of such warrant shall be maintained. The district
 4 school board may by resolution, a copy of which must be
 5 delivered to the depository, provide for internal funds to be
 6 withdrawn from any district depository by a check duly signed
 7 by at least two bonded school employees designated by the
 8 board to be responsible for administering such funds. However,
 9 the district school superintendent or his or her designee,
 10 after having been by resolution specifically authorized by the
 11 district school board, may transfer funds from one depository
 12 to another, within a depository, to another institution, or
 13 from another institution to a depository for investment
 14 purposes and may transfer funds in a similar manner when the
 15 transfer does not represent an expenditure, advance, or
 16 reduction of cash assets. Such transfer may be made by
 17 electronic, telephonic, or other medium; and each transfer
 18 shall be confirmed in writing and signed by the district
 19 school superintendent or his or her designee.

20 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
 21 district school board is authorized to establish the form or
 22 forms of warrants, which are to be signed by the chair or, in
 23 his or her absence, the vice chair of the district school
 24 board and countersigned by the district school superintendent,
 25 for payment or disbursement of moneys out of the school
 26 depository and to change the form thereof from time to time as
 27 the district school board deems appropriate. If authorized in
 28 writing by the payee, such district school board warrants may
 29 provide for the direct deposit of funds to the account of the
 30 payee in any financial institution that is designated in
 31 writing by the payee and that has lawful authority to accept

1 such deposits. The written authorization of the payee must be
 2 filed with the district school board. Direct deposit of funds
 3 may be by any electronic or other medium approved by the
 4 district school board for such purpose. The State Board of
 5 Education shall adopt rules prescribing minimum security
 6 measures that must be implemented by any district school board
 7 before establishing the system authorized in this subsection.

8 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND
 9 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

10 (a) Each district school board is authorized to
 11 contract with an approved service organization to provide
 12 self-insurance services, including, but not limited to, the
 13 evaluation, settlement, and payment of self-insurance claims
 14 on behalf of the district school board. Pursuant to such
 15 contract, the district school board may advance money to the
 16 service organization to be deposited in a special checking
 17 account for paying claims against the district school board
 18 under its self-insurance program. The special checking
 19 account shall be maintained in a designated district school
 20 depository. The district school board may replenish such
 21 account as often as necessary upon the presentation by the
 22 service organization of documentation for claims paid equal to
 23 the 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 superintendent or his
 29 or her designee.

30 (b) The district school board may contract with an
 31 insurance company or professional administrator who holds a

1 valid certificate of authority issued by the Department of
 2 Insurance to provide any or all services that a third-party
 3 administrator is authorized by law to perform. Pursuant to
 4 such contract, the district school board may advance or remit
 5 money to the administrator to be deposited in a designated
 6 special checking account for paying claims against the
 7 district school board under its self-insurance programs, and
 8 remitting premiums to the providers of insured benefits on
 9 behalf of the district school board and the participants in
 10 such programs, and otherwise fulfilling the obligations
 11 imposed upon the administrator by law and the contractual
 12 agreements between the district school board and the
 13 administrator. The special checking account shall be
 14 maintained in a designated district school depository. The
 15 district school board may replenish such account as often as
 16 necessary upon the presentation by the service organization of
 17 documentation for claims or premiums due paid equal to the
 18 amount of the requested reimbursement. Such replenishment
 19 shall be made by a warrant signed by the chair of the district
 20 school board and countersigned by the district school
 21 superintendent. Such replenishment may be made by electronic,
 22 telephonic, or other medium, and each transfer shall be
 23 confirmed in writing and signed by the district school
 24 superintendent or his or her designee. The provisions of
 25 strict accountability of all funds and an annual audit by an
 26 independent certified public accountant as provided in s.
 27 1001.42(10)(k) shall apply to this subsection.

28 Section 623. Section 1011.19, Florida Statutes, is
 29 created to read:

30 1011.19 Sources of district school fund.--The district
 31 school fund shall consist of funds derived from the district

1 school tax levy; state appropriations; appropriations by
2 county commissioners; local, state, and federal school food
3 service funds; any and all other sources for school purposes;
4 national forest trust funds and other federal sources; and
5 gifts and other sources.

6 Section 624. Section 1011.20, Florida Statutes, is
7 created to read:

8 1011.20 Apportionment and use of district school
9 fund.--The district school fund shall be apportioned, expended
10 and disbursed in the district solely for the support of the
11 public schools of the district as prescribed by law; provided,
12 however, that the district school fund shall also be used to
13 pay the principal and interest on bonds legally issued and
14 payable from said fund, together with other proper items of
15 debt service against such fund, including any necessary
16 refunding expense as prescribed by rules of the State Board of
17 Education. The district school board shall, before the
18 maturity of such bonds or other indebtedness and before
19 interest due dates, deposit with the paying agent or make
20 available, as designated in the resolution authorizing the
21 issuance of the bonds or other legal evidences of
22 indebtedness, sufficient funds with which to pay all principal
23 and interest when due; provided, that when such funds have
24 been so deposited with the paying agent or made available, all
25 interest on the indebtedness represented by the maturing
26 bonds, coupons or other evidences of indebtedness shall cease
27 as of their maturity dates; and provided, further, that if any
28 such bonds, coupons or other evidences of indebtedness are not
29 presented for payment within 6 months after the date on which
30 they mature, the funds shall be returned to the district
31 school board and shall be placed by said board in the district

1 school fund and the district school board shall pay said
 2 bonds, coupons or other evidences of indebtedness from said
 3 fund when presented for payment. Any holder of bonds, coupons
 4 or other indebtedness claiming interest after maturity on
 5 account of the fact that funds were not deposited with the
 6 paying agent or made available to pay such bonds, coupons or
 7 other indebtedness at maturity, shall be required to produce
 8 evidence in the form of a letter from the paying agent or the
 9 district school board, respectively, acknowledging that the
 10 bonds, coupons and other evidences of indebtedness upon which
 11 interest is claimed were presented for payment, that no funds
 12 were available for the payment thereof, that such bonds,
 13 coupons and other evidences of indebtedness were presented for
 14 payment at least annually thereafter and that no funds were
 15 available to pay such indebtedness. The paying agent or the
 16 district school board, whichever has the duty of holding the
 17 funds, shall, upon request of the holder of defaulted bonds,
 18 coupons or other evidences of indebtedness, furnish to such
 19 holder the letter required herein. When such evidence is
 20 presented the district school fund shall be liable for the
 21 payment of principal and interest on the bonds, coupons or
 22 other evidences of indebtedness from maturity until paid at
 23 the rate prescribed on the face thereof. If at any time any
 24 bonds, coupons or other evidences of indebtedness are reduced
 25 to judgment, the district school fund shall be responsible for
 26 past due interest only at the rate prescribed by the bonds or
 27 other evidences of indebtedness and any rate of interest in
 28 excess of that amount shall be illegal and invalid. Such
 29 judgments shall bear interest at the rate of 5 percent per
 30 annum until paid. When any proposal for refunding the
 31 indebtedness against said district school fund has been

1 prepared and approved by the State Board of Education, as
2 required by law, and when the holders of at least 80 percent
3 of the outstanding indebtedness against said fund have agreed
4 in writing to the refunding plan, the district school board
5 shall be authorized to pay, out of the district school fund,
6 from and after that date, on the original and refunding bonds
7 or other evidences of indebtedness only the rate of interest
8 which has been agreed upon for the refunding bonds or other
9 evidences of indebtedness and no owner or holder of a bond,
10 coupon or other evidence of indebtedness shall be entitled to
11 a higher rate of interest after that date; provided, that such
12 owner or holder shall be given the option by the district
13 school board of receiving payment in cash for all principal
14 and interest due on the bonds and coupons or other evidence of
15 indebtedness he or she holds at the same rate at which the
16 remaining indebtedness has been refunded.

17 Section 625. Section 1011.21, Florida Statutes, is
18 created to read:

19 1011.21 Source and use of district interest and
20 sinking fund.--The district interest and sinking fund of any
21 school district shall comprise the proceeds of the tax levied
22 for the purpose of paying the principal and interest of bonds
23 outstanding against the district as provided in this chapter
24 and in addition such funds as may accrue to the credit of the
25 district interest and sinking fund from interest on deposits,
26 investments or other sources. The district interest and
27 sinking fund in each district shall be used to pay the
28 principal and interest on bonds legally issued against the
29 district and other proper items of debt service against such
30 district, including any necessary refunding expense as
31 prescribed by rules of the State Board of Education. The

1 district school board shall, before the maturity of bonds and
 2 before interest due dates, deposit with the paying agent or
 3 make available, as designated in the resolution authorizing
 4 the issuance of bonds, sufficient money of the district
 5 interest and sinking fund with which to pay all principal and
 6 interest when due; provided, that when such money has been so
 7 deposited with the paying agent or made available, all
 8 interest on the indebtedness represented by the maturing bonds
 9 or coupons shall cease as of their maturity dates; and
 10 provided, further, that if any such bonds or coupons are not
 11 presented for payment within 6 months after the date on which
 12 they mature, the money shall be returned to the district
 13 school board and shall be held by the board as a reserve fund
 14 in the account of the district interest and sinking fund until
 15 the bonds and coupons are presented for payment. Any holder
 16 of bonds or coupons claiming interest after maturity shall be
 17 required to produce evidence in the form of a letter from the
 18 paying agent or the district school board of the district,
 19 respectively, acknowledging that the bonds or coupons upon
 20 which interest is claimed were presented for payment upon
 21 maturity, that no funds were available for the payment
 22 thereof, that such bonds or coupons were presented for payment
 23 at least annually thereafter and that no funds were available
 24 to pay such bonds or coupons. The paying agent or the
 25 district school board, whichever has the duty of holding the
 26 money shall, upon request of the holder of defaulted bonds or
 27 coupons, furnish to such holder the letter required herein.
 28 When such evidence is presented, the district interest and
 29 sinking fund shall be liable for the payment of principal and
 30 interest on the bonds and coupons from maturity until paid at
 31 the rate prescribed on the face of the bonds. If at any time

1 any bonds or coupons are reduced to judgment, the district
 2 interest and sinking fund shall be responsible for past due
 3 interest only at the rate prescribed by the bonds and any rate
 4 of interest in excess of that amount shall be illegal and
 5 invalid. Such judgments shall bear interest at the rate of 5
 6 percent per annum until paid. When any proposal for refunding
 7 the indebtedness against any district has been prepared and
 8 approved by the Department of Education, as required by law,
 9 and when the holders of at least 80 percent of the outstanding
 10 indebtedness represented by the bond issue have agreed in
 11 writing to the refunding plan, the district school board shall
 12 be authorized to pay, from and after that date on the original
 13 and refunding bonds from the district interest and sinking
 14 fund, only the rate of interest which has been agreed upon for
 15 the refunding bonds and no owner or holder of a bond or coupon
 16 shall be entitled to a higher rate of interest after that
 17 date; provided, that such owner or holder shall be given the
 18 option by the school board of receiving payment in cash for
 19 all principal and interest due on the bonds and coupons he or
 20 she holds at the same rate at which the remaining bonds and
 21 coupons have been refunded.

22 Section 626. Section 1011.22, Florida Statutes, is
 23 created to read:

24 1011.22 Interest and sinking funds may be invested in
 25 certain bonds, warrants, and notes.--Each district school
 26 board shall have the power at all times to invest the interest
 27 and sinking funds collected for the retirement of any bonds of
 28 the school district in any investment as authorized in s.
 29 1010.53(2). The district school board shall have authority at
 30 any time to use the interest and sinking fund of any district
 31 for purchasing, for the purpose of canceling and retiring,

1 bonds outstanding against the interest and sinking fund of
2 said district at any price which will result in a net saving
3 to the taxpayers of the district; provided, always, that the
4 district school board shall have the right to keep the
5 interest and sinking fund on deposit earning the rate of
6 interest agreed upon until such time as within its judgment it
7 may be able to invest it in bonds, warrants, or notes to
8 better advantage as provided herein.

9 Section 627. Section 1011.23, Florida Statutes, is
10 created to read:

11 1011.23 Disposition of balance in interest and sinking
12 fund.--If all principal and interest outstanding against any
13 school district shall have been paid, and there shall still
14 remain a balance in the interest and sinking fund to the
15 credit of that district, the district school board shall, by
16 resolution, authorize this balance to be transferred to the
17 credit of the district school fund.

18 Section 628. Section 1011.24, Florida Statutes, is
19 created to read:

20 1011.24 Special district units.--For the purposes of
21 funding through chapters 1011 and 1013, developmental research
22 schools shall be designated as special school districts. Such
23 districts shall be accountable to the Department of Education
24 for budget requests and reports on expenditures.

25 Section 629. Part I.b. of chapter 1011, Florida
26 Statutes, shall be entitled "Community Colleges: Preparation,
27 Adoption, and Implementation of Budgets" and shall consist of
28 ss. 1011.30-1011.32.

29 Section 630. Section 1011.30, Florida Statutes, is
30 created to read:

31

1 1011.30 Budgets for community colleges.--Each
2 community college president shall recommend to the community
3 college board of trustees a budget of income and expenditures
4 at such time and in such form as the State Board of Education
5 may prescribe. Upon approval of a budget by the community
6 college board of trustees, such budget shall be transmitted to
7 the Department of Education for review and approval. Rules of
8 the State Board of Education shall prescribe procedures for
9 effecting budget amendments subsequent to the final approval
10 of a budget for a given year.

11 Section 631. Section 1011.31, Florida Statutes, is
12 created to read:

13 1011.31 Current loans to community college boards of
14 trustees.--

15 (1) At any time the current funds on hand are
16 insufficient to pay obligations created by a community college
17 board of trustees in accordance with the approved budget of
18 the community college, the community college board of trustees
19 may request approval by the Commissioner of Education of a
20 proposal to negotiate a current loan, with provisions for the
21 repayment of such loan during the fiscal year in which the
22 loan is made, in order to meet these obligations.

23 (2) The Commissioner of Education shall approve such
24 proposal when, in his opinion, the proposal is reasonable and
25 just, the expenditure is necessary, and revenues sufficient to
26 meet the requirements of the loan can reasonably be
27 anticipated.

28 Section 632. Section 1011.32, Florida Statutes, is
29 created to read:

30 1011.32 Community College Facility Enhancement
31 Challenge Grant Program.--

1 (1) The Legislature recognizes that the community
 2 colleges do not have sufficient physical facilities to meet
 3 the current demands of their instructional and community
 4 programs. It further recognizes that, to strengthen and
 5 enhance community colleges, it is necessary to provide
 6 facilities in addition to those currently available from
 7 existing revenue sources. It further recognizes that there are
 8 sources of private support that, if matched with state
 9 support, can assist in constructing much needed facilities and
 10 strengthen the commitment of citizens and organizations in
 11 promoting excellence at each community college. Therefore, it
 12 is the intent of the Legislature to establish a program to
 13 provide the opportunity for each community college through its
 14 direct-support organization to receive and match challenge
 15 grants for instructional and community-related capital
 16 facilities within the community college.

17 (2) There is established the Community College
 18 Facility Enhancement Challenge Grant Program for the purpose
 19 of assisting the community colleges in building high priority
 20 instructional and community-related capital facilities
 21 consistent with s. 1004.65, including common areas connecting
 22 such facilities. The direct-support organizations that serve
 23 the community colleges shall solicit gifts from private
 24 sources to provide matching funds for capital facilities. For
 25 the purposes of this section, private sources of funds shall
 26 not include any federal or state government funds that a
 27 community college may receive.

28 (3) The Community College Capital Facilities Matching
 29 Program shall provide funds to match private contributions for
 30 the development of high priority instructional and
 31

1 community-related capital facilities, including common areas
 2 connecting such facilities, within the community colleges.

3 (4) Within the direct-support organization of each
 4 community college there must be established a separate capital
 5 facilities matching account for the purpose of providing
 6 matching funds from the direct-support organization's
 7 unrestricted donations or other private contributions for the
 8 development of high priority instructional and
 9 community-related capital facilities, including common areas
 10 connecting such facilities. The Legislature shall appropriate
 11 funds for distribution to a community college after matching
 12 funds are certified by the direct-support organization and
 13 community college. The Public Education Capital Outlay and
 14 Debt Service Trust Fund shall not be used as the source of the
 15 state match for private contributions.

16 (5) A project may not be initiated unless all private
 17 funds for planning, construction, and equipping the facility
 18 have been received and deposited in the direct-support
 19 organization's matching account and the state's share for the
 20 minimum amount of funds needed to begin the project has been
 21 appropriated by the Legislature. The Legislature may
 22 appropriate the state's matching funds in one or more fiscal
 23 years for the planning, construction, and equipping of an
 24 eligible facility. However, these requirements shall not
 25 preclude the community college or direct-support organization
 26 from expending available funds from private sources to develop
 27 a prospectus, including preliminary architectural schematics
 28 and/or models, for use in its efforts to raise private funds
 29 for a facility. Additionally, any private sources of funds
 30 expended for this purpose are eligible for state matching

31

1 funds should the project materialize as provided for in this
2 section.

3 (6) To be eligible to participate in the Community
4 College Facility Enhancement Challenge Grant Program, a
5 community college, through its direct-support organization,
6 shall raise a contribution equal to one-half of the total cost
7 of a facilities construction project from private sources
8 which shall be matched by a state appropriation equal to the
9 amount raised for a facilities construction project, subject
10 to the General Appropriations Act.

11 (7) If the state's share of the required match is
12 insufficient to meet the requirements of subsection (6), the
13 community college shall renegotiate the terms of the
14 contribution with the donors. If the project is terminated,
15 each private donation, plus accrued interest, reverts to the
16 direct-support organization for remittance to the donor.

17 (8) By September 1 of each year, the State Board of
18 Education shall transmit to the Legislature a list of projects
19 which meet all eligibility requirements to participate in the
20 Community College Facility Enhancement Challenge Grant Program
21 and a budget request which includes the recommended schedule
22 necessary to complete each project.

23 (9) In order for a project to be eligible under this
24 program, it must be survey recommended under the provisions of
25 s. 1013.31 and included in the community colleges 5-year
26 capital improvement plan, and it must receive prior approval
27 from the State Board of Education.

28 (10) A community college project may not be removed
29 from the approved 3-year PECO priority list because of its
30 successful participation in this program until approved by the
31 Legislature and provided for in the General Appropriations

1 Act. When such a project is completed and removed from the
2 list, all other projects shall move up on the 3-year PECO
3 priority list.

4 (11) Any project funds that are unexpended after a
5 project is completed shall revert to the community college's
6 direct-support organization capital facilities matching
7 account. Fifty percent of such unexpended funds shall be
8 reserved for the community college which originally received
9 the private contribution for the purpose of providing private
10 matching funds for future facility construction projects as
11 provided in this section. The balance of such unexpended funds
12 shall be returned to the General Revenue Fund.

13 (12) The surveys, architectural plans, facility, and
14 equipment shall be the property of the participating community
15 college. A facility constructed under this section may be
16 named in honor of a donor at the option of the community
17 college district board of trustees. A facility may not be
18 named after a living person without prior approval by the
19 State Board of Education.

20 Section 633. Part I.c. of chapter 1011, Florida
21 Statutes, shall be entitled "Universities: Preparation,
22 Adoption, and Implementation of Budgets" and shall consist of
23 ss. 1011.40-1011.52.

24 Section 634. Section 1011.40, Florida Statutes, is
25 created to read:

26 1011.40 Budgets for universities.--

27 (1) LEGISLATIVE BUDGET REQUEST.--The State Board of
28 Education shall provide instructions, guidelines, and standard
29 formats to be used by each university that will provide to the
30 State Board of Education and the Legislature adequate
31 information to support and justify the legislative budget

1 requests submitted pursuant to ss. 216.023, 1013.60, and
2 1011.90 for each university.

3 (2) OPERATING BUDGET.--Each university board of
4 trustees shall adopt an operating budget for the operation of
5 the university as prescribed by law and rules of the State
6 Board of Education. Each university president shall prepare
7 and implement the operating budget of the university as
8 prescribed by law, rules of the State Board of Education,
9 policies of the university board of trustees, and provisions
10 of the General Appropriations Act. The proposed expenditures,
11 plus transfers, and balances shall not exceed the estimated
12 income, transfers, and balances. The budget and each part
13 thereof shall balance. If at any time the unencumbered balance
14 in the education and general fund of the university board of
15 trustees approved operating budget goes below five percent,
16 the president shall provide written notification to the State
17 Board of Education.

18 (3) EXPENDITURES.--Expenditures from any source of
19 funds by any university shall not exceed the funds available.
20 Expenditures shall not exceed the amount budgeted under each
21 classification of accounts for each fund and the total amount
22 of the budget, as amended as prescribed by rules of the State
23 Board of Education. No expenditure of funds, contract, or
24 agreement of any nature shall be made that requires additional
25 appropriation of funds by the Legislature unless specifically
26 authorized in advance by law or the General Appropriations
27 Act.

28 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated
29 in the General Appropriations Act for the operation of state
30 universities shall be distributed by the State Board of
31 Education to the universities twice monthly. The Executive

1 Office of the Governor may modify this schedule if required to
2 meet specific needs of a university.

3 Section 635. Section 1011.41, Florida Statutes, is
4 created to read:

5 1011.41 University appropriations.--Funds for the
6 general operations of universities shall be requested and
7 appropriated as Aid to Local Governments Grants and Aids,
8 subject to provisions of the General Appropriations Act.

9 Section 636. Section 1011.4105, Florida Statutes, is
10 created to read:

11 1011.4105 Transition from state accounting system
12 (FLAIR) to university accounting system.--

13 (1) Universities and colleges under the supervision of
14 the State Board of Education shall use the state accounting
15 system (FLAIR) for fiscal year 2002-2003. The universities
16 shall not be required to provide funds to the Department of
17 Banking and Finance for the utilization of FLAIR.

18 (2) Beginning with the 2003-2004 fiscal year any
19 university may transition from FLAIR to the university's
20 accounting system.

21 (3) To accomplish the transition from FLAIR to a
22 university's accounting system the university board of
23 trustees must submit to the State Board of Education a plan
24 developed in cooperation with the State Comptroller (Chief
25 Financial Officer.) The plan must contain the actions the
26 university will take, or has taken, to implement this
27 transition. The plan must provide time lines for completion of
28 actions and the target date the university will have
29 implemented and tested parallel systems with appropriate audit
30 and internal controls in place that will enable the university
31 to satisfactorily and timely perform all accounting and

1 reporting functions required by State and Federal law and
2 rules of the State Board of Education.

3 (4) When a university is ready to transition from
4 FLAIR to its own system, the State Board of Education shall
5 verify that the system the university has implemented and
6 tested is adequate for the university, the university has
7 appropriate audit and internal controls in place, the
8 university has the resources required to operate and maintain
9 the system, and that the university and the State Comptroller
10 (Chief Financial Officer) are prepared to implement the
11 transition. The State Board of Education shall submit to the
12 Executive Office of the Governor and the Chairs of the
13 Appropriations Committees of the Senate and House of
14 Representatives confirmation of this verification and the date
15 the transition will be effective. Transition for any
16 university shall not take place until after the State Board of
17 Education has submitted this confirmation.

18 (5) The State Board of Education in cooperation with
19 each university and the Department of Banking and Finance
20 shall develop a plan and establish the deadline for all
21 universities to have completed the transition from FLAIR. The
22 Board shall submit a copy of this plan to the Executive Office
23 of the Governor and the Chairs of the Appropriations
24 Committees of the Senate and House of Representatives.

25 Section 637. Section 1011.4106, Florida Statutes, is
26 created to read:

27 1011.4106 Trust fund dissolution.--Notwithstanding the
28 provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to
29 s. 216.351, all unexpended balances as of June 30, 2002 in the
30 following state university system trust funds are hereby
31 appropriated to the appropriate accounts of each university

1 based upon the original source of the trust fund revenue and
2 any accrued interest: the Education/General Student and Other
3 Fees Trust Fund, the Experiment Station Federal Grant Trust
4 Fund, the Experiment Station Incidental Trust Fund, the
5 Extension Service Federal Grant Trust Fund, the Extension
6 Service Incidental Trust Fund, the Incidental Trust Fund, the
7 UF Health Center Operations and Maintenance Trust Fund, the
8 Operations and Maintenance Trust Fund, and all other trust
9 funds in the State Treasury for universities. Expenditure of
10 these funds by each university must be based on the laws,
11 rules, grant agreements, or other legal controlling factors
12 associated with all trust fund balances which are appropriated
13 to local accounts pursuant to this section, and included in
14 each university board of trustees' approved operating budget.
15 Each university shall be responsible for the payment of
16 outstanding debts or obligations associated with these funds.

17 Section 638. Section 1011.411, Florida Statutes, is
18 created to read:

19 1011.411 Budgets for sponsored research at
20 universities.--Funds for sponsored research at each university
21 shall be budgeted and expended pursuant to ss. 1010.30 and
22 1011.42.

23 Section 639. Section 1011.42, Florida Statutes, is
24 created to read:

25 1011.42 University depositories; deposits into and
26 withdrawals from depositories.--

27 (1) The board of trustees of each university shall
28 designate the depositories in which any university funds may
29 be deposited. No bank shall be designated unless it is a
30 qualified depository as provided by Florida Statutes.

31

1 (2) All funds received by a university, from whatever
2 source and for whatever purpose, shall promptly be deposited
3 in a board of trustees approved qualified depository.

4 (3) The board of trustees shall require an accurate
5 and complete set of accounts to be maintained in the books and
6 records for each fund on deposit in each university
7 depository. Each account shall show the amount subject to
8 withdrawal, the amount deposited, the amount expended, and the
9 balance of the account.

10 (4) The university may maintain a separate checking
11 account for each fund or may utilize a single checking account
12 for the deposit and withdrawal of moneys from all funds and
13 segregate the various funds on the books and records only. No
14 check or withdrawal shall be drawn in excess of the balance to
15 the credit of the appropriate fund.

16 (5) Funds awaiting clearing may be invested in
17 investments earning interest in a qualified depository, in the
18 State Treasury, and in the State Board of Administration.
19 Investments of university funds shall comply with the
20 requirements of Florida Statutes for the investment of public
21 funds by local government. Due diligence shall be exercised to
22 assure that the highest available amount of earnings is
23 obtained on investments.

24 (6) The university president or his designee, after
25 having been specifically authorized by the university board of
26 trustees, may transfer funds from one depository to another,
27 within a depository, to another institution, or from another
28 institution to a depository for investment purposes and may
29 transfer funds in a similar manner when the transfer does not
30 represent an expenditure, advance, or reduction of cash
31 assets.

1 (7) The university board of trustees shall
2 specifically designate and spread upon the minutes of the
3 board the legal name and position title of any university
4 employee authorized to sign checks to pay legal obligations of
5 the university.

6 Section 640. Section 1011.43, Florida Statutes, is
7 created to read:

8 1011.43 Investment of university agency and activity
9 funds; earnings used for scholarships.--Each university is
10 authorized to invest available agency and activity funds and
11 to use the earnings from such investments for student
12 scholarships and loans. The university board of trustees shall
13 provide procedures for the administration of these
14 scholarships and loans by rules.

15 Section 641. Section 1011.45, Florida Statutes, is
16 created to read:

17 1011.45 End of year balance of funds.--Unexpended
18 amounts in any fund in a university current year operating
19 budget shall be carried forward and included as the balance
20 forward for that fund in the approved operating budget for the
21 following year.

22 Section 642. Section 1011.47, Florida Statutes, is
23 created to read:

24 1011.47 Auxiliary enterprises; contracts, grants, and
25 donations.--As used in s. 19(f)(3), Art. III of the State
26 Constitution, the term:

27 (1) "Auxiliary enterprises" includes activities that
28 directly or indirectly provide a product or a service, or
29 both, to a university or its students, faculty, or staff and
30 for which a charge is made. These auxiliary enterprises are
31 business activities of a university which require no support

1 from the General Revenue Fund, and include activities such as
2 housing, bookstores, student health services, continuing
3 education programs, food services, college stores, operation
4 of vending machines, specialty shops, day care centers, golf
5 courses, student activities programs, data center operations,
6 and intercollegiate athletics programs.

7 (2) "Contracts, grants, and donations" includes
8 noneducational and general funding sources in support of
9 research, public services, and training. The term includes
10 grants and donations, sponsored-research contracts, and
11 Department of Education funding for developmental research
12 schools and other activities for which the funds are deposited
13 outside the State Treasury.

14 Section 643. Section 1011.48, Florida Statutes, is
15 created to read:

16 1011.48 Establishment of educational research centers
17 for child development.--

18 (1) Upon approval of the university president, the
19 student government association of any state university may
20 establish an educational research center for child development
21 in accordance with the provisions of this section. Each such
22 center shall be a child day care center established to provide
23 care for the children of students, both graduate and
24 undergraduate, faculty, and other staff and employees of the
25 university and to provide an opportunity for interested
26 schools or departments of the university to conduct
27 educational research programs and establish internship
28 programs within such centers. Whenever possible, such center
29 shall be located on the campus of the university. There shall
30 be a director of each center, selected by the board of
31 directors of the center.

1 (2) There shall be a board of directors for each
2 educational research center for child development, consisting
3 of the president of the university or his or her designee, the
4 student government president or his or her designee, the chair
5 of each department participating in the center or his or her
6 designee, and one parent for each 50 children enrolled in the
7 center, elected by the parents of children enrolled in the
8 center. The director of the center shall be an ex officio,
9 nonvoting member of the board. The board shall establish local
10 policies and perform local oversight and operational guidance
11 for the center.

12 (3) Each center is authorized to charge fees for the
13 care and services it provides. Such fees must be approved by
14 the State Board of Education and may be imposed on a sliding
15 scale based on ability to pay or any other factors deemed
16 relevant by the board.

17 (4) The State Board of Education is authorized and
18 directed to promulgate rules for the establishment, operation,
19 and supervision of educational research centers for child
20 development. Such rules shall include, but need not be limited
21 to: a defined method of establishment of and participation in
22 the operation of centers by the appropriate student government
23 associations; guidelines for the establishment of an intern
24 program in each center; and guidelines for the receipt and
25 monitoring of funds from grants and other sources of funds
26 consistent with existing laws.

27 (5) Each educational research center for child
28 development shall be funded by a portion of the Capital
29 Improvement Trust Fund fee established by the State Board of
30 Education pursuant to s. 1009.24(7). Each university that
31 establishes a center shall receive a portion of such fees

1 collected from the students enrolled at that university,
2 usable only at that university, equal to 22.5 cents per
3 student per credit hour taken per term, based on the summer
4 term and fall and spring semesters. This allocation shall be
5 used by the university only for the establishment and
6 operation of a center as provided by this section and rules
7 promulgated hereunder. Said allocation may be made only after
8 all bond obligations required to be paid from such fees have
9 been met.

10 Section 644. Section 1011.49, Florida Statutes, is
11 created to read:

12 1011.49 Assent to Smith-Lever Act; university board of
13 trustees authorized to receive grants.--The Legislature, in
14 behalf of and for the state, assents to, and gives its assent
15 to, the provisions and requirements of the Act of Congress
16 commonly known as the "Smith-Lever Act," and all acts
17 supplemental thereto, and the University of Florida Board of
18 Trustees, having supervision over and control of the
19 University of Florida, located at Gainesville, may receive the
20 grants of money appropriated under said Act of Congress and
21 organize and conduct agricultural and home economics extension
22 work, which shall be carried on in connection with the
23 University of Florida Institute of Food and Agricultural
24 Sciences, in accordance with the terms and conditions
25 expressed in said Act of Congress.

26 Section 645. Section 1011.50, Florida Statutes, is
27 created to read:

28 1011.50 Agricultural experiment stations; assent to
29 Act of Congress; federal appropriation.--The objects and
30 purposes contained in the Act of Congress entitled "An Act to
31 provide for an increased annual appropriation for agricultural

1 experiment stations and regulating the expenditure thereof"
2 are assented to; and the Board of Trustees of the University
3 of Florida is authorized to accept and receive the annual
4 appropriations for the use and benefit of the agricultural
5 experiment station fund of the Institute of Food and
6 Agricultural Sciences of the University of Florida, located at
7 Gainesville, upon the terms and conditions contained in said
8 Act of Congress.

9 Section 646. Section 1011.501, Florida Statutes, is
10 created to read:

11 1011.501 Assent to ss. 1444 and 1445 of the Food and
12 Agriculture Act of 1977; board of trustees authorized to
13 receive grants, etc.--The assent of Legislature is given to
14 the provisions and requirements of ss. 1444 and 1445 of the
15 Act of Congress commonly known as the "Food and Agriculture
16 Act of 1977" and all acts supplemental thereto. The Board of
17 Trustees of the Florida Agricultural and Mechanical University
18 may receive grants of money appropriated under said sections
19 of said act and may organize and conduct agricultural
20 extension work and conduct agricultural research, which shall
21 be carried on in connection with the College of Engineering
22 Sciences, Technology and Agriculture of said Florida
23 Agricultural and Mechanical University, in accordance with the
24 terms and conditions expressed in the Act of Congress
25 aforesaid.

26 Section 647. Section 1011.51, Florida Statutes, is
27 created to read:

28 1011.51 Independent postsecondary endowment grants.--
29 (1) The Legislature finds and declares that accredited
30 baccalaureate-degree-granting independent nonprofit colleges
31 and universities are an integral part of the higher education

1 system in this state; that significant numbers of persons
 2 choose to utilize these institutions for obtaining higher
 3 education; that the burdens on public colleges and
 4 universities are lessened because of the students that choose
 5 to utilize these institutions for their higher education; that
 6 having a strong system of baccalaureate-degree-granting
 7 independent nonprofit colleges and universities will improve
 8 the educational, economic, and social well-being of the state;
 9 and that creation of a state program to provide matching
 10 endowment grants will improve the academic excellence of these
 11 institutions and enhance educational opportunities for Florida
 12 citizens, furthering the improvement of the overall
 13 educational system in the state.

14 (2) There is established the Florida Postsecondary
 15 Endowment Grants Program to be administered by the Department
 16 of Education. The program shall provide matching endowment
 17 grants to independent nonprofit colleges and universities in
 18 Florida that meet the requirements of this section. The
 19 Legislature shall designate funds for the program to be
 20 transferred to the Grants and Donations Trust Fund from
 21 available sources. All funds transferred to the trust fund,
 22 or retained in the trust fund, shall be invested in accordance
 23 with the provisions of chapter 215. Notwithstanding the
 24 provisions of s. 216.301 and pursuant to s. 216.351, any
 25 undisbursed balance remaining in the trust fund for the
 26 program and income from investments and interest related
 27 thereto shall remain in the trust fund and shall increase the
 28 total funds available for such matching endowment grants.

29 (3) The matching endowment grants made available under
 30 this section shall be made available to any independent
 31 nonprofit college or university which:

- 1 (a) Is located in and chartered by the state.
2 (b) Is accredited by the Commission on Colleges of the
3 Southern Association of Colleges and Schools.
4 (c) Grants baccalaureate degrees.
5 (d) Is not a state university or community college.
6 (e) Has a secular purpose, so long as the receipt of
7 state aid by students at the institution would not have the
8 primary effect of advancing or impeding religion or result in
9 an excessive entanglement between the state and any religious
10 sect.
- 11 (4)(a) The amounts appropriated for the program shall
12 be allocated by the Department of Education to each
13 independent nonprofit college or university that meets the
14 criteria of subsection (3) in the following manner:
- 15 1. Each such college or university that raises an
16 endowment contribution of at least \$50,000, but no more than
17 \$75,000, from private sources shall receive a matching
18 endowment grant equal to 70 percent of the private
19 contribution.
- 20 2. Each such college or university that raises an
21 endowment contribution in excess of \$75,000, but no more than
22 \$100,000, from private sources shall receive a matching
23 endowment grant equal to 75 percent of the private
24 contribution.
- 25 3. Each such college or university that raises an
26 endowment contribution in excess of \$100,000, but no more than
27 \$125,000, from private sources shall receive a matching
28 endowment grant equal to 80 percent of the private
29 contribution.
- 30 4. Each such college or university that raises an
31 endowment contribution in excess of \$125,000 from private

1 sources shall receive a matching endowment grant equal to 100
2 percent of the private contribution.

3 (b) The private sources may include combined
4 contributions for a common purpose, but shall not include
5 separate unrelated contributions. The state endowment
6 matching grant shall be disbursed to the independent nonprofit
7 college or university upon certification by the college or
8 university that it has received and deposited the
9 proportionate amount specified in this subsection.

10 (c) Contributions may also be eligible for matching if
11 there is a commitment to make a donation of \$125,000, and an
12 initial payment of \$25,000 is accompanied by a written pledge
13 to provide the balance within 4 years after the date of such
14 initial payment. Payments on the balance must be at least
15 \$25,000 per year and shall be made on or before the
16 anniversary date of the initial payment. No matching
17 endowment grant shall be disbursed prior to collection of the
18 total pledged contribution from the private source, but a
19 pledged contribution shall encumber the matching endowment
20 grant for that independent nonprofit college or university.

21 (5)(a) By July 1 of each year, each independent
22 nonprofit college or university that desires to participate in
23 the program shall certify to the department its eligibility.
24 The department, upon receipt and acceptance of such
25 certifications, shall reserve an equal amount of the
26 additional funds for the program transferred to the Grants and
27 Donations Trust Fund for that fiscal year for each independent
28 nonprofit college or university that is eligible to
29 participate. An eligible independent nonprofit college or
30 university shall have 3 fiscal years within which to encumber
31 its share of trust funds reserved during the first 3 fiscal

1 years. After the third fiscal year, if any independent
 2 nonprofit college or university does not fully utilize or
 3 encumber its share of reserved trust funds for any single
 4 fiscal year, such reserved funds shall be available in
 5 subsequent fiscal years for the purposes of this program.

6 (b) Each eligible institution shall certify to the
 7 department its contributions for the year ending June 30,
 8 1989. Only the qualified new contributions above the certified
 9 base shall be calculated for the purpose of allocating grants
 10 during the first 3 years of the program. In subsequent years,
 11 only the qualified new contributions above the certified prior
 12 year base shall be calculated for the purpose of allocating
 13 such grants.

14 (6) Matching endowment grants made pursuant to this
 15 section to a qualified independent nonprofit college or
 16 university shall be placed in a separate restricted endowment
 17 by such institution. The interest or other income accruing
 18 from the endowment shall be expended exclusively for
 19 professorships, library resources, scientific and technical
 20 equipment, and nonathletic scholarships. Moreover, the funds
 21 in the endowment shall not be used for pervasively sectarian
 22 instruction, religious worship, or theology or divinity
 23 programs or resources. The records of the endowment shall be
 24 subject to review by the department and audit or examination
 25 by the Auditor General and the Office of Program Policy
 26 Analysis and Government Accountability. If any institution
 27 receiving a matching endowment grant pursuant to this section
 28 ceases operations and undergoes dissolution proceedings, then
 29 all funds received pursuant to this section from the state
 30 shall be returned.

31

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 648. 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 649. 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 650. 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 651. 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 652. 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 653. 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 654. 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

1 (2) MINIMUM TERM.--Operate all schools for a term of
2 at least 180 actual teaching days as prescribed in s.
3 1003.01(14) or the equivalent on an hourly basis as specified
4 by rules of the State Board of Education each school year. The
5 State Board of Education may prescribe procedures for
6 altering, and, upon written application, may alter, this
7 requirement during a national, state, or local emergency as it
8 may apply to an individual school or schools in any district
9 or districts if, in the opinion of the board, it is not
10 feasible to make up lost days, and the apportionment may, at
11 the discretion of the Commissioner of Education and if the
12 board determines that the reduction of school days is caused
13 by the existence of a bona fide emergency, be reduced for such
14 district or districts in proportion to the decrease in the
15 length of term in any such school or schools. A strike, as
16 defined in s. 447.203(6), by employees of the school district
17 may not be considered an emergency.

18 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
19 appointment, promotion, transfer, suspension, and dismissal of
20 personnel.

21 (a) Such rules must conform to applicable law and
22 rules of the State Board of Education and must include the
23 duties and responsibilities of the district school
24 superintendent and school board pertaining to these and other
25 personnel matters.

26 (b) All personnel shall be paid in accordance with
27 payroll period schedules adopted by the school board and
28 included in the official salary schedule.

29 (c) No salary payment shall be paid to any employee in
30 advance of service being rendered.

31

1 (d) District school boards may authorize a maximum of
2 six paid legal holidays which shall apply to the 196 days of
3 service.

4 (e) Such rules may include reasonable time for
5 vacation and absences for further professional studies for
6 personnel employed on a 12-month basis.

7 (f) Such rules must require 12 calendar months of
8 service for such principals as prescribed by rules of the
9 State Board of Education and must require 10 months to include
10 not less than 196 days of service, excluding Sundays and other
11 holidays, for all members of the instructional staff, with any
12 such service on a 12-month basis to include reasonable
13 allowance for vacation or further study as prescribed by the
14 school board in accordance with rules of the State Board of
15 Education.

16 (4) SALARY SCHEDULES.--Expend funds for salaries in
17 accordance with a salary schedule or schedules adopted by the
18 school board in accordance with the provisions of law and
19 rules of the State Board of Education. Expenditures for
20 salaries of instructional personnel must include compensation
21 based on employee performance demonstrated under s. 1012.34.

22 (5) BUDGETS.--Observe fully at all times all
23 requirements of law and rules of the State Board of Education
24 relating to the preparation, adoption, and execution of
25 budgets for district school boards.

26 (6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the
27 minimum financial effort required for the support of the
28 Florida Education Finance Program as prescribed in the current
29 year's General Appropriations Act.

30 (7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system
31 of planning and evaluation as required by law.

1 (8) MINIMUM CLASSROOM EXPENDITURE
2 REQUIREMENTS.--Comply with the minimum classroom expenditure
3 requirements and associated reporting pursuant to s. 1011.64.

4 Section 655. Section 1011.61, Florida Statutes, is
5 created to read:

6 1011.61 Definitions.--Notwithstanding the provisions
7 of s. 1000.21, the following terms are defined as follows for
8 the purposes of the Florida Education Finance Program:

9 (1) A "full-time equivalent student" in each program
10 of the district is defined in terms of full-time students and
11 part-time students as follows:

12 (a) A "full-time student" is one student on the
13 membership roll of one school program or a combination of
14 school programs listed in s. 1011.62(1)(c) for the school year
15 or the equivalent for:

16 1. Instruction in a standard school, comprising not
17 less than 900 net hours for a student in or at the grade level
18 of 4 through 12, or not less than 720 net hours for a student
19 in or at the grade level of kindergarten through grade 3 or in
20 an authorized prekindergarten exceptional program;

21 2. Instruction in a double-session school or a school
22 utilizing an experimental school calendar approved by the
23 Department of Education, comprising not less than the
24 equivalent of 810 net hours in grades 4 through 12 or not less
25 than 630 net hours in kindergarten through grade 3; or

26 3. Instruction comprising the appropriate number of
27 net hours set forth in subparagraph 1. or subparagraph 2. for
28 students who, within the past year, have moved with their
29 parents for the purpose of engaging in the farm labor or fish
30 industries, if a plan furnishing such an extended school day
31 or week, or a combination thereof, has been approved by the

1 commissioner. Such plan may be approved to accommodate the
2 needs of migrant students only or may serve all students in
3 schools having a high percentage of migrant students. The plan
4 described in this subparagraph is optional for any school
5 district and is not mandated by the state.

6 (b) A "part-time student" is a student on the active
7 membership roll of a school program or combination of school
8 programs listed in s. 1011.62(1)(c) who is less than a
9 full-time student.

10 (c)1. A "full-time equivalent student" is:

11 a. A full-time student in any one of the programs
12 listed in s. 1011.62(1)(c); or

13 b. A combination of full-time or part-time students in
14 any one of the programs listed in s. 1011.62(1)(c) which is
15 the equivalent of one full-time student based on the following
16 calculations:

17 (I) A full-time student, except a postsecondary or
18 adult student or a senior high school student enrolled in
19 adult education when such courses are required for high school
20 graduation, in a combination of programs listed in s.

21 1011.62(1)(c) shall be a fraction of a full-time equivalent
22 membership in each special program equal to the number of net
23 hours per school year for which he or she is a member, divided
24 by the appropriate number of hours set forth in subparagraph
25 (a)1. or subparagraph (a)2. The difference between that
26 fraction or sum of fractions and the maximum value as set
27 forth in subsection (4) for each full-time student is presumed
28 to be the balance of the student's time not spent in such
29 special education programs and shall be recorded as time in
30 the appropriate basic program.

31

1 (II) A prekindergarten handicapped student shall meet
2 the requirements specified for kindergarten students.

3 2. A student in membership in a program scheduled for
4 more or less than 180 school days is a fraction of a full-time
5 equivalent membership equal to the number of instructional
6 hours in membership divided by the appropriate number of hours
7 set forth in subparagraph (a)1.; however, for the purposes of
8 this subparagraph, membership in programs scheduled for more
9 than 180 days is limited to students enrolled in juvenile
10 justice education programs.

11
12 The department shall determine and implement an equitable
13 method of equivalent funding for experimental schools and for
14 schools operating under emergency conditions, which schools
15 have been approved by the department to operate for less than
16 the minimum school day.

17 (2) A "full-time equivalent student" is a student in
18 grades 4 through 8 who is participating in a student-teacher
19 adviser program conducted during homeroom period, who is a
20 fraction of a full-time equivalent membership based on net
21 hours in the program, with a maximum of 36 net hours in any
22 fiscal year. Each district program shall be approved by the
23 Department of Education.

24 (3) For the purpose of calculating the "current
25 operation program," a student is in membership until he or she
26 withdraws or until the close of the 11th consecutive school
27 day of his or her absence, whichever comes first.

28 (4) The maximum value for funding a student in
29 kindergarten through grade 12 or in a prekindergarten program
30 for exceptional children as provided in s. 1003.21(1)(e),
31 except for a student as set forth in sub-sub-subparagraph

1 (1)(c)1.b.(I), is one full-time equivalent student membership
2 for a school year or equivalent.

3 (5) The "Florida Education Finance Program" includes
4 all programs and costs as provided in s. 1011.62.

5 (6) "Basic programs" include, but are not limited to,
6 language arts, mathematics, art, music, physical education,
7 science, and social studies.

8 Section 656. Section 1011.62, Florida Statutes, is
9 created to read:

10 1011.62 Funds for operation of schools.--If the annual
11 allocation from the Florida Education Finance Program to each
12 district for operation of schools is not determined in the
13 annual appropriations act or the substantive bill implementing
14 the annual appropriations act, it shall be determined as
15 follows:

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

20 (a) Determination of full-time equivalent
21 membership.--During each of several school weeks, including
22 scheduled intersessions of a year-round school program during
23 the fiscal year, a program membership survey of each school
24 shall be made by each district by aggregating the full-time
25 equivalent student membership of each program by school and by
26 district. The department shall establish the number and
27 interval of membership calculations, except that for basic and
28 special programs such calculations shall not exceed nine for
29 any fiscal year. The district's full-time equivalent
30 membership shall be computed and currently maintained in
31 accordance with regulations of the commissioner.

1 (b) Determination of base student allocation.--The
2 base student allocation for the Florida Education Finance
3 Program for kindergarten through grade 12 shall be determined
4 annually by the Legislature and shall be that amount
5 prescribed in the current year's General Appropriations Act.

6 (c) Determination of programs.--Cost factors based on
7 desired relative cost differences between the following
8 programs shall be established in the annual General
9 Appropriations Act. The Commissioner of Education shall
10 specify a matrix of services and intensity levels to be used
11 by districts in the determination of the two weighted cost
12 factors for exceptional students with the highest levels of
13 need. For these students, the funding support level shall fund
14 the exceptional students' education program, with the
15 exception of extended school year services for students with
16 disabilities.

17 1. Basic programs.--

18 a. Kindergarten and grades 1, 2, and 3.

19 b. Grades 4, 5, 6, 7, and 8.

20 c. Grades 9, 10, 11, and 12.

21 2. Programs for exceptional students.--

22 a. Support Level IV.

23 b. Support Level V.

24 3. Secondary career and technical education
25 programs.--

26 4. English for Speakers of Other Languages.--

27 (d) Annual allocation calculation.--

28 1. The Department of Education is authorized and
29 directed to review all district programs and enrollment
30 projections and calculate a maximum total weighted full-time
31

1 equivalent student enrollment for each district for the K-12
2 FEFP.

3 2. Maximum enrollments calculated by the department
4 shall be derived from enrollment estimates used by the
5 Legislature to calculate the FEFP. If two or more districts
6 enter into an agreement under the provisions of s.
7 1001.42(4)(d), after the final enrollment estimate is agreed
8 upon, the amount of FTE specified in the agreement, not to
9 exceed the estimate for the specific program as identified in
10 paragraph (c), may be transferred from the participating
11 districts to the district providing the program.

12 3. As part of its calculation of each district's
13 maximum total weighted full-time equivalent student
14 enrollment, the department shall establish separate enrollment
15 ceilings for each of two program groups. Group 1 shall be
16 composed of basic programs for grades K-3, grades 4-8, and
17 grades 9-12. Group 2 shall be composed of students in
18 exceptional student education programs, English for Speakers
19 of Other Languages programs, and all career and technical
20 programs in grades 7-12.

21 a. The weighted enrollment ceiling for group 2
22 programs shall be calculated by multiplying the final
23 enrollment conference estimate for each program by the
24 appropriate program weight. The weighted enrollment ceiling
25 for program group 2 shall be the sum of the weighted
26 enrollment ceilings for each program in the program group,
27 plus the increase in weighted full-time equivalent student
28 membership from the prior year for clients of the Department
29 of Children and Family Services and the Department of Juvenile
30 Justice.

31

1 b. If, for any calculation of the FEFP, the weighted
2 enrollment for program group 2, derived by multiplying actual
3 enrollments by appropriate program weights, exceeds the
4 enrollment ceiling for that group, the following procedure
5 shall be followed to reduce the weighted enrollment for that
6 group to equal the enrollment ceiling:

7 (I) The weighted enrollment ceiling for each program
8 in the program group shall be subtracted from the weighted
9 enrollment for that program derived from actual enrollments.

10 (II) If the difference calculated under
11 sub-sub-subparagraph (I) is greater than zero for any program,
12 a reduction proportion shall be computed for the program by
13 dividing the absolute value of the difference by the total
14 amount by which the weighted enrollment for the program group
15 exceeds the weighted enrollment ceiling for the program group.

16 (III) The reduction proportion calculated under
17 sub-sub-subparagraph (II) shall be multiplied by the total
18 amount of the program group's enrollment over the ceiling as
19 calculated under sub-sub-subparagraph (I).

20 (IV) The prorated reduction amount calculated under
21 sub-sub-subparagraph (III) shall be subtracted from the
22 program's weighted enrollment. For any calculation of the
23 FEFP, the enrollment ceiling for group 1 shall be calculated
24 by multiplying the actual enrollment for each program in the
25 program group by its appropriate program weight.

26 c. For program group 2, the weighted enrollment
27 ceiling shall be a number not less than the sum obtained by:

28 (I) Multiplying the sum of reported FTE for all
29 programs in the program group that have a cost factor of 1.0
30 or more by 1.0, and

31

1 (II) By adding this number to the sum obtained by
2 multiplying the projected FTE for all programs with a cost
3 factor less than 1.0 by the actual cost factor.

4 4. Following completion of the weighted enrollment
5 ceiling calculation as provided in subparagraph 3., a
6 supplemental capping calculation shall be employed for those
7 districts that are over their weighted enrollment ceiling. For
8 each such district, the total reported unweighted FTE
9 enrollment for group 2 programs shall be compared with the
10 total appropriated unweighted FTE enrollment for group 2
11 programs. If the total reported unweighted FTE for group 2 is
12 greater than the appropriated unweighted FTE, then the excess
13 unweighted FTE up to the unweighted FTE transferred from group
14 2 to group 1 for each district by the Public School FTE
15 Estimating Conference shall be funded at a weight of 1.0 and
16 added to the funded weighted FTE computed in subparagraph 3.

17 (e) Funding model for exceptional student education
18 programs.--

19 1.a. The funding model uses basic, at-risk, support
20 levels IV and V for exceptional students and career and
21 technical Florida Education Finance Program cost factors, and
22 a guaranteed allocation for exceptional student education
23 programs. Exceptional education cost factors are determined by
24 using a matrix of services to document the services that each
25 exceptional student will receive. The nature and intensity of
26 the services indicated on the matrix shall be consistent with
27 the services described in each exceptional student's
28 individual educational plan.

29 b. In order to generate funds using one of the two
30 weighted cost factors, a matrix of services must be completed
31 at the time of the student's initial placement into an

1 exceptional student education program and at least once every
2 3 years by personnel who have received approved training.
3 Nothing listed in the matrix shall be construed as limiting
4 the services a school district must provide in order to ensure
5 that exceptional students are provided a free, appropriate
6 public education.

7 c. Students identified as exceptional, in accordance
8 with chapter 6A-6, Florida Administrative Code, who do not
9 have a matrix of services as specified in sub-subparagraph b.
10 shall generate funds on the basis of full-time-equivalent
11 student membership in the Florida Education Finance Program at
12 the same funding level per student as provided for basic
13 students. Additional funds for these exceptional students will
14 be provided through the guaranteed allocation designated in
15 subparagraph 2.

16 2. For students identified as exceptional who do not
17 have a matrix of services, there is created a guaranteed
18 allocation to provide these students with a free appropriate
19 public education, in accordance with s. 1001.42(4)(m) and
20 rules of the State Board of Education, which shall be
21 allocated annually to each school district in the amount
22 provided in the General Appropriations Act. These funds shall
23 be in addition to the funds appropriated on the basis of FTE
24 student membership in the Florida Education Finance Program,
25 and the amount allocated for each school district shall not be
26 recalculated during the year. These funds shall be used to
27 provide special education and related services for exceptional
28 students.

29 (f) Supplemental academic instruction; categorical
30 fund.--

31

1 1. There is created a categorical fund to provide
2 supplemental academic instruction to students in kindergarten
3 through grade 12. This paragraph may be cited as the
4 "Supplemental Academic Instruction Categorical Fund."

5 2. Categorical funds for supplemental academic
6 instruction shall be allocated annually to each school
7 district in the amount provided in the General Appropriations
8 Act. These funds shall be in addition to the funds
9 appropriated on the basis of FTE student membership in the
10 Florida Education Finance Program and shall be included in the
11 total potential funds of each district. These funds shall be
12 used to provide supplemental academic instruction to students
13 enrolled in the K-12 program. Supplemental instruction
14 strategies may include, but are not limited to: modified
15 curriculum, reading instruction, after-school instruction,
16 tutoring, mentoring, class size reduction, extended school
17 year, intensive skills development in summer school, and other
18 methods for improving student achievement. Supplemental
19 instruction may be provided to a student in any manner and at
20 any time during or beyond the regular 180-day term identified
21 by the school as being the most effective and efficient way to
22 best help that student progress from grade to grade and to
23 graduate.

24 3. Effective with the 1999-2000 fiscal year, funding
25 on the basis of FTE membership beyond the 180-day regular term
26 shall be provided in the FEFP only for students enrolled in
27 juvenile justice education programs. Funding for instruction
28 beyond the regular 180-day school year for all other K-12
29 students shall be provided through the supplemental academic
30 instruction categorical fund and other state, federal, and
31 local fund sources with ample flexibility for schools to

1 provide supplemental instruction to assist students in
2 progressing from grade to grade and graduating.

3 4. The Florida State University School, as a
4 developmental research school, is authorized to expend from
5 its FEFP or Lottery Enhancement Trust Fund allocation the cost
6 to the student of remediation in reading, writing, or
7 mathematics for any graduate who requires remediation at a
8 postsecondary educational institution.

9 5. Beginning in the 1999-2000 school year, dropout
10 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
11 (b), and (c), and 1003.54 shall be included in Group 1
12 programs under subparagraph (1)(d)3.

13 (g) Education for speakers of other languages.--A
14 school district shall be eligible to report full-time
15 equivalent student membership in the ESOL program in the
16 Florida Education Finance Program provided the following
17 conditions are met:

18 1. The school district has a plan approved by the
19 Department of Education.

20 2. The eligible student is identified and assessed as
21 limited English proficient based on assessment criteria.

22 3.a. An eligible student may be reported for funding
23 in the ESOL program for a base period of 3 years. However, a
24 student whose English competency does not meet the criteria
25 for proficiency after 3 years in the ESOL program may be
26 reported for a fourth, fifth, and sixth year of funding,
27 provided his or her limited English proficiency is assessed
28 and properly documented prior to his or her enrollment in each
29 additional year beyond the 3-year base period.

30 b. If a student exits the program and is later
31 reclassified as limited English proficient, the student may be

1 reported in the ESOL program for funding for an additional
2 year, or extended annually for a period not to exceed a total
3 of 6 years pursuant to this paragraph, based on an annual
4 evaluation of the student's status.

5 4. An eligible student may be reported for funding in
6 the ESOL program for membership in ESOL instruction in English
7 and ESOL instruction or home language instruction in the basic
8 subject areas of mathematics, science, social studies, and
9 computer literacy.

10 (h) Small, isolated high schools.--Districts which
11 levy the maximum nonvoted discretionary millage, exclusive of
12 millage for capital outlay purposes levied pursuant to s.
13 1011.71(2), may calculate full-time equivalent students for
14 small, isolated high schools by multiplying the number of
15 unweighted full-time equivalent students times 2.75; provided
16 the percentage of students at such school passing both parts
17 of the high school competency test, as defined by law and
18 rule, has been equal to or higher than such percentage for the
19 state or district, whichever is greater. For the purpose of
20 this section, the term "small, isolated high school" means any
21 high school which is located no less than 28 miles by the
22 shortest route from another high school; which has been
23 servicing students primarily in basic studies provided by
24 sub-subparagraphs (c)1.b. and c. and may include subparagraph
25 (c)4.; and which has a membership of no more than 100
26 students, but no fewer than 28 students, in grades 9 through
27 12.

28 (i) Calculation of full-time equivalent membership
29 with respect to instruction from community colleges or state
30 universities.--Students enrolled in community college or
31 university dual enrollment instruction pursuant to s. 1007.271

1 may be included in calculations of full-time equivalent
 2 student memberships for basic programs for grades 9 through 12
 3 by a district school board. Such students may also be
 4 calculated as the proportional shares of full-time equivalent
 5 enrollments they generate for the community college or
 6 university conducting the dual enrollment instruction. Early
 7 admission students shall be considered dual enrollments for
 8 funding purposes. Students may be enrolled in dual enrollment
 9 instruction provided by an eligible independent college or
 10 university and may be included in calculations of full-time
 11 equivalent student memberships for basic programs for grades 9
 12 through 12 by a district school board. However, those
 13 provisions of law which exempt dual enrolled and early
 14 admission students from payment of instructional materials and
 15 tuition and fees, including laboratory fees, shall not apply
 16 to students who select the option of enrolling in an eligible
 17 independent institution. An independent college or university
 18 which is located and chartered in Florida, is not for profit,
 19 is accredited by the Commission on Colleges of the Southern
 20 Association of Colleges and Schools or the Accrediting
 21 Commission of the Association of Independent Colleges and
 22 Schools, and which confers degrees as defined in s. 1005.02
 23 shall be eligible for inclusion in the dual enrollment or
 24 early admission program. Students enrolled in dual enrollment
 25 instruction shall be exempt from the payment of tuition and
 26 fees, including laboratory fees. No student enrolled in
 27 college credit mathematics or English dual enrollment
 28 instruction shall be funded as a dual enrollment unless the
 29 student has successfully completed the relevant section of the
 30 entry-level examination required pursuant to s. 1008.30.

31

1 (j) Coenrollment.--If a high school student wishes to
2 earn high school credits from a community college and enrolls
3 in one or more adult secondary education courses at the
4 community college, the community college shall be reimbursed
5 for the costs incurred because of the high school student's
6 coenrollment as provided in the General Appropriations Act.

7 (k) Instruction in exploratory career
8 education.--Students in grades 7 through 12 who are enrolled
9 for more than four semesters in exploratory career education
10 may not be counted as full-time equivalent students for this
11 instruction.

12 (l) Calculation of additional full-time equivalent
13 membership based on international baccalaureate examination
14 scores of students.--A value of 0.24 full-time equivalent
15 student membership shall be calculated for each student
16 enrolled in an international baccalaureate course who receives
17 a score of 4 or higher on a subject examination. A value of
18 0.3 full-time equivalent student membership shall be
19 calculated for each student who receives an international
20 baccalaureate diploma. Such value shall be added to the total
21 full-time equivalent student membership in basic programs for
22 grades 9 through 12 in the subsequent fiscal year. The school
23 district shall distribute to each classroom teacher who
24 provided international baccalaureate instruction:

25 1. A bonus in the amount of \$50 for each student
26 taught by the International Baccalaureate teacher in each
27 international baccalaureate course who receives a score of 4
28 or higher on the international baccalaureate examination.

29 2. An additional bonus of \$500 to each International
30 Baccalaureate teacher in a school designated performance grade
31 category "D" or "F" who has at least one student scoring 4 or

1 higher on the international baccalaureate examination,
2 regardless of the number of classes taught or of the number of
3 students scoring a 4 or higher on the international
4 baccalaureate examination.

5
6 Bonuses awarded to a teacher according to this paragraph shall
7 not exceed \$2,000 in any given school year and shall be in
8 addition to any regular wage or other bonus the teacher
9 received or is scheduled to receive.

10 (m) Calculation of additional full-time equivalent
11 membership based on Advanced International Certificate of
12 Education examination scores of students.--A value of 0.24
13 full-time equivalent student membership shall be calculated
14 for each student enrolled in a full-credit Advanced
15 International Certificate of Education course who receives a
16 score of 2 or higher on a subject examination. A value of 0.12
17 full-time equivalent student membership shall be calculated
18 for each student enrolled in a half-credit Advanced
19 International Certificate of Education course who receives a
20 score of 1 or higher on a subject examination. A value of 0.3
21 full-time equivalent student membership shall be calculated
22 for each student who received an Advanced International
23 Certificate of Education diploma. Such value shall be added to
24 the total full-time equivalent student membership in basic
25 programs for grades 9 through 12 in the subsequent fiscal
26 year. The school district shall distribute to each classroom
27 teacher who provided Advanced International Certificate of
28 Education instruction:

29 1. A bonus in the amount of \$50 for each student
30 taught by the Advanced International Certificate of Education
31 teacher in each full-credit Advanced International Certificate

1 of Education course who receives a score of 2 or higher on the
2 Advanced International Certificate of Education examination. A
3 bonus in the amount of \$25 for each student taught by the
4 Advanced International Certificate of Education teacher in
5 each half-credit Advanced International Certificate of
6 Education course who receives a score of 1 or higher on the
7 Advanced International Certificate of Education examination.

8 2. An additional bonus of \$500 to each Advanced
9 International Certificate of Education teacher in a school
10 designated performance grade category "D" or "F" who has at
11 least one student scoring 2 or higher on the full-credit
12 Advanced International Certificate of Education examination,
13 regardless of the number of classes taught or of the number of
14 students scoring a 2 or higher on the full-credit Advanced
15 International Certificate of Education examination.

16 3. Additional bonuses of \$250 each to teachers of
17 half-credit Advanced International Certificate of Education
18 classes in a school designated performance grade category "D"
19 or "F" which has at least one student scoring a 1 or higher on
20 the half-credit Advanced International Certificate of
21 Education examination in that class. The maximum additional
22 bonus for a teacher awarded in accordance with this
23 subparagraph shall not exceed \$500 in any given school year.
24 Teachers receiving an award under subparagraph 2. are not
25 eligible for a bonus under this subparagraph.

26
27 Bonuses awarded to a teacher according to this paragraph shall
28 not exceed \$2,000 in any given school year and shall be in
29 addition to any regular wage or other bonus the teacher
30 received or is scheduled to receive.

31

1 (n) Calculation of additional full-time equivalent
2 membership based on college board advanced placement scores of
3 students.--A value of 0.24 full-time equivalent student
4 membership shall be calculated for each student in each
5 advanced placement course who receives a score of 3 or higher
6 on the College Board Advanced Placement Examination for the
7 prior year and added to the total full-time equivalent student
8 membership in basic programs for grades 9 through 12 in the
9 subsequent fiscal year. Each district must allocate at least
10 80 percent of the funds provided to the district for advanced
11 placement instruction, in accordance with this paragraph, to
12 the high school that generates the funds. The school district
13 shall distribute to each classroom teacher who provided
14 advanced placement instruction:

15 1. A bonus in the amount of \$50 for each student
16 taught by the Advanced Placement teacher in each advanced
17 placement course who receives a score of 3 or higher on the
18 College Board Advanced Placement Examination.

19 2. An additional bonus of \$500 to each Advanced
20 Placement teacher in a school designated performance grade
21 category "D" or "F" who has at least one student scoring 3 or
22 higher on the College Board Advanced Placement Examination,
23 regardless of the number of classes taught or of the number of
24 students scoring a 3 or higher on the College Board Advanced
25 Placement Examination.

26
27 Bonuses awarded to a teacher according to this paragraph shall
28 not exceed \$2,000 in any given school year and shall be in
29 addition to any regular wage or other bonus the teacher
30 received or is scheduled to receive.

31

1 (o) Year-round-school programs.--The Commissioner of
2 Education is authorized to adjust student eligibility
3 definitions, funding criteria, and reporting requirements of
4 statutes and rules in order that year-round-school programs
5 may achieve equivalent application of funding requirements
6 with non-year-round-school programs.

7 (p) Extended-school-year program.--It is the intent of
8 the Legislature that students be provided additional
9 instruction by extending the school year to 210 days or more.
10 Districts may apply to the Commissioner of Education for funds
11 to be used in planning and implementing an
12 extended-school-year program. The Department of Education
13 shall recommend to the Legislature the policies necessary for
14 full implementation of an extended school year.

15 (q) Determination of the basic amount for current
16 operation.--The basic amount for current operation to be
17 included in the Florida Education Finance Program for
18 kindergarten through grade 12 for each district shall be the
19 product of the following:

- 20 1. The full-time equivalent student membership in each
21 program, multiplied by
- 22 2. The cost factor for each program, adjusted for the
23 maximum as provided by paragraph (c), multiplied by
- 24 3. The base student allocation.

25 (r) Computation for funding through the Florida
26 Education Finance Program.--The State Board of Education may
27 adopt rules establishing programs and courses for which the
28 student may earn credit toward high school graduation.

29 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The
30 Commissioner of Education shall annually compute for each
31 district the current year's district cost differential. The

1 district cost differential shall be calculated by adding each
2 district's price level index as published in the Florida Price
3 Level Index for the most recent 3 years and dividing the
4 resulting sum by 3. The result for each district shall be
5 multiplied by 0.008 and to the resulting product shall be
6 added 0.200; the sum thus obtained shall be the cost
7 differential for that district for that year.

8 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
9 EXPENDITURE.--Of the amount computed in subsections (1) and
10 (2), a percentage of the base student allocation per full-time
11 equivalent student or other funds shall be expended for
12 educational training programs as determined by the district
13 school board as provided in s. 1012.98.

14 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
15 EFFORT.--The Legislature shall prescribe the aggregate
16 required local effort for all school districts collectively as
17 an item in the General Appropriations Act for each fiscal
18 year. The amount that each district shall provide annually
19 toward the cost of the Florida Education Finance Program for
20 kindergarten through grade 12 programs shall be calculated as
21 follows:

22 (a) Estimated taxable value calculations.--
23 1.a. Not later than 2 working days prior to July 19,
24 the Department of Revenue shall certify to the Commissioner of
25 Education its most recent estimate of the taxable value for
26 school purposes in each school district and the total for all
27 school districts in the state for the current calendar year
28 based on the latest available data obtained from the local
29 property appraisers. Not later than July 19, the Commissioner
30 of Education shall compute a millage rate, rounded to the next
31 highest one one-thousandth of a mill, which, when applied to

1 95 percent of the estimated state total taxable value for
2 school purposes, would generate the prescribed aggregate
3 required local effort for that year for all districts. The
4 Commissioner of Education shall certify to each district
5 school board the millage rate, computed as prescribed in this
6 subparagraph, as the minimum millage rate necessary to provide
7 the district required local effort for that year.

8 b. The General Appropriations Act shall direct the
9 computation of the statewide adjusted aggregate amount for
10 required local effort for all school districts collectively
11 from ad valorem taxes to ensure that no school district's
12 revenue from required local effort millage will produce more
13 than 90 percent of the district's total Florida Education
14 Finance Program calculation, and the adjustment of the
15 required local effort millage rate of each district that
16 produces more than 90 percent of its total Florida Education
17 Finance Program entitlement to a level that will produce only
18 90 percent of its total Florida Education Finance Program
19 entitlement in the July calculation.

20 2. As revised data are received from property
21 appraisers, the Department of Revenue shall amend the
22 certification of the estimate of the taxable value for school
23 purposes. The Commissioner of Education, in administering the
24 provisions of subparagraph (9)(a)2., shall use the most recent
25 taxable value for the appropriate year.

26 (b) Final calculation.--

27 1. The Department of Revenue shall, upon receipt of
28 the official final assessed value of property from each of the
29 property appraisers, certify to the Commissioner of Education
30 the taxable value total for school purposes in each school
31 district, subject to the provisions of paragraph (d). The

1 commissioner shall use the official final taxable value for
2 school purposes for each school district in the final
3 calculation of the annual Florida Education Finance Program
4 allocations.

5 2. For the purposes of this paragraph, the official
6 final taxable value for school purposes shall be the taxable
7 value for school purposes on which the tax bills are computed
8 and mailed to the taxpayers, adjusted to reflect final
9 administrative actions of value adjustment boards and judicial
10 decisions pursuant to part I of chapter 194. By September 1 of
11 each year, the Department of Revenue shall certify to the
12 commissioner the official prior year final taxable value for
13 school purposes. For each county that has not submitted a
14 revised tax roll reflecting final value adjustment board
15 actions and final judicial decisions, the Department of
16 Revenue shall certify the most recent revision of the official
17 taxable value for school purposes. The certified value shall
18 be the final taxable value for school purposes, and no further
19 adjustments shall be made, except those made pursuant to
20 subparagraph (9)(a)2.

21 (c) Equalization of required local effort.--

22 1. The Department of Revenue shall include with its
23 certifications provided pursuant to paragraph (a) its most
24 recent determination of the assessment level of the prior
25 year's assessment roll for each county and for the state as a
26 whole.

27 2. The Commissioner of Education shall adjust the
28 required local effort millage of each district for the current
29 year, computed pursuant to paragraph (a), as follows:

30 a. The equalization factor for the prior year's
31 assessment roll of each district shall be multiplied by 95

1 percent of the taxable value for school purposes shown on that
 2 roll and by the prior year's required local-effort millage,
 3 exclusive of any equalization adjustment made pursuant to this
 4 paragraph. The dollar amount so computed shall be the
 5 additional required local effort for equalization for the
 6 current year.

7 b. Such equalization factor shall be computed as the
 8 quotient of the prior year's assessment level of the state as
 9 a whole divided by the prior year's assessment level of the
 10 county, from which quotient shall be subtracted 1.

11 c. The dollar amount of additional required local
 12 effort for equalization for each district shall be converted
 13 to a millage rate, based on 95 percent of the current year's
 14 taxable value for that district, and added to the required
 15 local effort millage determined pursuant to paragraph (a).

16 3. Notwithstanding the limitations imposed pursuant to
 17 s. 1011.71(1), the total required local-effort millage,
 18 including additional required local effort for equalization,
 19 shall be an amount not to exceed 10 minus the maximum millage
 20 allowed as nonvoted discretionary millage, exclusive of
 21 millage authorized pursuant to s. 1011.71(2). Nothing herein
 22 shall be construed to allow a millage in excess of that
 23 authorized in s. 9, Art. VII of the State Constitution.

24 4. For the purposes of this chapter, the term
 25 "assessment level" means the value-weighted mean assessment
 26 ratio for the county or state as a whole, as determined
 27 pursuant to s. 195.096, or as subsequently adjusted. In the
 28 event a court has adjudicated that the department failed to
 29 establish an accurate estimate of an assessment level of a
 30 county and recomputation resulting in an accurate estimate
 31 based upon the evidence before the court was not possible,

1 that county shall be presumed to have an assessment level
2 equal to that of the state as a whole.

3 5. If, in the prior year, taxes were levied against an
4 interim assessment roll pursuant to s. 193.1145, the
5 assessment level and prior year's nonexempt assessed valuation
6 used for the purposes of this paragraph shall be those of the
7 interim assessment roll.

8 (d) Exclusion.--

9 1. In those instances in which:

10 a. There is litigation either attacking the authority
11 of the property appraiser to include certain property on the
12 tax assessment roll as taxable property or contesting the
13 assessed value of certain property on the tax assessment roll,
14 and

15 b. The assessed value of the property in contest
16 involves more than 6 percent of the total nonexempt assessment
17 roll, the plaintiff shall provide to the district school board
18 of the county in which the property is located and to the
19 Department of Education a certified copy of the petition and
20 receipt for the good faith payment at the time they are filed
21 with the court.

22 2. For purposes of computing the required local effort
23 for each district affected by such petition, the Department of
24 Education shall exclude from the district's total nonexempt
25 assessment roll the assessed value of the property in contest
26 and shall add the amount of the good faith payment to the
27 district's required local effort.

28 (e) Recomputation.--Following final adjudication of
29 any litigation on the basis of which an adjustment in taxable
30 value was made pursuant to paragraph (d), the department shall
31 recompute the required local effort for each district for each

1 year affected by such adjustments, utilizing taxable values
2 approved by the court, and shall adjust subsequent allocations
3 to such districts accordingly.

4 (5) CATEGORICAL FUNDS.--

5 (a) In addition to the basic amount for current
6 operations for the FEFP as determined in subsection (1) the
7 Legislature may appropriate categorical funding for specified
8 programs, activities, or purposes.

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

17 1. Funds for student transportation.

18 2. Funds for in-service educational personnel
19 training.

20 3. Funds for safe schools.

21 4. Funds for public school technology.

22 5. Funds for teacher recruitment and retention.

23 6. Funds for supplemental academic instruction.

24 (c) Each district school board shall include in its
25 annual financial report to the Department of Education the
26 amount of funds the school board transferred from each of the
27 categorical funds identified in this subsection and the
28 specific academic classroom instruction for which the
29 transferred funds were expended. The Department of Education
30 shall provide instructions and specify the format to be used

31

1 in submitting this required information as a part of the
2 district annual financial report.

3 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

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

9
10
$$\frac{1101.8918}{\text{Sparsity Factor} = \frac{2700 + \text{district sparsity index} - 0.1101}{\text{sparsity index}}}$$

14
15 except that districts with a sparsity index of 1,000 or less
16 shall be computed as having a sparsity index of 1,000, and
17 districts having a sparsity index of 7,308 and above shall be
18 computed as having a sparsity factor of zero. A qualified
19 district's full-time equivalent student membership shall equal
20 or be less than that prescribed annually by the Legislature in
21 the appropriations act. The amount prescribed annually by the
22 Legislature shall be no less than 17,000, but no more than
23 24,000.

24 (b) The district sparsity index shall be computed by
25 dividing the total number of full-time equivalent students in
26 all programs in the district by the number of senior high
27 school centers in the district, not in excess of three, which
28 centers are approved as permanent centers by a survey made by
29 the Department of Education.

30 (c) Each district's allocation of sparsity supplement
31 funds shall be adjusted in the following manner:

1 1. A maximum discretionary levy per FTE value for each
2 district shall be calculated by dividing the value of each
3 district's maximum discretionary levy by its FTE student
4 count;

5 2. A state average discretionary levy value per FTE
6 shall be calculated by dividing the total maximum
7 discretionary levy value for all districts by the state total
8 FTE student count;

9 3. For districts that have a levy value per FTE as
10 calculated in subparagraph 1. higher than the state average
11 calculated in subparagraph 2., a sparsity wealth adjustment
12 shall be calculated as the product of the difference between
13 the state average levy value per FTE calculated in
14 subparagraph 2. and the district's levy value per FTE
15 calculated in subparagraph 1. and the district's FTE student
16 count and -1;

17 4. Each district's sparsity supplement allocation
18 shall be calculated by adding the amount calculated as
19 specified in paragraphs (a) and (b) and the wealth adjustment
20 amount calculated in this paragraph.

21 (7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In
22 those districts where there is a decline between prior year
23 and current year unweighted FTE students, 50 percent of the
24 decline in the unweighted FTE students shall be multiplied by
25 the prior year calculated FEFP per unweighted FTE student and
26 shall be added to the allocation for that district. For this
27 purpose, the calculated FEFP shall be computed by multiplying
28 the weighted FTE students by the base student allocation and
29 then by the district cost differential. If a district
30 transfers a program to another institution not under the
31 authority of the district's school board, including a charter

1 technical career center, the decline is to be multiplied by a
 2 factor of 0.15.

3 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
 4 annually in the General Appropriations Act determine a
 5 percentage increase in funds per K-12 unweighted FTE as a
 6 minimum guarantee to each school district. The guarantee shall
 7 be calculated from prior year base funding per unweighted FTE
 8 student which shall include the adjusted FTE dollars as
 9 provided in subsection (9), quality guarantee funds, and
 10 actual nonvoted discretionary local effort from taxes. From
 11 the base funding per unweighted FTE, the increase shall be
 12 calculated for the current year. The current year funds from
 13 which the guarantee shall be determined shall include the
 14 adjusted FTE dollars as provided in subsection (9) and
 15 potential nonvoted discretionary local effort from taxes. A
 16 comparison of current year funds per unweighted FTE to prior
 17 year funds per unweighted FTE shall be computed. For those
 18 school districts which have less than the legislatively
 19 assigned percentage increase, funds shall be provided to
 20 guarantee the assigned percentage increase in funds per
 21 unweighted FTE student. Should appropriated funds be less than
 22 the sum of this calculated amount for all districts, the
 23 commissioner shall prorate each district's allocation. This
 24 provision shall be implemented to the extent specifically
 25 funded.

26 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 27 FOR CURRENT OPERATION.--The total annual state allocation to
 28 each district for current operation for the FEFP shall be
 29 distributed periodically in the manner prescribed in the
 30 General Appropriations Act.

31

1 (a) The basic amount for current operation for the
2 FEFP as determined in subsection (1), multiplied by the
3 district cost differential factor as determined in subsection
4 (2), plus the amounts provided for categorical components
5 within the FEFP, plus the amount for the sparsity supplement
6 as determined in subsection (6), the decline in full-time
7 equivalent students as determined in subsection (7), and the
8 quality assurance guarantee as determined in subsection (8),
9 less the required local effort as determined in subsection
10 (4). If the funds appropriated for the purpose of funding the
11 total amount for current operation as provided in this
12 paragraph are not sufficient to pay the state requirement in
13 full, the department shall prorate the available state funds
14 to each district in the following manner:

15 1. Determine the percentage of proration by dividing
16 the sum of the total amount for current operation, as provided
17 in this paragraph for all districts collectively, and the
18 total district required local effort into the sum of the state
19 funds available for current operation and the total district
20 required local effort.

21 2. Multiply the percentage so determined by the sum of
22 the total amount for current operation as provided in this
23 paragraph and the required local effort for each individual
24 district.

25 3. From the product of such multiplication, subtract
26 the required local effort of each district; and the remainder
27 shall be the amount of state funds allocated to the district
28 for current operation.

29 (b) The amount thus obtained shall be the net annual
30 allocation to each school district. However, if it is
31 determined that any school district received an

1 underallocation or overallocation for any prior year because
2 of an arithmetical error, assessment roll change, full-time
3 equivalent student membership error, or any allocation error
4 revealed in an audit report, the allocation to that district
5 shall be appropriately adjusted. If the Department of
6 Education audit adjustment recommendation is based upon
7 controverted findings of fact, the Commissioner of Education
8 is authorized to establish the amount of the adjustment based
9 on the best interests of the state.

10 (c) The amount thus obtained shall represent the net
11 annual state allocation to each district; however,
12 notwithstanding any of the provisions herein, each district
13 shall be guaranteed a minimum level of funding in the amount
14 and manner prescribed in the General Appropriations Act.

15 Section 657. Section 1011.64, Florida Statutes, is
16 created to read:

17 1011.64 School district minimum classroom expenditure
18 requirements.--

19 (1) The Legislature may require any school district
20 that fails to meet minimum academic performance standards to
21 increase emphasis on classroom instruction activities from
22 operating funds, including, but not limited to, those provided
23 for the operation of schools pursuant to s. 1011.62.

24 (2) For the purpose of implementing the provisions of
25 this section, the Legislature shall prescribe minimum academic
26 performance standards and minimum classroom expenditure
27 requirements for districts not meeting such minimum academic
28 performance standards in the General Appropriations Act.

29 (a) Minimum academic performance standards may be
30 based on, but are not limited to, district performance grades
31 determined pursuant to s. 1008.34(8).

1 (b) School district minimum classroom expenditure
2 requirements shall be calculated pursuant to subsection (3).

3 (3)(a) Annually the Department of Education shall
4 calculate for each school district:

5 1. Total K-12 operating expenditures, which are
6 defined as the amount of total general fund expenditures for
7 K-12 programs as reported in accordance with the accounts and
8 codes prescribed in the most recent issuance of the Department
9 of Education publication entitled "Financial and Program Cost
10 Accounting and Reporting for Florida Schools" and as included
11 in the most recent annual financial report submitted to the
12 Commissioner of Education, less the student transportation
13 revenue allocation from the state appropriation for that
14 purpose, amounts transferred to other funds, and increases to
15 the amount of the general fund unreserved ending fund balance
16 when the total unreserved ending fund balance is in excess of
17 5 percent of the total general fund revenues.

18 2. Expenditures for classroom instruction, which shall
19 be the sum of the general fund expenditures for K-12
20 instruction and instructional staff training.

21 (b) The department shall annually calculate for each
22 district, and for the entire state, the percentage of
23 classroom expenditures to total operating expenditures as
24 calculated pursuant to subparagraphs (a)1. and 2.

25 (4) In order for the Department of Education to
26 monitor the implementation of this section, each school
27 district which is required to increase emphasis on classroom
28 activities from operating funds pursuant to subsection (1)
29 shall submit to the department the following two reports in a
30 format determined by the department:

31

1 (a) An initial report, which shall include the
2 proposed budget actions identified for increased classroom
3 expenditures, a description of how such actions are designed
4 to improve student achievement, and a copy of the published
5 statement required by s. 1011.03(3). This report shall be
6 submitted within 30 days after final budget approval as
7 provided in s. 200.065.

8 (b) A final report, prepared at the end of each fiscal
9 year, which shall include, but is not limited to, information
10 that clearly indicates the degree of each district's
11 compliance or noncompliance with the requirements of this
12 section. If not fully compliant, the district shall include a
13 statement which has been adopted at a public hearing and
14 signed by the district school superintendent and district
15 school board members, which explains why the requirements of
16 this section have not been met.

17 (c) The department shall provide annual summaries of
18 these two reports to the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives.

20 Section 658. Section 1011.65, Florida Statutes, is
21 created to read:

22 1011.65 Florida Education Finance Program
23 Appropriation Allocation Conference.--Prior to the
24 distribution of any funds appropriated in the General
25 Appropriations Act for the K-12 Florida Education Finance
26 Program formula and for the formula-funded categorical
27 programs, the Commissioner of Education shall conduct an
28 allocation conference. Conference principals shall include
29 representatives of the Department of Education, the Executive
30 Office of the Governor, and the Appropriations Committees of
31 the Senate and the House of Representatives. Conference

1 principals shall discuss and agree to all conventions,
 2 including rounding conventions, and methods of computation to
 3 be used to calculate Florida Education Finance Program and
 4 categorical entitlements of the districts for the fiscal year
 5 for which the appropriations are made. These conventions and
 6 calculation methods shall remain in effect until further
 7 agreements are reached in subsequent allocation conferences
 8 called by the commissioner for that purpose. The commissioner
 9 shall also, prior to each recalculation of Florida Education
 10 Finance Program and categorical allocations of the districts,
 11 provide conference principals with all data necessary to
 12 replicate those allocations precisely. This data shall include
 13 a matrix by district by program of all full-time equivalent
 14 changes made by the department as part of its administration
 15 of state full-time equivalent caps.

16 Section 659. Section 1011.66, Florida Statutes, is
 17 created to read:

18 1011.66 Distribution of funds in first quarter.--Upon
 19 the request of any school district whose net state FEFP
 20 funding is less than 60 percent of its gross state and local
 21 FEFP funding, the Department of Education shall distribute to
 22 that school district in the first quarter of the fiscal year
 23 an amount from the funds appropriated for the FEFP in the
 24 General Appropriations Act up to a maximum of 15 percent of
 25 that school district's gross state and local FEFP funding or
 26 that school district's net state FEFP funding, whichever is
 27 less.

28 Section 660. Section 1011.67, Florida Statutes, is
 29 created to read:

30 1011.67 Funds for instructional materials.--The
 31 department is authorized to allocate and distribute to each

1 district an amount as prescribed annually by the Legislature
2 for instructional materials for student membership in basic
3 and special programs in grades K-12, which will provide for
4 growth and maintenance needs. For purposes of this section,
5 unweighted full-time equivalent students enrolled in the lab
6 schools in state universities are to be included as school
7 district students and reported as such to the department. The
8 annual allocation shall be determined as follows:

9 (1) The growth allocation for each school district
10 shall be calculated as follows:

11 (a) Subtract from that district's projected full-time
12 equivalent membership of students in basic and special
13 programs in grades K-12 used in determining the initial
14 allocation of the Florida Education Finance Program, the prior
15 year's full-time equivalent membership of students in basic
16 and special programs in grades K-12 for that district.

17 (b) Multiply any such increase in full-time equivalent
18 student membership by the allocation for a set of
19 instructional materials, as determined by the department, or
20 as provided for in the General Appropriations Act.

21 (c) The amount thus determined shall be that
22 district's initial allocation for growth for the school year.
23 However, the department shall recompute and adjust the initial
24 allocation based on actual full-time equivalent student
25 membership data for that year.

26 (2) The maintenance of the instructional materials
27 allocation for each school district shall be calculated by
28 multiplying each district's prior year full-time equivalent
29 membership of students in basic and special programs in grades
30 K-12 by the allocation for maintenance of a set of
31 instructional materials as provided for in the General

1 Appropriations Act. The amount thus determined shall be that
2 district's initial allocation for maintenance for the school
3 year; however, the department shall recompute and adjust the
4 initial allocation based on such actual full-time equivalent
5 student membership data for that year.

6 (3) In the event the funds appropriated are not
7 sufficient for the purpose of implementing this section in
8 full, the department shall prorate the funds available for
9 instructional materials after first funding in full each
10 district's growth allocation.

11 Section 661. Section 1011.68, Florida Statutes, is
12 created to read:

13 1011.68 Funds for student transportation.--The annual
14 allocation to each district for transportation to public
15 school programs, including charter schools as provided in s.
16 1002.33(18)(b), of students in membership in kindergarten
17 through grade 12 and in migrant and exceptional student
18 programs below kindergarten shall be determined as follows:

19 (1) Subject to the rules of the State Board of
20 Education, each district shall determine the membership of
21 students who are transported:

22 (a) By reason of living 2 miles or more from school.

23 (b) By reason of being students with disabilities or
24 enrolled in a teenage parent program, regardless of distance
25 to school.

26 (c) By reason of being in a state prekindergarten
27 program, regardless of distance from school.

28 (d) By reason of being career and technical, dual
29 enrollment, or students with disabilities transported from one
30 school center to another to participate in an instructional
31 program or service; or students with disabilities, transported

1 from one designation to another in the state, provided one
 2 designation is a school center and provided the student's
 3 individual educational plan (IEP) identifies the need for the
 4 instructional program or service and transportation to be
 5 provided by the school district. A "school center" is defined
 6 as a public school center, community college, state
 7 university, or other facility rented, leased, or owned and
 8 operated by the school district or another public agency. A
 9 "dual enrollment student" is defined as a public school
 10 student in membership in both a public secondary school
 11 program and a community college or a state university program
 12 under a written agreement to partially fulfill ss. 1003.435
 13 and 1007.23 and earning full-time equivalent membership under
 14 s. 1011.62(1)(i).

15 (e) With respect to elementary school students whose
 16 grade level does not exceed grade 6, by reason of being
 17 subjected to hazardous walking conditions en route to or from
 18 school as provided in s. 1006.23. Such rules shall, when
 19 appropriate, provide for the determination of membership under
 20 this paragraph for less than 1 year to accommodate the needs
 21 of students who require transportation only until such
 22 hazardous conditions are corrected.

23 (f) By reason of being a pregnant student or student
 24 parent, and the child of a student parent as provided in s.
 25 1003.54, regardless of distance from school.

26 (2) The allocation for each district shall be
 27 calculated annually in accordance with the following formula:

28
 29 T = B + EX. The elements of this formula are defined as
 30 follows: T is the total dollar allocation for transportation.
 31 B is the base transportation dollar allocation prorated by an

1 adjusted student membership count. The adjusted membership
 2 count shall be derived from a multiplicative index function in
 3 which the base student membership is adjusted by multiplying
 4 it by index numbers that individually account for the impact
 5 of the price level index, average bus occupancy, and the
 6 extent of rural population in the district. EX is the base
 7 transportation dollar allocation for disabled students
 8 prorated by an adjusted disabled student membership count.
 9 The base transportation dollar allocation for disabled
 10 students is the total state base disabled student membership
 11 count weighted for increased costs associated with
 12 transporting disabled students and multiplying it by the prior
 13 year's average per student cost for transportation. The
 14 adjusted disabled student membership count shall be derived
 15 from a multiplicative index function in which the weighted
 16 base disabled student membership is adjusted by multiplying it
 17 by index numbers that individually account for the impact of
 18 the price level index, average bus occupancy, and the extent
 19 of rural population in the district. Each adjustment factor
 20 shall be designed to affect the base allocation by no more or
 21 less than 10 percent.

22 (3) The total allocation to each district for
 23 transportation of students shall be the sum of the amounts
 24 determined in subsection (2). If the funds appropriated for
 25 the purpose of implementing this section are not sufficient to
 26 pay the base transportation allocation and the base
 27 transportation allocation for disabled students, the
 28 Department of Education shall prorate the available funds on a
 29 percentage basis. If the funds appropriated for the purpose
 30 of implementing this section exceed the sum of the base
 31 transportation allocation and the base transportation

1 allocation for disabled students, the base transportation
2 allocation for disabled students shall be limited to the
3 amount calculated in subsection (2), and the remaining balance
4 shall be added to the base transportation allocation.

5 (4) No district shall use funds to purchase
6 transportation equipment and supplies at prices which exceed
7 those determined by the department to be the lowest which can
8 be obtained, as prescribed in s. 1006.27(1).

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

22 (6) Notwithstanding other provisions of this section,
23 in no case shall any student or students be counted for
24 transportation funding more than once per day. This provision
25 includes counting students for funding pursuant to trips in
26 school buses, passenger cars, or boats or general purpose
27 transportation.

28 (7) Any funds received by a school district under this
29 section that are not required to transport students may, at
30 the discretion of the district school board, be transferred to
31 the district's Florida Education Finance Program.

1 Section 662. Section 1011.69, Florida Statutes, is
2 created to read:

3 1011.69 Equity in School-Level Funding Act.--

4 (1) This section may be cited as the "Equity in
5 School-Level Funding Act."

6 (2)(a) Beginning in the 2000-2001 fiscal year,
7 district school boards shall allocate to each school within
8 the district at least 50 percent of the funds generated by
9 that school based upon the Florida Education Finance Program
10 as provided in s. 1011.62 and the General Appropriations Act,
11 including gross state and local funds, discretionary lottery
12 funds, and funds from the school district's current operating
13 discretionary millage levy.

14 (b) Beginning in the 2001-2002 fiscal year, district
15 school boards shall allocate to each school within the
16 district at least 65 percent of the funds generated by that
17 school based upon the Florida Education Finance Program as
18 provided in s. 1011.62 and the General Appropriations Act,
19 including gross state and local funds, discretionary lottery
20 funds, and funds from the school district's current operating
21 discretionary millage levy.

22 (c) Beginning in the 2002-2003 fiscal year, district
23 school boards shall allocate to each school within the
24 district at least 80 percent of the funds generated by that
25 school based upon the Florida Education Finance Program as
26 provided in s. 1011.62 and the General Appropriations Act,
27 including gross state and local funds, discretionary lottery
28 funds, and funds from the school district's current operating
29 discretionary millage levy.

30 (d) Beginning in the 2003-2004 fiscal year, district
31 school boards shall allocate to each school within the

1 district at least 90 percent of the funds generated by that
2 school based upon the Florida Education Finance Program as
3 provided in s. 1011.62 and the General Appropriations Act,
4 including gross state and local funds, discretionary lottery
5 funds, and funds from the school district's current operating
6 discretionary millage levy.

7
8 Total funding for each school shall be recalculated during the
9 year to reflect the revised calculations under the Florida
10 Education Finance Program by the state and the actual weighted
11 full-time equivalent students reported by the school during
12 the full-time equivalent student survey periods designated by
13 the Commissioner of Education. If the district school board is
14 providing programs or services to students funded by federal
15 funds, any eligible students enrolled in the schools in the
16 district shall be provided federal funds. Only those districts
17 that initially applied for charter school district status,
18 pursuant to s. 1003.62, and have been approved by the State
19 Board of Education are exempt from the provisions of this
20 section.

21 (3) Funds allocated to a school pursuant to this
22 section that are unused at the end of the fiscal year shall
23 not revert to the district, but shall remain with the school.
24 These carryforward funds may be used for any purpose provided
25 by law at the discretion of the principal of the school.

26 (4) Recommendations made by the Governor's Equity in
27 Educational Opportunity Task Force shall be reviewed to
28 identify potential categorical funds to be included in the
29 district allocation methodology required in subsection (2).

30 (5) Funds appropriated in the General Appropriations
31 Act for supplemental academic instruction to be used for the

1 purposes described in s. 1011.62(1)(f) are excluded from the
2 school-level allocation under this section.

3 Section 663. Section 1011.70, Florida Statutes, is
4 created to read:

5 1011.70 Medicaid certified school funding
6 maximization.--

7 (1) Each school district, subject to the provisions of
8 ss. 409.9071 and 409.908(21) and this section, is authorized
9 to certify funds provided for a category of required Medicaid
10 services termed "school-based services," which are
11 reimbursable under the federal Medicaid program. Such services
12 shall include, but not be limited to, physical, occupational,
13 and speech therapy services, behavioral health services,
14 mental health services, transportation services, Early
15 Periodic Screening, Diagnosis, and Treatment (EPSDT)
16 administrative outreach for the purpose of determining
17 eligibility for exceptional student education, and any other
18 such services, for the purpose of receiving federal Medicaid
19 financial participation. Certified school funding shall not be
20 available for the following services:

21 (a) Family planning.

22 (b) Immunizations.

23 (c) Prenatal care.

24 (2) The Department of Education shall monitor
25 compliance of each participating school district with the
26 Medicaid provider agreements. In addition, the department
27 shall develop standardized recordkeeping procedures for the
28 school districts that meet Medicaid requirements for audit
29 purposes.

30 (3) Each school district's continued participation in
31 certifying funds to be reimbursed for Medicaid expenditures is

1 contingent upon the district providing to the department an
2 annual accounting of how the federal Medicaid reimbursements
3 are utilized.

4 (4) Funds generated pursuant to this section may be
5 used for autism therapy services allowed by federal law.

6 (5) Developmental research schools, as authorized
7 under s. 1002.32, shall be authorized to participate in the
8 Medicaid certified school match program subject to the
9 provisions of subsections (1)-(4) and ss. 409.9071 and
10 409.908(21).

11 Section 664. Section 1011.71, Florida Statutes, is
12 created to read:

13 1011.71 District school tax.--

14 (1) If the district school tax is not provided in the
15 General Appropriations Act or the substantive bill
16 implementing the General Appropriations Act, each district
17 school board desiring to participate in the state allocation
18 of funds for current operation as prescribed by s. 1011.62(9)
19 shall levy on the taxable value for school purposes of the
20 district, exclusive of millage voted under the provisions of
21 s. 9(b) or s. 12, Art. VII of the State Constitution, a
22 millage rate not to exceed the amount certified by the
23 commissioner as the minimum millage rate necessary to provide
24 the district required local effort for the current year,
25 pursuant to s. 1011.62(4)(a)1. In addition to the required
26 local effort millage levy, each district school board may levy
27 a nonvoted current operating discretionary millage. The
28 Legislature shall prescribe annually in the appropriations act
29 the maximum amount of millage a district may levy. The millage
30 rate prescribed shall exceed zero mills but shall not exceed
31 the lesser of 1.6 mills or 25 percent of the millage which is

1 required pursuant to s. 1011.62(4), exclusive of millage
2 levied pursuant to subsection (2).

3 (2) In addition to the maximum millage levy as
4 provided in subsection (1), each school board may levy not
5 more than 2 mills against the taxable value for school
6 purposes to fund:

7 (a) New construction and remodeling projects, as set
8 forth in s. 1013.64(3)(b) and (6)(b) and included in the
9 district's educational plant survey pursuant to s. 1013.31,
10 without regard to prioritization, sites and site improvement
11 or expansion to new sites, existing sites, auxiliary
12 facilities, athletic facilities, or ancillary facilities.

13 (b) Maintenance, renovation, and repair of existing
14 school plants or of leased facilities to correct deficiencies
15 pursuant to s. 1013.15(2).

16 (c) The purchase, lease-purchase, or lease of school
17 buses; drivers' education vehicles; motor vehicles used for
18 the maintenance or operation of plants and equipment; security
19 vehicles; or vehicles used in storing or distributing
20 materials and equipment.

21 (d) The purchase, lease-purchase, or lease of new and
22 replacement equipment.

23 (e) Payments for educational facilities and sites due
24 under a lease-purchase agreement entered into by a district
25 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),
26 not exceeding, in the aggregate, an amount equal to
27 three-fourths of the proceeds from the millage levied by a
28 district school board pursuant to this subsection.

29 (f) Payment of loans approved pursuant to ss. 1011.14
30 and 1011.15.

31

1 (g) Payment of costs directly related to complying
2 with state and federal environmental statutes, rules, and
3 regulations governing school facilities.

4 (h) Payment of costs of leasing relocatable
5 educational facilities, of renting or leasing educational
6 facilities and sites pursuant to s. 1013.15(2), or of renting
7 or leasing buildings or space within existing buildings
8 pursuant to s. 1013.15(4).

9
10 Violations of these expenditure provisions shall result in an
11 equal dollar reduction in the Florida Education Finance
12 Program (FEFP) funds for the violating district in the fiscal
13 year following the audit citation.

14 (3) These taxes shall be certified, assessed, and
15 collected as prescribed in s. 1011.04 and shall be expended as
16 provided by law.

17 (4) Nothing in s. 1011.62(4)(a)1. shall in any way be
18 construed to increase the maximum school millage levies as
19 provided for in subsection (1).

20 (5)(a) It is the intent of the Legislature that, by
21 July 1, 2003, revenue generated by the millage levy authorized
22 by subsection (2) should be used only for the costs of
23 construction, renovation, remodeling, maintenance, and repair
24 of the educational plant; for the purchase, lease, or
25 lease-purchase of equipment, educational plants, and
26 construction materials directly related to the delivery of
27 student instruction; for the rental or lease of existing
28 buildings, or space within existing buildings, originally
29 constructed or used for purposes other than education, for
30 conversion to use as educational facilities; for the opening
31 day collection for the library media center of a new school;

1 for the purchase, lease-purchase, or lease of school buses;
2 and for servicing of payments related to certificates of
3 participation issued for any purpose prior to the effective
4 date of this act. Costs associated with the lease-purchase of
5 equipment, educational plants, and school buses may include
6 the issuance of certificates of participation on or after the
7 effective date of this act and the servicing of payments
8 related to certificates so issued. For purposes of this
9 section, "maintenance and repair" is defined in s. 1013.01.

10 (b) For purposes not delineated in paragraph (a) for
11 which proceeds received from millage levied under subsection
12 (2) may be legally expended, a district school board may spend
13 no more than the following percentages of the amount the
14 district spent for these purposes in fiscal year 1995-1996:

- 15 1. In fiscal year 2000-2001, 40 percent.
- 16 2. In fiscal year 2001-2002, 25 percent.
- 17 3. In fiscal year 2002-2003, 10 percent.

18 (c) Beginning July 1, 2003, revenue generated by the
19 millage levy authorized by subsection (2) must be used only
20 for the purposes delineated in paragraph (a).

21 (d) Notwithstanding any other provision of this
22 subsection, if through its adopted facilities work program a
23 district has clearly identified the need for an ancillary
24 plant, has provided opportunity for public input as to the
25 relative value of the ancillary plant versus an educational
26 plant, and has obtained public approval, the district may use
27 revenue generated by the millage levy authorized by subsection
28 (2) for the construction, renovation, remodeling, maintenance,
29 or repair of an ancillary plant.

30
31

1 A district that violates these expenditure restrictions shall
2 have an equal dollar reduction in funds appropriated to the
3 district under s. 1011.62 in the fiscal year following the
4 audit citation. The expenditure restrictions do not apply to
5 any school district that certifies to the Commissioner of
6 Education that all of the district's instructional space needs
7 for the next 5 years can be met from capital outlay sources
8 that the district reasonably expects to receive during the
9 next 5 years or from alternative scheduling or construction,
10 leasing, rezoning, or technological methodologies that exhibit
11 sound management.

12 (6) In addition to the maximum millage levied under
13 this section and the General Appropriations Act, a school
14 district may levy, by local referendum or in a general
15 election, additional millage for school operational purposes
16 up to an amount that, when combined with nonvoted millage
17 levied under this section, does not exceed the 10-mill limit
18 established in s. 9(b), Art. VII of the State Constitution.
19 Any such levy shall be for a maximum of 4 years and shall be
20 counted as part of the 10-mill limit established in s. 9(b),
21 Art. VII of the State Constitution. Millage elections
22 conducted under the authority granted pursuant to this section
23 are subject to s. 1011.73. Funds generated by such additional
24 millage do not become a part of the calculation of the Florida
25 Education Finance Program total potential funds in 2001-2002
26 or any subsequent year and must not be incorporated in the
27 calculation of any hold-harmless or other component of the
28 Florida Education Finance Program formula in any year. If an
29 increase in required local effort, when added to existing
30 millage levied under the 10-mill limit, would result in a
31 combined millage in excess of the 10-mill limit, any millage

1 levied pursuant to this subsection shall be considered to be
2 required local effort to the extent that the district millage
3 would otherwise exceed the 10-mill limit.

4 Section 665. Section 1011.715, Florida Statutes, is
5 created to read:

6 1011.715 Resolution regarding school capital outlay
7 surcharge.--The resolution of a district school board
8 providing for the imposition of the school capital outlay
9 surtax authorized in s. 212.055(6) may include a covenant by
10 the district school board to decrease the capital local school
11 property tax levied pursuant to s. 1011.71(2) and to maintain
12 that tax at the reduced millage as long as the surtax is in
13 effect. The resolution may also provide that the surtax shall
14 sunset on December 31 of any year in which the district school
15 board levies the capital property tax under s. 1011.71(2) at a
16 millage rate in excess of the reduced millage rate promised in
17 the resolution. Finally, if the surtax revenues are pledged
18 to service bonded indebtedness, the district school board may
19 covenant not to levy the capital property tax under s.
20 1011.71(2) at a millage rate in excess of the reduced millage
21 rate promised in the resolution.

22 Section 666. Section 1011.72, Florida Statutes, is
23 created to read:

24 1011.72 Levy based on interim assessment roll;
25 reimbursement to state for additional taxes collected upon
26 reconciliation of roll.--In any year in which the base student
27 allocation has been guaranteed to school districts through the
28 use of state funds, a school district which levied taxes based
29 on an interim assessment roll shall be required to reimburse
30 the state in an amount equal to the additional taxes collected
31 upon reconciliation of that roll. Beginning with the

1 distribution following the delinquency date of the
2 supplemental bills, the state shall withhold all funds
3 otherwise available to that school district from the
4 appropriation to the Florida Education Finance Program until
5 such time as the state is completely reimbursed.

6 Section 667. Section 1011.73, Florida Statutes, is
7 created to read:

8 1011.73 District millage elections.--

9 (1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The
10 district school board, pursuant to resolution adopted at a
11 regular meeting, shall direct the county commissioners to call
12 an election at which the electors within the school districts
13 may approve an ad valorem tax millage as authorized in s. 9,
14 Art. VII of the State Constitution. Such election may be held
15 at any time, except that not more than one such election shall
16 be held during any 12-month period. Any millage so authorized
17 shall be levied for a period not in excess of 2 years or until
18 changed by another millage election, whichever is the earlier.
19 In the event any such election is invalidated by a court of
20 competent jurisdiction, such invalidated election shall be
21 considered not to have been held.

22 (2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The
23 district school board, pursuant to resolution adopted at a
24 regular meeting, shall direct the county commissioners to call
25 an election at which the electors within the school district
26 may approve an ad valorem tax millage as authorized under s.
27 1011.71(6). Such election may be held at any time, except that
28 not more than one such election shall be held during any
29 12-month period. Any millage so authorized shall be levied for
30 a period not in excess of 4 years or until changed by another
31 millage election, whichever is earlier. If any such election

1 is invalidated by a court of competent jurisdiction, such
2 invalidated election shall be considered not to have been
3 held.

4 (3) HOLDING ELECTIONS.--All school district millage
5 elections shall be held and conducted in the manner prescribed
6 by law for holding general elections, except as provided in
7 this chapter.

8 (4) FORM OF BALLOT.--

9 (a) The district school board may propose a single
10 millage or two millages, with one for operating expenses and
11 another for a local capital improvement reserve fund. When two
12 millage figures are proposed, each millage must be voted on
13 separately.

14 (b) The district school board shall provide the
15 wording of the substance of the measure and the ballot title
16 in the resolution calling for the election. The wording of the
17 ballot must conform to the provisions of s. 101.161.

18 (5) QUALIFICATION OF ELECTORS.--All qualified electors
19 of the school district are entitled to vote in the election to
20 set the school tax district millage levy.

21 (6) RESULTS OF ELECTION.--When the district school
22 board proposes one tax levy for operating expenses and another
23 for the local capital improvement reserve fund, the results
24 shall be considered separately. The tax levy shall be levied
25 only in case a majority of the electors participating in the
26 election vote in favor of the proposed special millage.

27 (7) EXPENSES OF ELECTION.--The cost of the publication
28 of the notice of the election and all expenses of the election
29 in the school district shall be paid by the district school
30 board.

31

1 Section 668. Section 1011.74, Florida Statutes, is
2 created to read:

3 1011.74 Source and use of district capital improvement
4 fund.--The district capital improvement fund shall consist of
5 funds derived from the sale of school district bonds
6 authorized in s. 17, Art. XII of the State Constitution of
7 1885 as amended, together with any other funds directed to be
8 placed therein by rules of the State Board of Education, and
9 other similar funds which are to be used for capital outlay
10 purposes within the district.

11 Section 669. Section 1011.75, Florida Statutes, is
12 created to read:

13 1011.75 Gifted education exemplary program grants.--

14 (1) This section shall be known and may be cited as
15 the "Challenge Grant Program for the Gifted."

16 (2) There is hereby created a grant program for
17 education for the gifted which shall be administered by the
18 Commissioner of Education in cooperation and consultation with
19 appropriate organizations and associations concerned with
20 education for the gifted and pursuant to rules adopted by the
21 State Board of Education. The program may be implemented in
22 any public school.

23 (3) Pursuant to policies and rules to be adopted by
24 the State Board of Education, each district school board, two
25 or more district school boards in cooperation, or a public
26 school principal through the district school board may submit
27 to the commissioner a proposed program designed to effectuate
28 an exemplary program for education for the gifted in a school,
29 district, or group of districts. Consideration for funding
30 shall be given to proposed programs of district school boards
31 that are developed with the cooperation of a community college

1 or public or private college or university for the purpose of
2 providing advanced accelerated instruction for public school
3 students pursuant to s. 1003.435. In order to be approved, a
4 program proposal must include:

5 (a) Clearly stated goals and objectives expressed, to
6 the maximum extent possible, in measurable terms.

7 (b) Information concerning the number of students,
8 teachers, and other personnel to be involved in the program.

9 (c) The estimated cost of the program and the number
10 of years for which it is to be funded.

11 (d) Provisions for evaluation of the program and for
12 its integration into the general curriculum and financial
13 program of the school district or districts at the end of the
14 funded period.

15 (e) Such other information and provisions as the
16 commissioner requires.

17 (4) The commissioner shall review and approve,
18 disapprove, or resubmit for modification all proposed programs
19 for education for the gifted submitted. For those programs
20 approved, the commissioner shall authorize distribution of
21 funds equal to the cost of the program from funds appropriated
22 to the Department of Education for exemplary program grants
23 for education for the gifted as provided for by this section.
24 These funds shall be in addition to any funds for education
25 for the gifted provided pursuant to s. 1011.62.

26 Section 670. Section 1011.76, Florida Statutes, is
27 created to read:

28 1011.76 Small School District Stabilization Program.--

29 (1) There is created the Small School District
30 Stabilization Program to assist school districts in rural
31 communities that document economic conditions or other

1 significant community influences that negatively impact the
 2 school district. The purpose of the program is to provide
 3 technical assistance and financial support to maintain the
 4 stability of the educational program in the school district. A
 5 rural community means a county with a population of 75,000 or
 6 less; or a county with a population of 100,000 or less that is
 7 contiguous to a county with a population of 75,000 or less.

8 (2) In order to participate in this program, a school
 9 district must be located in a rural area of critical economic
 10 concern designated by the Executive Office of the Governor,
 11 and the district school board must submit a resolution to the
 12 Office of Tourism, Trade, and Economic Development requesting
 13 participation in the program. A rural area of critical
 14 economic concern must be a rural community, or a region
 15 composed of such, that has been adversely affected by an
 16 extraordinary economic event or a natural disaster or that
 17 presents a unique economic development concern or opportunity
 18 of regional impact. The resolution must be accompanied with
 19 documentation of the economic conditions in the community,
 20 provide information indicating the negative impact of these
 21 conditions on the school district's financial stability, and
 22 the school district must participate in a best financial
 23 management practices review to determine potential
 24 efficiencies that could be implemented to reduce program costs
 25 in the district.

26 (3) The Office of Tourism, Trade, and Economic
 27 Development, in consultation with the Department of Education,
 28 shall review the resolution and other information required by
 29 subsection (2) and determine whether the school district is
 30 eligible to participate in the program. Factors influencing
 31 the office's determination may include, but are not limited

1 to, reductions in the county tax roll resulting from business
2 closures or other causes, or a reduction in student enrollment
3 due to business closures or impacts in the local economy.

4 (4) Effective July 1, 2000, and thereafter, when the
5 Office of Tourism, Trade, and Economic Development authorizes
6 a school district to participate in the program, the
7 Legislature may give priority to that district for a best
8 financial management practices review in the school district,
9 subject to approval pursuant to s. 1008.35(7), to the extent
10 that funding is provided annually for such purpose in the
11 General Appropriations Act. The scope of the review shall be
12 as set forth in s. 1008.35.

13 (5) Effective July 1, 2000, and thereafter, the
14 Department of Education may award the school district a
15 stabilization grant intended to protect the district from
16 continued financial reductions. The amount of the grant will
17 be determined by the Department of Education and may be
18 equivalent to the amount of the decline in revenues projected
19 for the next fiscal year. In addition, the Office of Tourism,
20 Trade, and Economic Development may implement a rural economic
21 development initiative to identify the economic factors that
22 are negatively impacting the community and may consult with
23 Enterprise Florida, Inc., in developing a plan to assist the
24 county with its economic transition. The grant will be
25 available to the school district for a period of up to 5 years
26 to the extent that funding is provided for such purpose in the
27 General Appropriations Act.

28 (6) Based on the availability of funds, the Office of
29 Tourism, Trade, and Economic Development or the Department of
30 Education may enter into contracts or issue grants necessary
31 to implement the program.

1 Section 671. Section 1011.765, Florida Statutes, is
2 created to read:

3 1011.765 Florida Academic Improvement Trust Fund
4 matching grants.--

5 (1) MATCHING GRANTS.--The Florida Academic Improvement
6 Trust Fund shall be utilized to provide matching grants to the
7 Florida School for the Deaf and the Blind Endowment Fund and
8 to any public school district education foundation that meets
9 the requirements of this section and is recognized by the
10 local school district as its designated K-12 education
11 foundation.

12 (a) The State Board of Education shall adopt rules for
13 the administration, submission, documentation, evaluation, and
14 approval of requests for matching funds and for maintaining
15 accountability for endowments and the proceeds of endowments.

16 (b) Donations, state matching funds, or proceeds from
17 endowments established pursuant to this section shall be used
18 at the discretion of the public school district education
19 foundation or the Florida School for the Deaf and the Blind
20 for academic achievement within the school district or school,
21 and shall not be expended for the construction of facilities
22 or for the support of interscholastic athletics. No public
23 school district education foundation or the Florida School for
24 the Deaf and the Blind shall accept or purchase facilities for
25 which the state will be asked for operating funds unless the
26 Legislature has granted prior approval for such acquisition.

27 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated
28 to the Florida Academic Improvement Trust Fund shall be
29 allocated by the Department of Education in the following
30 manner:

31

1 (a) For every year in which there is a legislative
 2 appropriation to the trust fund, an equal amount of the annual
 3 appropriation, to be determined by dividing the total
 4 legislative appropriation by the number of local education
 5 foundations as well as the Florida School for the Deaf and the
 6 Blind, must be reserved for each public school district
 7 education foundation and the Florida School for the Deaf and
 8 the Blind Endowment Fund to provide each foundation and the
 9 Florida School for the Deaf and the Blind with an opportunity
 10 to receive and match appropriated funds. Trust funds that
 11 remain unmatched by contribution on April 1 of any year shall
 12 be made available for matching by any public school district
 13 education foundation and by the Florida School for the Deaf
 14 and the Blind which shall have an opportunity to apply for
 15 excess trust funds prior to the award of such funds.

16 (b) Matching grants shall be proportionately allocated
 17 from the trust fund on the basis of matching each \$4 of state
 18 funds with \$6 of private funds. To be eligible for matching, a
 19 minimum of \$4,500 must be raised from private sources.

20 (c) Funds sufficient to provide the match shall be
 21 transferred from the state trust fund to the public school
 22 education foundation or to the Florida School for the Deaf and
 23 the Blind Endowment Fund upon notification that a
 24 proportionate amount has been received and deposited by the
 25 foundation or school into its own trust fund.

26 (d) If the total of the amounts to be distributed in
 27 any quarter pursuant to this subsection exceeds the amount of
 28 funds remaining from specific appropriations made for the
 29 implementation of this section, all grants shall be
 30 proportionately reduced so that the total of matching grants
 31 distributed does not exceed available appropriations.

1 (3) GRANT ADMINISTRATION.--

2 (a) Each public school district education foundation
3 and the Florida School for the Deaf and the Blind
4 participating in the Florida Academic Improvement Trust Fund
5 shall separately account for all funds received pursuant to
6 this section, and may establish its own academic improvement
7 trust fund as a depository for the private contributions,
8 state matching funds, and earnings on investments of such
9 funds. State matching funds shall be transferred to the public
10 school district education foundation or to the Florida School
11 for the Deaf and the Blind Endowment Fund upon notification
12 that the foundation or school has received and deposited
13 private contributions that meet the criteria for matching as
14 provided in this section. The public school district education
15 foundations and the Florida School for the Deaf and the Blind
16 are responsible for the maintenance, investment, and
17 administration of their academic improvement trust funds.

18 (b) The public school district education foundations
19 and the Florida School for the Deaf and the Blind shall be
20 responsible for soliciting and receiving contributions to be
21 deposited and matched with grants for establishing endowments
22 for academic achievement within the school district or school.

23 (c) Each public school district education foundation
24 and the Florida School for the Deaf and the Blind shall be
25 responsible for proper expenditure of the funds received
26 pursuant to this section.

27 Section 672. Section 1011.77, Florida Statutes, is
28 created to read:

29 1011.77 Special laws and general laws of local
30 application prohibited.--

31

1 (1) Pursuant to s. 11(a)(21), Art. III of the State
2 Constitution, the Legislature hereby prohibits special laws
3 and general laws of local application pertaining to:

4 (a) The assessment or collection of taxes for school
5 purposes insofar as it may affect the distribution of state
6 funds, including the determination of millages therefor, the
7 extension of time therefor, relief of tax officers from due
8 performance of their duties, and relief of their sureties from
9 liability.

10 (b) The Florida Education Finance Program as enacted
11 in 1973 or as subsequently amended.

12 (2) The department shall determine whether any
13 district has received additional funds subsequent to June 30,
14 1973, as a result of any special law or general law of local
15 application described in subsection (1) and shall deduct an
16 amount equal to any such additional funds from allocations to
17 that district.

18 Section 673. Part III of chapter 1011, Florida
19 Statutes, shall be entitled "Funding for Workforce Education"
20 and shall consist of ss. 1011.80-1011.801.

21 Section 674. Section 1011.80, Florida Statutes, is
22 created to read:

23 1011.80 Funds for operation of adult technical
24 education programs.--

25 (1) As used in this section, the terms "workforce
26 development education" and "workforce development program"
27 include:

28 (a) Adult general education programs designed to
29 improve the employability skills of the state's workforce as
30 defined in s. 1004.02(5).

31

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

1 (a) The cost categories must be calculated to identify
2 high-cost programs, medium-cost programs, and low-cost
3 programs. The cost analysis used to calculate and assign a
4 program of study to a cost category must include at least both
5 direct and indirect instructional costs, consumable supplies,
6 equipment, and standard program length.

7 (b)1. The performance output measure for career and
8 technical education programs of study is student completion of
9 a career and technical program of study that leads to an
10 occupational completion point associated with a certificate;
11 an apprenticeship program; or a program that leads to an
12 applied technology diploma or an associate in applied science
13 or associate in science degree. Performance output measures
14 for registered apprenticeship programs shall be based on
15 program lengths that coincide with lengths established
16 pursuant to the requirements of chapter 446.

17 2. The performance output measure for an adult general
18 education course of study is measurable improvement in student
19 skills. This measure shall include improvement in literacy
20 skills, grade level improvement as measured by an approved
21 test, or attainment of a State of Florida diploma or an adult
22 high school diploma.

23 (c) The performance outcome measures for programs
24 funded through the Workforce Development Education Fund are
25 associated with placement and retention of students after
26 reaching a completion point or completing a program of study.
27 These measures include placement or retention in employment
28 that is related to the program of study; placement into or
29 retention in employment in an occupation on the Workforce
30 Estimating Conference list of high-wage, high-skill
31 occupations with sufficient openings, or other High Wage/High

1 Skill Program occupations as determined by Workforce Florida,
2 Inc.; and placement and retention of participants or former
3 participants in the welfare transition program in employment.
4 Continuing postsecondary education at a level that will
5 further enhance employment is a performance outcome for adult
6 general education programs. Placement and retention must be
7 reported pursuant to ss. 1008.39 and 1008.43.

8 (5) State funding and student fees for workforce
9 development instruction funded through the Workforce
10 Development Education Fund shall be established as follows:

11 (a) For a continuing workforce education course, state
12 funding shall equal 50 percent of the cost of instruction,
13 with student fees, business support, quick-response training
14 funds, or other means making up the remaining 50 percent.

15 (b) For all other workforce development education
16 funded through the Workforce Development Education Fund, state
17 funding shall equal 75 percent of the average cost of
18 instruction with the remaining 25 percent made up from student
19 fees. Fees for courses within a program shall not vary
20 according to the cost of the individual program, but instead
21 shall be based on a uniform fee calculated and set at the
22 state level, as adopted by the State Board of Education,
23 unless otherwise specified in the General Appropriations Act.

24 (c) For fee-exempt students pursuant to s. 1009.25,
25 unless otherwise provided for in law, state funding shall
26 equal 100 percent of the average cost of instruction.

27 (6)(a) A school district or a community college that
28 provides workforce development education funded through the
29 Workforce Development Education Fund shall receive funds in
30 accordance with distributions for base and performance funding
31

1 established by the Legislature in the General Appropriations
2 Act, pursuant to the following conditions:

3 1. Base funding shall not exceed 85 percent of the
4 current fiscal year total Workforce Development Education Fund
5 allocation, which shall be distributed by the Legislature in
6 the General Appropriations Act based on a maximum of 85
7 percent of the institution's prior year total allocation from
8 base and performance funds.

9 2. Performance funding shall be at least 15 percent of
10 the current fiscal year total Workforce Development Education
11 Fund allocation, which shall be distributed by the Legislature
12 in the General Appropriations Act based on the previous fiscal
13 year's achievement of output and outcomes in accordance with
14 formulas adopted pursuant to subsection (9). Performance
15 funding must incorporate payments for at least three levels of
16 placements that reflect wages and workforce demand. Payments
17 for completions must not exceed 60 percent of the payments for
18 placement. School districts and community colleges shall be
19 awarded funds pursuant to this paragraph based on performance
20 output data and performance outcome data available in that
21 year.

22 3. If a local educational agency achieves a level of
23 performance sufficient to generate a full allocation as
24 authorized by the workforce development funding formula, the
25 agency may earn performance incentive funds as appropriated
26 for that purpose in a General Appropriations Act. If
27 performance incentive funds are funded and awarded, these
28 funds must be added to the local educational agency's prior
29 year total allocation from the Workforce Development Education
30 Fund and shall be used to calculate the following year's base
31 funding.

1 (b) A program is established to assist school
 2 districts and community colleges in responding to the needs of
 3 new and expanding businesses and thereby strengthening the
 4 state's workforce and economy. The program may be funded in
 5 the General Appropriations Act. A school district or community
 6 college may expend funds under the program without regard to
 7 performance criteria set forth in subparagraph (a)2. The
 8 district or community college shall use the program to provide
 9 customized training for businesses which satisfies the
 10 requirements of s. 288.047. Business firms whose employees
 11 receive the customized training must provide 50 percent of the
 12 cost of the training. Balances remaining in the program at the
 13 end of the fiscal year shall not revert to the general fund,
 14 but shall be carried over for 1 additional year and used for
 15 the purpose of serving incumbent worker training needs of area
 16 businesses with fewer than 100 employees. Priority shall be
 17 given to businesses that must increase or upgrade their use of
 18 technology to remain competitive.

19 (7) A school district or community college that earns
 20 performance funding must use the money to benefit the
 21 postsecondary adult and technical education programs it
 22 provides. The money may be used for equipment upgrades,
 23 program expansions, or any other use that would result in
 24 workforce development program improvement. The district school
 25 board or community college board of trustees may not withhold
 26 any portion of the performance funding for indirect costs.
 27 Notwithstanding s. 216.351, funds awarded pursuant to this
 28 section may be carried across fiscal years and shall not
 29 revert to any other fund maintained by the district school
 30 board or community college board of trustees.

31

1 (8) The State Board of Education and Workforce
 2 Florida, Inc., shall provide the Legislature with recommended
 3 formulas, criteria, timeframes, and mechanisms for
 4 distributing performance funds. The commissioner shall
 5 consolidate the recommendations and develop a consensus
 6 proposal for funding. The Legislature shall adopt a formula
 7 and distribute the performance funds to the State Board of
 8 Education for community colleges and school districts through
 9 the General Appropriations Act. These recommendations shall be
 10 based on formulas that would discourage low-performing or
 11 low-demand programs and encourage through performance-funding
 12 awards:

13 (a) Programs that prepare people to enter high-wage
 14 occupations identified by the Workforce Estimating Conference
 15 created by s. 216.136 and other programs as approved by
 16 Workforce Florida, Inc. At a minimum, performance incentives
 17 shall be calculated for adults who reach completion points or
 18 complete programs that lead to specified high-wage employment
 19 and to their placement in that employment.

20 (b) Programs that successfully prepare adults who are
 21 eligible for public assistance, economically disadvantaged,
 22 disabled, not proficient in English, or dislocated workers for
 23 high-wage occupations. At a minimum, performance incentives
 24 shall be calculated at an enhanced value for the completion of
 25 adults identified in this paragraph and job placement of such
 26 adults upon completion. In addition, adjustments may be made
 27 in payments for job placements for areas of high unemployment.

28 (c) Programs that are specifically designed to be
 29 consistent with the workforce needs of private enterprise and
 30 regional economic development strategies, as defined in
 31 guidelines set by Workforce Florida, Inc. Workforce Florida,

1 Inc., shall develop guidelines to identify such needs and
2 strategies based on localized research of private employers
3 and economic development practitioners.

4 (d) Programs identified by Workforce Florida, Inc., as
5 increasing the effectiveness and cost efficiency of education.

6 (9) A high school student dually enrolled under s.
7 1007.271 in a workforce development program funded through the
8 Workforce Development Education Fund and operated by a
9 community college or school district technical center
10 generates the amount calculated by the Workforce Development
11 Education Fund, including any payment of performance funding,
12 and the proportional share of full-time equivalent enrollment
13 generated through the Florida Education Finance Program for
14 the student's enrollment in a high school. If a high school
15 student is dually enrolled in a community college program,
16 including a program conducted at a high school, the community
17 college earns the funds generated through the Workforce
18 Development Education Fund and the school district earns the
19 proportional share of full-time equivalent funding from the
20 Florida Education Finance Program. If a student is dually
21 enrolled in a technical center operated by the same district
22 as the district in which the student attends high school, that
23 district earns the funds generated through the Workforce
24 Development Education Fund and also earns the proportional
25 share of full-time equivalent funding from the Florida
26 Education Finance Program. If a student is dually enrolled in
27 a workforce development program provided by a technical center
28 operated by a different school district, the funds must be
29 divided between the two school districts proportionally from
30 the two funding sources. A student may not be reported for
31 funding in a dual enrollment workforce development program

1 unless the student has completed the basic skills assessment
2 pursuant to s. 1004.91.

3 (10) The State Board of Education may adopt rules to
4 administer this section.

5 Section 675. Section 1011.801, Florida Statutes, is
6 created to read:

7 1011.801 Workforce Development Capitalization
8 Incentive Grant Program.--The Legislature recognizes that the
9 need for school districts and community colleges to be able to
10 respond to emerging local or statewide economic development
11 needs is critical to the workforce development system. The
12 Workforce Development Capitalization Incentive Grant Program
13 is created to provide grants to school districts and community
14 colleges on a competitive basis to fund some or all of the
15 costs associated with the creation or expansion of workforce
16 development programs that serve specific employment workforce
17 needs.

18 (1) Funds awarded for a workforce development
19 capitalization incentive grant may be used for instructional
20 equipment, laboratory equipment, supplies, personnel, student
21 services, or other expenses associated with the creation or
22 expansion of a workforce development program. Expansion of a
23 program may include either the expansion of enrollments in a
24 program or expansion into new areas of specialization within a
25 program. No grant funds may be used for recurring
26 instructional costs or for institutions' indirect costs.

27 (2) The State Board of Education shall accept
28 applications from school districts or community colleges for
29 workforce development capitalization incentive grants.
30 Applications from school districts or community colleges shall
31 contain projected enrollments and projected costs for the new

1 or expanded workforce development program. The State Board of
2 Education, in consultation with the Workforce Florida, Inc.,
3 shall review and rank each application for a grant according
4 to subsection (3) and shall submit to the Legislature a list
5 in priority order of applications recommended for a grant
6 award.

7 (3) The State Board of Education shall give highest
8 priority to programs that train people to enter high-skill,
9 high-wage occupations identified by the Workforce Estimating
10 Conference and other programs approved by Workforce Florida,
11 Inc.; programs that train people to enter occupations under
12 the welfare transition program; or programs that train for the
13 workforce adults who are eligible for public assistance,
14 economically disadvantaged, disabled, not proficient in
15 English, or dislocated workers. The State Board of Education
16 shall consider the statewide geographic dispersion of grant
17 funds in ranking the applications and shall give priority to
18 applications from education agencies that are making maximum
19 use of their workforce development funding by offering
20 high-performing, high-demand programs.

21 Section 676. Part IV of chapter 1011, Florida
22 Statutes, shall be entitled "Funding for Community Colleges"
23 and shall consist of ss. 1011.81-1011.86.

24 Section 677. Section 1011.81, Florida Statutes, is
25 created to read:

26 1011.81 Community College Program Fund.--There is
27 established a Community College Program Fund. This fund shall
28 comprise all appropriations made by the Legislature for the
29 support of the current operating program and shall be
30 apportioned and distributed to the community college districts
31 of the state on the basis of procedures established by law and

1 rules of the State Board of Education. The annual
2 apportionment for each community college district shall be
3 distributed monthly in payments as nearly equal as possible.

4 Section 678. Section 1011.82, Florida Statutes, is
5 created to read:

6 1011.82 Requirements for participation in Community
7 College Program Fund.--Each community college district which
8 participates in the state appropriations for the Community
9 College Program Fund shall provide evidence of its effort to
10 maintain an adequate community college program which shall:

11 (1) Meet the minimum standards prescribed by the State
12 Board of Education in accordance with s. 1001.02(9).

13 (2) Effectively fulfill the mission of the community
14 colleges in accordance with s. 1004.65.

15 Section 679. Section 1011.83, Florida Statutes, is
16 created to read:

17 1011.83 Financial support of community colleges.--Each
18 community college that has been approved by the Department of
19 Education and meets the requirements of law and rules of the
20 State Board of Education shall participate in the community
21 college program fund. However, funds to support workforce
22 development programs conducted by community colleges shall be
23 provided by the Workforce Development Education Fund pursuant
24 to s. 1011.80.

25 Section 680. Section 1011.84, Florida Statutes, is
26 created to read:

27 1011.84 Procedure for determining state financial
28 support and annual apportionment of state funds to each
29 community college district.--The procedure for determining
30 state financial support and the annual apportionment to each
31 community college district authorized to operate a community

1 college under the provisions of s. 1001.61 shall be as
2 follows:

3 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE
4 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
5 PROGRAM.--

6 (a) The Department of Education shall determine
7 annually from an analysis of operating costs, prepared in the
8 manner prescribed by rules of the State Board of Education,
9 the costs per full-time equivalent student served in courses
10 and fields of study offered in community colleges. This
11 information and current college operating budgets shall be
12 submitted to the Executive Office of the Governor with the
13 legislative budget request prior to each regular session of
14 the Legislature.

15 (b) The allocation of funds for community colleges
16 shall be based on advanced and professional disciplines,
17 college-preparatory programs, and other programs for adults
18 funded pursuant to s. 1011.80.

19 (c) The category of lifelong learning is for students
20 enrolled pursuant to s. 1004.93. A student shall also be
21 reported as a lifelong learning student for his or her
22 enrollment in any course that he or she has previously taken,
23 unless it is a credit course in which the student earned a
24 grade of D or F.

25 (d) If an adult student has been determined to be a
26 disabled student eligible for an approved educational program
27 for disabled adults provided pursuant to s. 1004.93 and rules
28 of the State Board of Education and is enrolled in a class
29 with curriculum frameworks developed for the program, state
30 funding for that student shall be provided at a level double
31

1 that of a student enrolled in a special adult general
2 education program provided by a community college.

3 (e) The State Board of Education shall adopt rules to
4 implement s. 9(d)(8)f., Art. XII of the State Constitution.
5 These rules shall provide for the use of the funds available
6 under s. 9(d)(8)f., Art. XII by an individual community
7 college for operating expense in any fiscal year during which
8 the State Board of Education has determined that all major
9 capital outlay needs have been met. Highest priority for the
10 use of these funds for purposes other than financing approved
11 capital outlay projects shall be for the proper maintenance
12 and repair of existing facilities for projects approved by the
13 State Board of Education. However, in any fiscal year in which
14 funds from this source are authorized for operating expense
15 other than approved maintenance and repair projects, the
16 allocation of community college program funds shall be reduced
17 by an amount equal to the sum used for such operating expense
18 for that community college that year, and that amount shall
19 not be released or allocated among the other community
20 colleges that year.

21 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
22 OUTLAY AND DEBT SERVICE.--The amount included for capital
23 outlay and debt service shall be as determined and provided in
24 s. 18, Art. XII of the State Constitution of 1885, as adopted
25 by s. 9(d), Art. XII of the 1968 revised State Constitution
26 and State Board of Education rules.

27 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

28 (a) By December 15 of each year, the Department of
29 Education shall estimate the annual enrollment of each
30 community college for the current fiscal year and for the 6
31 subsequent fiscal years. These estimates shall be based upon

1 prior years' enrollments, upon the initial fall term
2 enrollments for the current fiscal year for each college, and
3 upon each college's estimated current enrollment and
4 demographic changes in the respective community college
5 districts.

6 (b) The apportionment to each community college from
7 the Community College Program Fund shall be determined
8 annually in the General Appropriations Act. In determining
9 each college's apportionment, the Legislature shall consider
10 the following components:

11 1. Base budget, which includes the state appropriation
12 to the Community College Program Fund in the current year plus
13 the related student tuition and out-of-state fees assigned in
14 the current General Appropriations Act.

15 2. The cost-to-continue allocation, which consists of
16 incremental changes to the base budget, including salaries,
17 price levels, and other related costs allocated through a
18 funding model approved by the Legislature which may recognize
19 differing economic factors arising from the individual
20 educational approaches of the various community colleges,
21 including, but not limited to:

22 a. Direct Instructional Funding, including class size,
23 faculty productivity factors, average faculty salary, ratio of
24 full-time to part-time faculty, costs of programs, and
25 enrollment factors.

26 b. Academic Support, including small colleges factor,
27 multicampus factor, and enrollment factor.

28 c. Student Services Support, including headcount of
29 students as well as FTE count and enrollment factors.

30 d. Library Support, including volume and other
31 materials/audiovisual requirements.

1 e. Special Projects.

2 f. Operations and Maintenance of Plant, including
3 square footage and utilization factors.

4 g. District Cost Differential.

5 3. Students enrolled in a recreation and leisure
6 program and students enrolled in a lifelong learning program
7 may not be counted as full-time equivalent enrollments for
8 purposes of enrollment workload adjustments.

9 4. Operating costs of new facilities adjustments,
10 which shall be provided, from funds available, for each new
11 facility that is owned by the college and is recommended in
12 accordance with s. 1013.31.

13 5. New and improved program enhancements, which shall
14 be determined by the Legislature.

15
16 Student fees in the base budget plus student fee revenues
17 generated by increases in fee rates shall be deducted from the
18 sum of the components determined in subparagraphs 1.-5. The
19 amount remaining shall be the net annual state apportionment
20 to each college.

21 (c) No community college shall commit funds for the
22 employment of personnel or resources in excess of those
23 required to continue the same level of support for either the
24 previously approved enrollment or the revised enrollment,
25 whichever is lower.

26 (d) The apportionment to each community college
27 district for capital outlay and debt service shall be the
28 amount determined in accordance with subsection (2). This
29 amount, less any amount determined as necessary for
30 administrative expense by the State Board of Education and any
31 amount necessary for debt service on bonds issued by the State

1 Board of Education, shall be transmitted to the community
2 college board of trustees to be expended in a manner
3 prescribed by rules of the State Board of Education.

4 (e) If at any time the unencumbered balance in the
5 general fund of the community college board of trustees
6 approved operating budget goes below 5 percent, the president
7 shall provide written notification to the State Board of
8 Education.

9 (f) Expenditures for apprenticeship programs shall be
10 reported separately.

11 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds
12 allocated herein to any community college shall be expended
13 only for the purpose of supporting that community college.

14 (5) REPORT OF REMEDIAL EDUCATION.--Each community
15 college board of trustees shall report the volume and cost of
16 remedial education activities as a separate item in its annual
17 cost accounting system.

18 Section 681. Section 1011.85, Florida Statutes, is
19 created to read:

20 1011.85 Dr. Philip Benjamin Matching Grant Program for
21 Community Colleges.--

22 (1) There is created the Dr. Philip Benjamin Matching
23 Grant Program for Community Colleges as a single matching
24 gifts program that encompasses the goals originally set out in
25 the Academic Improvement Program, the Scholarship Matching
26 Program, and the Health Care Education Quality Enhancement
27 Challenge Grant. The program shall be administered according
28 to rules of the State Board of Education and used to encourage
29 private support in enhancing community colleges by providing
30 the community college system with the opportunity to receive
31 and match challenge grants. Funds received prior to the

1 effective date of this act for each of the three programs
2 shall be retained in the separate account for which it was
3 designated.

4 (2) Each community college board of trustees receiving
5 state appropriations under this program shall approve each
6 gift to ensure alignment with the unique mission of the
7 community college. The board of trustees must link all
8 requests for a state match to the goals and mission statement.
9 The Florida Community College Foundation Board receiving state
10 appropriations under this program shall approve each gift to
11 ensure alignment with its goals and mission statement.

12 (3) Upon approval by the community college board of
13 trustees and the State Board of Education, the ordering of
14 donations for priority listing of unmatched gifts should be
15 determined by the submitting community college.

16 (4) Each year, eligible contributions received by a
17 community college's foundation or the State Board of Education
18 by February 1 shall be eligible for state matching funds.

19 (a) Each community college board of trustees and, when
20 applicable, the Florida Community College Foundation Board,
21 receiving state appropriations under this program shall also
22 certify in an annual report to the State Board of Education
23 the receipt of eligible cash contributions that were
24 previously unmatched by the state. The State Board of
25 Education shall adopt rules providing all community colleges
26 with an opportunity to apply for excess funds before the
27 awarding of such funds.

28 (b) Community colleges must submit to the State Board
29 of Education an annual expenditure report tracking the use of
30 all matching funds.

31

1 (c) The audit of each foundation receiving state funds
2 from this program must include a certification of accuracy in
3 the amount reported for matching funds.

4 (5) The matching ratio for donations that are
5 specifically designated to support scholarships, student
6 loans, or need-based grants shall be \$1 of state funds to \$1
7 of local private funds.

8 (6) Otherwise, funds shall be proportionately
9 allocated to the community colleges on the basis of matching
10 each \$6 of local or private funds with \$4 of state funds. To
11 be eligible, a minimum of \$4,500 must be raised from private
12 sources.

13 (7) The community college board of trustees, in
14 conjunction with the donor, shall make the determination of
15 whether scholarships established pursuant to this program are
16 endowed.

17 (8)(a) Funds sufficient to provide the match shall be
18 transferred from the state appropriations to the local
19 community college foundation or the statewide community
20 college foundation upon notification that a proportionate
21 amount has been received and deposited by a community college
22 in its own trust fund.

23 (b) If state funds appropriated for the program are
24 insufficient to match contributions, the amount allocated
25 shall be reduced in proportion to its share of the total
26 eligible contributions. However, in making proportional
27 reductions, every community college shall receive a minimum of
28 \$75,000 in state matching funds if its eligible contributions
29 would have generated an amount at least equal to \$75,000. All
30 unmet contributions shall be eligible for state matching funds
31 in subsequent fiscal years.

1 (9) Each community college entity shall establish its
2 own matching grant program fund as a depository for the
3 private contributions and matching state funds provided under
4 this section. Community college foundations are responsible
5 for the maintenance, investment, and administration of their
6 matching grant program funds.

7 (10) The State Board of Education may receive
8 submissions of requests for matching funds and documentation
9 relating to those requests, may approve requests for matching
10 funds, and may allocate such funds to the community colleges.

11 (11) The board of trustees of the community college
12 and the State Board of Education are responsible for
13 determining the uses for the proceeds of their respective
14 trust funds. Such use of the proceeds shall include, but not
15 be limited to, expenditure of the funds for:

16 (a) Scientific and technical equipment.

17 (b) Scholarships, loans, or need-based grants.

18 (c) Other activities that will benefit future students
19 as well as students currently enrolled at the community
20 college, will improve the quality of education at the
21 community college, or will enhance economic development in the
22 community.

23 Section 682. Section 1011.86, Florida Statutes, is
24 created to read:

25 1011.86 Educational leadership enhancement grants.--

26 (1) State universities and community colleges may
27 submit proposals for educational leadership enhancement grants
28 to the Commissioner of Education. Proposals shall be funded
29 competitively.

30 (2) To be eligible for funding, proposals must create
31 programs designed to strengthen the academic and professional

1 coursework or executive management preparation of women and
2 minorities.

3 (3) Each proposal must include specific measurable
4 goals and objectives.

5 (4) The State Board of Education may adopt any rules
6 necessary to implement the provisions of this grant program.

7 (5) The grant program shall be implemented to the
8 extent funded in the General Appropriations Act.

9 Section 683. Part V of chapter 1011, Florida Statutes,
10 shall be entitled "Funding for Universities" and shall consist
11 of ss. 1011.90-1011.94.

12 Section 684. Section 1011.90, Florida Statutes, is
13 created to read:

14 1011.90 State university funding.--

15 (1) Planned enrollments for each university as
16 accepted or modified by the Legislature and program cost
17 categories shall be the basis for the allocation of
18 appropriated funds to the universities.

19 (2) In addition to enrollment-based appropriations,
20 categorical programs shall be established in universities
21 which are not directly related to planned student enrollment.
22 Such programs shall be based upon the assigned missions of the
23 institutions and shall include, but not be limited to,
24 research and public service programs and authority to spend
25 fee revenues collected pursuant to subsection (5) and s.
26 1009.24. Appropriations by the Legislature and allocations to
27 universities shall be based upon full costs, as determined
28 pursuant to subsection (1), and priorities established by the
29 Legislature.

30 (3) The Legislature by line item in an appropriations
31 act may identify programs of extraordinary quality for the

1 utilization of state funds to be matched by nonstate and
 2 nonfederal sources.

3 (4) The State Board of Education shall establish and
 4 validate a cost-estimating system consistent with the
 5 requirements of subsection (1) and shall report as part of its
 6 legislative budget request the actual expenditures for the
 7 fiscal year ending the previous June 30. Expenditure analysis,
 8 operating budgets, and annual financial statements of each
 9 university must be prepared using the standard financial
 10 reporting procedures and formats prescribed by the State Board
 11 of Education. These formats shall be the same as used for the
 12 2000-2001 fiscal year reports. Any revisions to these
 13 financial and reporting procedures and formats must be
 14 approved by the Executive Office of the Governor and the
 15 appropriations committees of the Legislature jointly under the
 16 provisions of s. 216.023(3). The State Board of Education
 17 shall continue to collect and maintain at a minimum the
 18 management information databases existing on June 30, 2002.
 19 The expenditure analysis report shall include total
 20 expenditures from all sources for the general operation of the
 21 university and shall be in such detail as needed to support
 22 the legislative budget request.

23 (5) If the actual enrollment for any university is
 24 less than planned enrollment by more than 5 percent for any 2
 25 consecutive fiscal years, the university enrollment plan for
 26 the next year shall be reduced. If actual enrollment exceeds
 27 planned enrollment by more than 5 percent, an explanation of
 28 the excess shall be provided with the next year's enrollment
 29 plan. The analysis of enrollment conducted for implementing
 30 this subsection shall be based on the categories of enrollment
 31 used in the education and general appropriation.

1 Section 685. Section 1011.91, Florida Statutes, is
2 created to read:

3 1011.91 Additional appropriation.--

4 (1) All moneys received by universities, other than
5 from state and federal sources, from student building and
6 capital improvement fees, and from vending machine
7 collections, are hereby appropriated to the use of the
8 respective universities collecting same, to be expended as the
9 university board of trustees may direct; however, the funds
10 shall not be expended except in pursuance of detailed budgets
11 filed with the State Board of Education and shall not be
12 expended for the construction or reconstruction of buildings
13 except as provided under s. 1013.74.

14 (2) All moneys received from vending machine
15 collections by universities shall be expended only as set
16 forth in detailed budgets approved by the State Board of
17 Education.

18 (3)(a) All moneys received by universities for the
19 Auxiliary Enterprises and Contracts, Grants and Donations
20 budget entities, and the self-insurance program authorized in
21 s. 1004.24, shall be exempt from the requirements of s.
22 216.023.

23 (b) No new state appropriation shall be obligated as a
24 source of matching funds for potential federal or private
25 contracts or grants. Upon the termination of any federal or
26 private contracts or grants, the state shall not be obligated
27 to provide continued funding for personnel or project costs
28 related to such contracts or grants.

29 Section 686. Section 1011.93, Florida Statutes, is
30 created to read:

31

1 1011.93 Pari-mutuel wagering funded research and
2 development programs.--Each fiscal year, the first \$250,000 of
3 the funds credited to the Pari-mutuel Wagering Trust Fund
4 shall be used to fund the establishment and implementation of
5 research and development programs at the University of
6 Florida. The University of Florida shall administer the
7 distribution of the funds. These programs must include, but
8 are not limited to:

9 (1) Research related to the breeding, health, feeding,
10 or training of dogs and horses.

11 (2) Development of continuing education programs for
12 individuals involved in the care and treatment of dogs and
13 horses at pari-mutuel facilities.

14 (3) Establishment of a postmortem evaluation program
15 for break-down injuries of dogs and horses.

16 (4) Research and development of helmet safety and the
17 improvement of jai alai equipment.

18 Section 687. Section 1011.94, Florida Statutes, is
19 created to read:

20 1011.94 Trust Fund for University Major Gifts.--

21 (1) There is established a Trust Fund for University
22 Major Gifts. The purpose of the trust fund is to enable each
23 university and New College to provide donors with an incentive
24 in the form of matching grants for donations for the
25 establishment of permanent endowments, which must be invested,
26 with the proceeds of the investment used to support libraries
27 and instruction and research programs, as defined by procedure
28 of the State Board of Education. All funds appropriated for
29 the challenge grants, new donors, major gifts, or eminent
30 scholars program must be deposited into the trust fund and
31 invested pursuant to s. 18.125 until the State Board of

1 Education allocates the funds to universities to match private
2 donations. Notwithstanding s. 216.301 and pursuant to s.
3 216.351, any undisbursed balance remaining in the trust fund
4 and interest income accruing to the portion of the trust fund
5 which is not matched and distributed to universities must
6 remain in the trust fund and be used to increase the total
7 funds available for challenge grants. The State Board of
8 Education may authorize any university to encumber the state
9 matching portion of a challenge grant from funds available
10 under s. 1011.45.

11 (2) The State Board of Education shall specify the
12 process for submission, documentation, and approval of
13 requests for matching funds, accountability for endowments and
14 proceeds of endowments, allocations to universities,
15 restrictions on the use of the proceeds from endowments, and
16 criteria used in determining the value of donations.

17 (3)(a) The State Board of Education shall allocate the
18 amount appropriated to the trust fund to each university and
19 New College based on the amount of the donation and the
20 restrictions applied to the donation.

21 (b) Donations for a specific purpose must be matched
22 in the following manner:

23 1. Each university that raises at least \$100,000 but
24 no more than \$599,999 from a private source must receive a
25 matching grant equal to 50 percent of the private
26 contribution.

27 2. Each university that raises a contribution of at
28 least \$600,000 but no more than \$1 million from a private
29 source must receive a matching grant equal to 70 percent of
30 the private contribution.

31

1 3. Each university that raises a contribution in
2 excess of \$1 million but no more than \$1.5 million from a
3 private source must receive a matching grant equal to 75
4 percent of the private contribution.

5 4. Each university that raises a contribution in
6 excess of \$1.5 million but no more than \$2 million from a
7 private source must receive a matching grant equal to 80
8 percent of the private contribution.

9 5. Each university that raises a contribution in
10 excess of \$2 million from a private source must receive a
11 matching grant equal to 100 percent of the private
12 contribution.

13 (c) The State Board of Education shall encumber state
14 matching funds for any pledged contributions, pro rata, based
15 on the requirements for state matching funds as specified for
16 the particular challenge grant and the amount of the private
17 donations actually received by the university for the
18 respective challenge grant.

19 (4) Matching funds may be provided for contributions
20 encumbered or pledged under the Eminent Scholars Act prior to
21 July 1, 1994, and for donations or pledges of any amount equal
22 to or in excess of the prescribed minimums which are pledged
23 for the purpose of this section.

24 (5)(a) Each university foundation and New College
25 Foundation shall establish a challenge grant account for each
26 challenge grant as a depository for private contributions and
27 state matching funds to be administered on behalf of the State
28 Board of Education, the university, or New College. State
29 matching funds must be transferred to a university foundation
30 or New College Foundation upon notification that the
31 university or New College has received and deposited the

1 amount specified in this section in a foundation challenge
2 grant account.

3 (b) The foundation serving a university and New
4 College Foundation each has the responsibility for the
5 maintenance and investment of its challenge grant account and
6 for the administration of the program on behalf of the
7 university or New College, pursuant to procedures specified by
8 the State Board of Education. Each foundation shall include in
9 its annual report to the State Board of Education information
10 concerning collection and investment of matching gifts and
11 donations and investment of the account.

12 (c) A donation of at least \$600,000 and associated
13 state matching funds may be used to designate an Eminent
14 Scholar Endowed Chair pursuant to procedures specified by the
15 State Board of Education.

16 (6) The donations, state matching funds, or proceeds
17 from endowments established under this section may not be
18 expended for the construction, renovation, or maintenance of
19 facilities or for the support of intercollegiate athletics.

20 Section 688. Chapter 1012, Florida Statutes, shall be
21 entitled "Personnel" and shall consist of ss.
22 1012.01-1012.992.

23 Section 689. Part I of chapter 1012, Florida Statutes,
24 shall be entitled "General Provisions" and shall consist of s.
25 1012.01.

26 Section 690. Section 1012.01, Florida Statutes, is
27 created to read:

28 1012.01 K-12 definitions.--Specific definitions shall
29 be as follows, and wherever such defined words or terms are
30 used in the Florida K-20 Education Code, they shall be used as
31 follows:

1 (1) SCHOOL OFFICERS.--The officers of the state system
2 of public education shall be the Commissioner of Education and
3 the members of the State Board of Education; and, for each
4 district school system, the officers shall be the district
5 school superintendent and members of the district school
6 board.

7 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
8 personnel" means any staff member whose function includes the
9 provision of direct instructional services to students.
10 Instructional personnel also includes personnel whose
11 functions provide direct support in the learning process of
12 students. Included in the classification of instructional
13 personnel are:

14 (a) Classroom teachers.--Classroom teachers are staff
15 members assigned the professional activity of instructing
16 students in courses in classroom situations, including basic
17 instruction, exceptional student education, career and
18 technical education, and adult education, including substitute
19 teachers.

20 (b) Student personnel services.--Student personnel
21 services include staff members responsible for: advising
22 students with regard to their abilities and aptitudes,
23 educational and occupational opportunities, and personal and
24 social adjustments; providing placement services; performing
25 educational evaluations; and similar functions. Included in
26 this classification are guidance counselors, social workers,
27 occupational/placement specialists, and school psychologists.

28 (c) Librarians/media specialists.--Librarians/media
29 specialists are staff members responsible for providing school
30 library media services. These employees are responsible for
31 evaluating, selecting, organizing, and managing media and

1 technology resources, equipment, and related systems;
 2 facilitating access to information resources beyond the
 3 school; working with teachers to make resources available in
 4 the instructional programs; assisting teachers and students in
 5 media productions; and instructing students in the location
 6 and use of information resources.

7 (d) Other instructional staff.--Other instructional
 8 staff are staff members who are part of the instructional
 9 staff but are not classified in one of the categories
 10 specified in paragraphs (a)-(c). Included in this
 11 classification are primary specialists, learning resource
 12 specialists, instructional trainers, adjunct educators
 13 certified pursuant to s. 1012.57, and similar positions.

14 (e) Education paraprofessionals.--Education
 15 paraprofessionals are individuals who are under the direct
 16 supervision of an instructional staff member, aiding the
 17 instructional process. Included in this classification are
 18 classroom paraprofessionals in regular instruction,
 19 exceptional education paraprofessionals, career education
 20 paraprofessionals, adult education paraprofessionals, library
 21 paraprofessionals, physical education and playground
 22 paraprofessionals, and other school-level paraprofessionals.

23 (3) ADMINISTRATIVE PERSONNEL.--"Administrative
 24 personnel" includes personnel who perform management
 25 activities such as developing broad policies for the school
 26 district and executing those policies through the direction of
 27 personnel at all levels within the district. Administrative
 28 personnel are generally high-level, responsible personnel who
 29 have been assigned the responsibilities of systemwide or
 30 schoolwide functions, such as district school superintendents,
 31 assistant superintendents, deputy superintendents, school

1 principals, assistant principals, technical center directors,
2 and others who perform management activities. Broad
3 classifications of administrative personnel are as follows:

4 (a) District-based instructional
5 administrators.--Included in this classification are persons
6 with district-level administrative or policymaking duties who
7 have broad authority for management policies and general
8 school district operations related to the instructional
9 program. Such personnel often report directly to the district
10 school superintendent and supervise other administrative
11 employees. This classification includes assistant, associate,
12 or deputy superintendents and directors of major instructional
13 areas, such as curriculum, federal programs such as Title I,
14 specialized instructional program areas such as exceptional
15 student education, career and technical education, and similar
16 areas.

17 (b) District-based noninstructional
18 administrators.--Included in this classification are persons
19 with district-level administrative or policymaking duties who
20 have broad authority for management policies and general
21 school district operations related to the noninstructional
22 program. Such personnel often report directly to the district
23 school superintendent and supervise other administrative
24 employees. This classification includes assistant, associate,
25 or deputy superintendents and directors of major
26 noninstructional areas, such as personnel, construction,
27 facilities, transportation, data processing, and finance.

28 (c) School administrators.--Included in this
29 classification are:

30 1. School principals or school directors who are staff
31 members performing the assigned activities as the

1 administrative head of a school and to whom have been
2 delegated responsibility for the coordination and
3 administrative direction of the instructional and
4 noninstructional activities of the school. This classification
5 also includes technical center directors.

6 2. Assistant principals who are staff members
7 assisting the administrative head of the school. This
8 classification also includes assistant principals for
9 curriculum and administration.

10 (4) YEAR OF SERVICE.--The minimum time which may be
11 recognized in administering the state program of education,
12 not including retirement, as a year of service by a school
13 employee shall be full-time actual service; and, beginning
14 July 1963, such service shall also include sick leave and
15 holidays for which compensation was received but shall exclude
16 all other types of leave and holidays for a total of more than
17 one-half of the number of days required for the normal
18 contractual period of service for the position held, which
19 shall be 196 days or longer, or the minimum required for the
20 district to participate in the Florida Education Finance
21 Program in the year service was rendered, or the equivalent
22 for service performed on a daily or hourly basis; provided,
23 further, that absence from duty after the date of beginning
24 service shall be covered by leave duly authorized and granted;
25 further, the school board shall have authority to establish a
26 different minimum for local district school purposes.

27 (5) SCHOOL VOLUNTEER.--A school volunteer is any
28 nonpaid person who may be appointed by a district school board
29 or its designee. School volunteers may include, but may not be
30 limited to, parents, senior citizens, students, and others who
31 assist the teacher or other members of the school staff.

1 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational
2 support employees" means employees whose job functions are
3 neither administrative nor instructional, yet whose work
4 supports the educational process.

5 (a) Other professional staff or
6 nonadministrative/noninstructional employees are staff members
7 who perform professional job functions which are
8 nonadministrative/noninstructional in nature and who are not
9 otherwise classified in this section. Included in this
10 classification are employees such as doctors, nurses,
11 attorneys, certified public accountants, and others
12 appropriate to the classification.

13 (b) Technicians are individuals whose occupations
14 require a combination of knowledge and manual skill which can
15 be obtained through about 2 years of post-high school
16 education, such as is offered in many technical institutes and
17 community colleges, or through equivalent on-the-job training.

18 (c) Clerical/secretarial workers are individuals whose
19 job requires skills and training in clerical-type work,
20 including activities such as preparing, transcribing,
21 systematizing, or preserving written communications and
22 reports or operating equipment performing those functions.
23 Included in this classification are secretaries, bookkeepers,
24 messengers, and office machine operators.

25 (d) Skilled crafts workers are individuals who perform
26 jobs which require special manual skill and a thorough and
27 comprehensive knowledge of the processes involved in the work
28 which is acquired through on-the-job training and experience
29 or through apprenticeship or other formal training programs.
30 Lead workers for the various skilled crafts areas shall be
31 included in this classification.

1 (e) Service workers are staff members performing a
2 service for which there are no formal qualifications,
3 including those responsible for: cleaning the buildings,
4 school plants, or supporting facilities; maintenance and
5 operation of such equipment as heating and ventilation
6 systems; preserving the security of school property; and
7 keeping the school plant safe for occupancy and use. Lead
8 workers in the various service areas shall be included in this
9 broad classification.

10 (7) MANAGERS.--"Managers" includes those staff members
11 who perform managerial and supervisory functions while usually
12 also performing general operations functions. Managers may be
13 either instructional or noninstructional in their
14 responsibility. They may direct employees' work, plan the work
15 schedule, control the flow and distribution of work or
16 materials, train employees, handle complaints, authorize
17 payments, and appraise productivity and efficiency of
18 employees. This classification includes coordinators and
19 supervisors working under the general direction of those staff
20 identified as district-based instructional or noninstructional
21 administrators.

22 Section 691. Part II of chapter 1012, Florida
23 Statutes, shall be entitled "K-20 Personnel Issues" and shall
24 consist of ss. 1012.05-1012.07.

25 Section 692. Section 1012.05, Florida Statutes, is
26 created to read:

27 1012.05 Teacher recruitment and retention.--

28 (1) The Department of Education, in cooperation with
29 teacher organizations, district personnel offices, and
30 schools, colleges, and departments of education in public and
31

1 nonpublic postsecondary educational institutions, shall
2 concentrate on the recruitment of qualified teachers.

3 (2) The Department of Education shall:

4 (a) Develop and implement a system for posting
5 teaching vacancies and establish a database of teacher
6 applicants that is accessible within and outside the state.

7 (b) Advertise in major newspapers, national
8 professional publications, and other professional publications
9 and in schools of education.

10 (c) Utilize state and nationwide toll-free numbers.

11 (d) Conduct periodic communications with district
12 personnel directors regarding applicants.

13 (e) Provide district access to the applicant database
14 by computer or telephone.

15 (f) Develop and distribute promotional materials
16 related to teaching as a career.

17 (g) Publish and distribute information pertaining to
18 employment opportunities, application procedures, teacher
19 certification, and teacher salaries.

20 (h) Provide information related to certification
21 procedures.

22 (i) Develop and sponsor the Florida Future Educator of
23 America Program throughout the state.

24 (j) Develop, in consultation with school district
25 staff including, but not limited to, district school
26 superintendents, district school board members, and district
27 human resources personnel, a long-range plan for educator
28 recruitment and retention.

29 (k) Identify best practices for retaining high-quality
30 teachers.

31

1 (1) Develop, in consultation with Workforce Florida,
2 Inc., and the Agency for Workforce Innovation, created
3 pursuant to ss. 445.004 and 20.50, respectively, a plan for
4 accessing and identifying available resources in the state's
5 workforce system for the purpose of enhancing teacher
6 recruitment and retention.

7 (3) The Department of Education, in cooperation with
8 district personnel offices, shall sponsor a job fair in a
9 central part of the state to match in-state educators and
10 out-of-state educators with teaching opportunities in this
11 state.

12 Section 693. Section 1012.06, Florida Statutes, is
13 created to read:

14 1012.06 Temporary assignment of professional staff
15 among K-20 system.--To facilitate economical and effective use
16 of professional staff, school districts, public postsecondary
17 educational institutions, and the Department of Education may
18 enter into written agreements assigning employees among
19 themselves. The purpose of the temporary assignment is to
20 bring staff together within the state system of education,
21 notwithstanding their current places of assignment or agencies
22 of employment, who possess specific or unique knowledge or
23 experience especially suited to solving specific problems,
24 developing new programs, or providing technical assistance on
25 specific tasks or programs.

26 (1) A person may be temporarily assigned for whatever
27 period of time is required for a specific task; however, no
28 assignment may be for a period of more than 2 years.

29 (2) A person on temporary assignment shall be
30 considered on temporary assignment duty to regular work
31 assignments of the sending agency; shall be entitled to all

1 benefits to which the person would otherwise be entitled,
2 including compensation for injury or disability; shall receive
3 the same salary and benefits as at the person's regular
4 assignment; and shall remain an employee of the permanent
5 employer for all purposes, except that the person shall be
6 supervised by the agency to which assigned. Payment of such
7 salary and benefits may be made by either agency as provided
8 in the assignment agreement.

9 (3) Travel and per diem expenses incurred while a
10 person is on temporary assignment shall be paid by the agency
11 to which the person is assigned. Round-trip travel and moving
12 expenses from the person's permanent location to the temporary
13 assignment may be paid by either agency, as provided in the
14 assignment agreement, for any assignment in excess of 3
15 months. Notwithstanding s. 112.061 to the contrary, a person
16 may be paid per diem expenses for any temporary assignment of
17 3 months or less.

18 Section 694. Section 1012.07, Florida Statutes, is
19 created to read:

20 1012.07 Identification of critical teacher shortage
21 areas.--

22 (1) As used in ss. 1009.57, 1009.58, and 1009.59, the
23 term "critical teacher shortage area" applies to mathematics,
24 science, career education, and high priority location areas.
25 The State Board of Education may identify career education
26 programs having critical teacher shortages. The State Board of
27 Education shall adopt rules pursuant to ss. 120.536(1) and
28 120.54, necessary to annually identify other critical teacher
29 shortage areas and high priority location areas. The state
30 board shall also consider teacher characteristics such as
31 ethnic background, race, and sex in determining critical

1 teacher shortage areas. School grade levels may also be
2 designated critical teacher shortage areas. Individual
3 district school boards may identify other critical teacher
4 shortage areas. Such shortages must be certified to and
5 approved by the State Board of Education. High priority
6 location areas shall be in high-density, low-economic urban
7 schools and low-density, low-economic rural schools and shall
8 include schools which meet criteria which include, but are not
9 limited to, the percentage of free lunches, the percentage of
10 students under Chapter I of the Education Consolidation and
11 Improvement Act of 1981, and the faculty attrition rate.

12 (2) This section shall be implemented only to the
13 extent as specifically funded and authorized by law.

14 Section 695. Part III of chapter 1012, Florida
15 Statutes, shall be entitled "Public Schools; Personnel" and
16 shall consist of ss. 1012.21-1012.798.

17 Section 696. Part III.a. of chapter 1012, Florida
18 Statutes, shall be entitled "Department of Education, District
19 School Board, District School Superintendent, and School
20 Principal Duties; Public School Personnel" and shall consist
21 of ss. 1012.21-1012.28.

22 Section 697. Section 1012.21, Florida Statutes, is
23 created to read:

24 1012.21 Department of Education duties; K-12
25 personnel.--

26 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In
27 cooperation with the Florida Department of Law Enforcement,
28 the Department of Education may periodically perform criminal
29 history record checks on individuals who hold a certificate
30 pursuant to s. 1012.56 or s. 1012.57.

31

1 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE
2 EMPLOYMENT WAS TERMINATED.--

3 (a) The Department of Education shall establish a
4 computer database containing the names of persons whose
5 employment is terminated under s. 1012.33(1)(a) or (4)(c),
6 which information shall be available to the district school
7 superintendents and their designees.

8 (b) Each district school superintendent shall report
9 to the Department of Education the name of any person
10 terminated under s. 1012.33(1)(a) or (4)(c) within 10 working
11 days after the date of final action by the district school
12 board on the termination, and the department shall immediately
13 enter the information in the computer records.

14 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE
15 TO CHILD SUPPORT DELINQUENCY.--The Department of Education
16 shall allow applicants for new or renewal certificates and
17 renewal certificateholders to be screened by the Title IV-D
18 child support agency pursuant to s. 409.2598 to assure
19 compliance with an obligation for support, as defined in s.
20 409.2554. The purpose of this section is to promote the
21 public policy of this state as established in s. 409.2551.
22 The department shall, when directed by the court, deny the
23 application of any applicant found to have a delinquent
24 support obligation. The department shall issue or reinstate
25 the certificate without additional charge to the
26 certificateholder when notified by the court that the
27 certificateholder has complied with the terms of the court
28 order. The department shall not be held liable for any
29 certificate denial or suspension resulting from the discharge
30 of its duties under this section.

31

1 (4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a
2 means of stimulating the professional improvement of personnel
3 in service, the Department of Education may call conferences
4 of personnel of the public schools on matters relating solely
5 to education, which conferences, if held on a school day
6 within the period of time covered by a contract, shall be
7 attended with pay by all who may be designated in the call of
8 the Department of Education, provided that the call of the
9 Department of Education may indicate that attendance is
10 optional, and that in any case of those absent from their
11 usual duties during the time of the conference, only those
12 actually in attendance at the conference shall be entitled to
13 pay for time covered by the conference.

14 (5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The
15 Department of Education shall, by rule, provide for a
16 School-Related Employee of the Year Program. In addition to
17 any other provision, the department shall include in such
18 rules that:

19 (a) The program shall apply to school-related
20 employees.

21 (b) The program shall be modeled after the Teacher of
22 the Year Program.

23 (c) One school-related employee of the year shall be
24 nominated by each district school board in the state.

25 (d) A selection process shall be instituted to select
26 the school-related employee of the year so that the top five
27 finalists receive awards under the program.

28 Section 698. Effective upon this act becoming a law,
29 section 1012.22, Florida Statutes, is created to read:

30 1012.22 Public school personnel; powers and duties of
31 the district school board.--The district school board shall:

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

6 (a) Positions, qualifications, and appointments.--

7 1. The district school board shall act upon written
8 recommendations submitted by the district school
9 superintendent for positions to be filled, for minimum
10 qualifications for personnel for the various positions, and
11 for the persons nominated to fill such positions.

12 2. The district school board may reject for good cause
13 any employee nominated.

14 3. If the third nomination by the district school
15 superintendent for any position is rejected for good cause, if
16 the district school superintendent fails to submit a
17 nomination for initial employment within a reasonable time as
18 prescribed by the district school board, or if the district
19 school superintendent fails to submit a nomination for
20 reemployment within the time prescribed by law, the district
21 school board may proceed on its own motion to fill such
22 position.

23 4. The district school board's decision to reject a
24 person's nomination does not give that person a right of
25 action to sue over the rejection and may not be used as a
26 cause of action by the nominated employee.

27 (b) Time to act on nominations.--The district school
28 board shall act not later than 3 weeks after the end of the
29 regular legislative session or May 31, whichever is later, on
30 the district school superintendent's nominations of
31

1 supervisors, principals, and members of the instructional
2 staff.

3 (c) Compensation and salary schedules.--

4 1. The district school board shall adopt a salary
5 schedule or salary schedules designed to furnish incentives
6 for improvement in training and for continued efficient
7 service to be used as a basis for paying all school employees
8 and fix and authorize the compensation of school employees on
9 the basis thereof.

10 2. A district school board, in determining the salary
11 schedule for instructional personnel, must base a portion of
12 each employee's compensation on performance demonstrated under
13 s. 1012.34, must consider the prior teaching experience of a
14 person who has been designated state teacher of the year by
15 any state in the United States, and must consider prior
16 professional experience in the field of education gained in
17 positions in addition to district level instructional and
18 administrative positions.

19 3. In developing the salary schedule, the district
20 school board shall seek input from parents, teachers, and
21 representatives of the business community.

22 4. By June 30, 2002, the adopted district school board
23 budget must include a reserve to fully fund an additional 5
24 percent supplement for school administrators and instructional
25 personnel. The district's performance-pay policy is subject to
26 negotiation as provided in chapter 447; however, the adopted
27 salary schedule must allow school administrators and
28 instructional personnel who demonstrate outstanding
29 performance, as measured under s. 1012.34, to earn a 5 percent
30 supplement in addition to their individual, negotiated salary.
31 The supplements shall be funded from the reserve funds adopted

1 in the salary schedule. The Commissioner of Education shall
2 determine whether the district school board's adopted salary
3 schedule complies with the requirement for performance-based
4 pay. If the district school board fails to comply with this
5 section, the commissioner shall withhold disbursements from
6 the Educational Enhancement Trust Fund to the district until
7 compliance is verified.

8 (d) Contracts and terms of service.--The district
9 school board shall provide written contracts for all regular
10 members of the instructional staff.

11 (e) Transfer and promotion.--The district school board
12 shall act on recommendations of the district school
13 superintendent regarding transfer and promotion of any
14 employee.

15 (f) Suspension, dismissal, and return to annual
16 contract status.--The district school board shall suspend,
17 dismiss, or return to annual contract members of the
18 instructional staff and other school employees; however, no
19 administrative assistant, supervisor, principal, teacher, or
20 other member of the instructional staff may be discharged,
21 removed, or returned to annual contract except as provided in
22 this chapter.

23 (g) Awards and incentives.--The district school board
24 shall provide for recognition of district employees, students,
25 school volunteers, and advisory committee members who have
26 contributed outstanding and meritorious service in their
27 fields or service areas. After considering recommendations of
28 the district school superintendent, the district school board
29 shall adopt rules establishing and regulating the meritorious
30 service awards necessary for the efficient operation of the
31 program. An award or incentive granted under this paragraph

1 may not be considered in determining the salary schedules
2 required by paragraph (c). Monetary awards shall be limited to
3 persons who propose procedures or ideas adopted by the board
4 which will result in eliminating or reducing district school
5 board expenditures or improving district or school center
6 operations. Nonmonetary awards shall include, but are not
7 limited to, certificates, plaques, medals, ribbons, and
8 photographs. The district school board may expend funds for
9 such recognition and awards. No award granted under this
10 paragraph shall exceed \$2,000 or 10 percent of the first
11 year's gross savings, whichever is greater.

12 (h) Planning and training time for teachers.--The
13 district school board may adopt rules to make provisions for
14 teachers to have time for lunch and some planning and training
15 time when they will not be directly responsible for the
16 children, provided that some adult supervision shall be
17 furnished for the students during such periods.

18 (i) Comprehensive program of staff development.--The
19 district school board shall establish a comprehensive program
20 of staff development.

21 (2) Adopt policies relating to personnel leave as
22 follows:

23 (a) Annual leave.--The district school board may adopt
24 rules that provide for the earning of annual leave by
25 employees, including educational support employees, who are
26 employed for 12 calendar months a year.

27 (b) Sick leave.--The district school board may adopt
28 rules relating to sick leave, in accordance with the
29 provisions of this chapter.

30 (c) Illness-in-line-of-duty leave.--The district
31 school board may adopt rules relating to

1 illness-in-the-line-of-duty leave, in accordance with the
2 provisions of this chapter.

3 (d) Sabbatical leave.--The district school board may
4 adopt rules relating to sabbatical leave, in accordance with
5 the provisions of this chapter.

6 Section 699. Section 1012.23, Florida Statutes, is
7 created to read:

8 1012.23 School district personnel policies.--Except as
9 otherwise provided by law or the State Constitution, district
10 school boards may adopt rules governing personnel matters,
11 including the assignment of duties and responsibilities for
12 all district employees.

13 Section 700. Section 1012.24, Florida Statutes, is
14 created to read:

15 1012.24 Employment and compensation of instructional
16 personnel during specific emergencies.--In the event of an
17 epidemic, strike, mass walkout, substantial numbers of teacher
18 resignations, or other urgent condition, a district school
19 board upon recommendation of the district school
20 superintendent may find and declare that an emergency exists
21 because there is not a sufficient number of certified teachers
22 to continue the normal operation of the schools within the
23 district. In said event the district school board may upon
24 recommendation of the district school superintendent employ,
25 contract with, and compensate for instructional services
26 rendered any person who shall be deemed qualified by
27 regulations of the district school board. In such event, a
28 state certificate to teach shall not be required for such
29 employment, contract, or compensation.

30 Section 701. Section 1012.25, Florida Statutes, is
31 created to read:

1 1012.25 School officers to turn over money and
2 property to successors.--Every school officer shall turn over
3 to his or her successor or successors in office, on retiring,
4 all books, papers, documents, records, funds, money, and
5 property of whatever kind which the officer may have acquired,
6 received, and held by virtue of his or her office and shall
7 take full receipt for them from his or her successor and shall
8 make in correct form all reports required by the state. No
9 school officer who receives any salary or compensation for his
10 or her services shall be entitled to be paid or compensated
11 for the last month served until the provisions of this section
12 have been fully observed. Any person violating the provisions
13 of this section shall forfeit his or her compensation for the
14 last month served and commits a misdemeanor of the second
15 degree, punishable as provided in s. 775.082 or s. 775.083.

16 Section 702. Section 1012.26, Florida Statutes, is
17 created to read:

18 1012.26 Legal services for employees; reimbursement
19 for judgments in civil actions.--Each district school board
20 may provide legal services for officers and employees of the
21 school board who are charged with civil or criminal actions
22 arising out of and in the course of the performance of
23 assigned duties and responsibilities. The district school
24 board shall provide for reimbursement of reasonable expenses
25 for legal services for officers and employees of school boards
26 who are charged with civil or criminal actions arising out of
27 and in the course of the performance of assigned duties and
28 responsibilities upon successful defense by the employee or
29 officer. However, in any case in which the officer or employee
30 pleads guilty or nolo contendere or is found guilty of any
31 such action, the officer or employee shall reimburse the

1 district school board for any legal services which the school
2 board may have supplied pursuant to this section. A district
3 school board may also reimburse an officer or employee of the
4 school board for any judgment which may be entered against him
5 or her in a civil action arising out of and in the course of
6 the performance of his or her assigned duties and
7 responsibilities. Each expenditure by a district school board
8 for legal defense of an officer or employee, or for
9 reimbursement pursuant to this section, shall be made at a
10 public meeting with notice pursuant to s. 120.525(1). The
11 provision of such legal services or reimbursement under the
12 conditions described above is declared to be a district school
13 purpose for which district school funds may be expended.

14 Section 703. Section 1012.27, Florida Statutes, is
15 created to read:

16 1012.27 Public school personnel; powers and duties of
17 district school superintendent.--The district school
18 superintendent shall be responsible, as required herein, for
19 directing the work of the personnel, subject to the
20 requirements of this chapter, and in addition the district
21 school superintendent shall have the following duties:

22 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

23 (a) Recommend to the district school board duties and
24 responsibilities which need to be performed and positions
25 which need to be filled to make possible the development of an
26 adequate school program in the district.

27 (b) Recommend minimum qualifications of personnel for
28 these various positions, and nominate in writing persons to
29 fill such positions.

30
31

1 The district school superintendent's recommendations for
 2 filling instructional positions at the school level must
 3 consider nominations received from school principals of the
 4 respective schools. Before transferring a teacher who holds a
 5 professional teaching certificate from one school to another,
 6 the district school superintendent shall consult with the
 7 principal of the receiving school and allow the principal to
 8 review the teacher's records and interview the teacher. If, in
 9 the judgment of the principal, students would not benefit from
 10 the placement, an alternative placement may be sought.

11 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
 12 recommend to the district school board for adoption a salary
 13 schedule or salary schedules. The district school
 14 superintendent must recommend a salary schedule for
 15 instructional personnel which bases a portion of each
 16 employee's compensation on performance demonstrated under s.
 17 1012.34. In developing the recommended salary schedule, the
 18 district school superintendent shall include input from
 19 parents, teachers, and representatives of the business
 20 community.

21 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
 22 district school board terms for contracting with employees and
 23 prepare such contracts as are approved.

24 (4) TRANSFER AND PROMOTIONS.--Recommend employees for
 25 transfer and transfer any employee during any emergency and
 26 report the transfer to the district school board at its next
 27 regular meeting.

28 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
 29 instructional staff and other school employees during
 30 emergencies for a period extending to and including the day of
 31 the next regular or special meeting of the district school

1 board and notify the district school board immediately of such
2 suspension. When authorized to do so, serve notice on the
3 suspended member of the instructional staff of charges made
4 against him or her and of the date of hearing. Recommend
5 employees for dismissal under the terms prescribed herein.

6 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
7 INSTRUCTION.--Direct or arrange for the proper direction and
8 improvement, under rules of the district school board, of the
9 work of all members of the instructional staff and other
10 employees of the district school system, supervise or arrange
11 under rules of the district school board for the supervision
12 of instruction in the district, and take such steps as are
13 necessary to bring about continuous improvement.

14 Section 704. Section 1012.28, Florida Statutes, is
15 created to read:

16 1012.28 Public school personnel; duties of school
17 principals.--

18 (1) Public school principals shall supervise public
19 school personnel as the district school board determines
20 necessary.

21 (2) The school principal is responsible for
22 recommending to the district school superintendent the
23 employment of instructional personnel to be assigned to the
24 school to which the principal is assigned.

25 (3) Each school principal is responsible for the
26 performance of all personnel employed by the district school
27 board and assigned to the school to which the principal is
28 assigned. The school principal shall faithfully and
29 effectively apply the personnel assessment system approved by
30 the district school board pursuant to s. 1012.34.

31

1 (4) Each school principal shall assist the teachers
2 within the school to use student assessment data, as measured
3 by student learning gains pursuant to s. 1008.22, for
4 self-evaluation.

5 (5) Each school principal shall perform such duties as
6 may be assigned by the district school superintendent,
7 pursuant to the rules of the district school board. Such rules
8 shall include, but are not limited to, rules relating to
9 administrative responsibility, instructional leadership in
10 implementing the Sunshine State Standards and the overall
11 educational program of the school to which the school
12 principal is assigned, submission of personnel recommendations
13 to the district school superintendent, administrative
14 responsibility for records and reports, administration of
15 corporal punishment, and student suspension.

16 (6) A school principal who fails to comply with this
17 section shall be ineligible for any portion the performance
18 pay policy incentive under s. 1012.22(1)(c).

19 Section 705. Part III.b. of chapter 1012, Florida
20 Statutes, shall be entitled "Personnel Files, Qualifications,
21 Contracts, Assessments for Public Schools" and shall consist
22 of ss. 1012.31-1012.34.

23 Section 706. Section 1012.31, Florida Statutes, is
24 created to read:

25 1012.31 Personnel files.--Public school system
26 employee personnel files shall be maintained according to the
27 following provisions:

28 (1)(a) Except for materials pertaining to work
29 performance or such other matters that may be cause for
30 discipline, suspension, or dismissal under laws of this state,
31 no derogatory materials relating to an employee's conduct,

1 service, character, or personality shall be placed in the
2 personnel file of such employee.

3 (b) No anonymous letter or anonymous materials shall
4 be placed in the personnel file.

5 (2)(a) Materials relating to work performance,
6 discipline, suspension, or dismissal must be reduced to
7 writing and signed by a person competent to know the facts or
8 make the judgment.

9 (b)1. No such materials may be placed in a personnel
10 file unless they have been reduced to writing within 45 days,
11 exclusive of the summer vacation period, of the school system
12 administration becoming aware of the facts reflected in the
13 materials.

14 2. Additional information related to such written
15 materials previously placed in the file may be appended to
16 such materials to clarify or amplify them as needed.

17 (c) A copy of such materials to be added to an
18 employee's personnel file shall be provided to the employee
19 either:

20 1. By certified mail, return receipt requested, to his
21 or her address of record; or

22 2. By personal delivery. The employee's signature on a
23 copy of the materials to be filed shall be proof that such
24 materials were given to the employee, with the understanding
25 that such signature merely signifies receipt and does not
26 necessarily indicate agreement with its contents.

27 (d) An employee has the right to answer in writing any
28 such materials in a personnel file on July 1, 1983, as well as
29 any such materials filed thereafter, and the answer shall be
30 attached to the file copy. An employee has the right to
31 request that the district school superintendent or the

1 superintendent's designee make an informal inquiry regarding
2 material in the employee's personnel file which the employee
3 believes to be false. The official who makes the inquiry shall
4 append to the material a written report of his or her
5 findings.

6 (e) Upon request, an employee, or any person
7 designated in writing by the employee, shall be permitted to
8 examine the personnel file of such employee. The employee
9 shall be permitted conveniently to reproduce any materials in
10 the file, at a cost no greater than the fees prescribed in s.
11 119.07(1).

12 (f) The custodian of the record shall maintain a
13 record in the file of those persons reviewing the file each
14 time it is reviewed.

15 (3)(a) Public school system employee personnel files
16 are subject to the provisions of s. 119.07(1), except as
17 follows:

18 1. Any complaint and any material relating to the
19 investigation of a complaint against an employee shall be
20 confidential and exempt from the provisions of s. 119.07(1)
21 until the conclusion of the preliminary investigation or until
22 such time as the preliminary investigation ceases to be
23 active. If the preliminary investigation is concluded with
24 the finding that there is no probable cause to proceed further
25 and with no disciplinary action taken or charges filed, a
26 statement to that effect signed by the responsible
27 investigating official shall be attached to the complaint, and
28 the complaint and all such materials shall be open thereafter
29 to inspection pursuant to s. 119.07(1). If the preliminary
30 investigation is concluded with the finding that there is
31 probable cause to proceed further or with disciplinary action

1 taken or charges filed, the complaint and all such materials
2 shall be open thereafter to inspection pursuant to s.
3 119.07(1). If the preliminary investigation ceases to be
4 active, the complaint and all such materials shall be open
5 thereafter to inspection pursuant to s. 119.07(1). For the
6 purpose of this subsection, a preliminary investigation shall
7 be considered active as long as it is continuing with a
8 reasonable, good faith anticipation that an administrative
9 finding will be made in the foreseeable future. An
10 investigation shall be presumed to be inactive if no finding
11 relating to probable cause is made within 60 days after the
12 complaint is made.

13 2. An employee evaluation prepared pursuant to s.
14 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the
15 State Board of Education or district school board under the
16 authority of those sections shall be confidential and exempt
17 from the provisions of s. 119.07(1) until the end of the
18 school year immediately following the school year in which the
19 evaluation was made. No evaluation prepared before July 1,
20 1983, shall be made public pursuant to this section.

21 3. No material derogatory to an employee shall be open
22 to inspection until 10 days after the employee has been
23 notified pursuant to paragraph (2)(c).

24 4. The payroll deduction records of an employee shall
25 be confidential and exempt from the provisions of s.
26 119.07(1).

27 5. Employee medical records, including psychiatric and
28 psychological records, shall be confidential and exempt from
29 the provisions of s. 119.07(1); however, at any hearing
30 relative to the competency or performance of an employee, the
31

1 administrative law judge, hearing officer, or panel shall have
2 access to such records.

3 (b) Notwithstanding other provisions of this
4 subsection, all aspects of the personnel file of each employee
5 shall be open to inspection at all times by district school
6 board members, the district school superintendent, and the
7 principal, or their respective designees, in the exercise of
8 their respective duties.

9 (c) Notwithstanding other provisions of this
10 subsection, all aspects of the personnel file of each employee
11 shall be made available to law enforcement personnel in the
12 conduct of a lawful criminal investigation.

13 (4) The term "personnel file," as used in this
14 section, means all records, information, data, or materials
15 maintained by a public school system, in any form or retrieval
16 system whatsoever, with respect to any of its employees, which
17 is uniquely applicable to that employee whether maintained in
18 one or more locations.

19 Section 707. Section 1012.32, Florida Statutes, is
20 created to read:

21 1012.32 Qualifications of personnel.--

22 (1) To be eligible for appointment in any position in
23 any district school system, a person shall be of good moral
24 character; shall have attained the age of 18 years, if he or
25 she is to be employed in an instructional capacity; and shall,
26 when required by law, hold a certificate or license issued
27 under rules of the State Board of Education or the Department
28 of Children and Family Services, except when employed pursuant
29 to s. 1012.55 or under the emergency provisions of s. 1012.24.
30 Previous residence in this state shall not be required in any
31 school of the state as a prerequisite for any person holding a

1 valid Florida certificate or license to serve in an
2 instructional capacity.

3 (2)(a) Instructional and noninstructional personnel
4 who are hired to fill positions requiring direct contact with
5 students in any district school system or university lab
6 school shall, upon employment, file a complete set of
7 fingerprints taken by an authorized law enforcement officer or
8 an employee of the school or district who is trained to take
9 fingerprints. These fingerprints shall be submitted to the
10 Department of Law Enforcement for state processing and to the
11 Federal Bureau of Investigation for federal processing. The
12 new employees shall be on probationary status pending
13 fingerprint processing and determination of compliance with
14 standards of good moral character. Employees found through
15 fingerprint processing to have been convicted of a crime
16 involving moral turpitude shall not be employed in any
17 position requiring direct contact with students. Probationary
18 employees terminated because of their criminal record shall
19 have the right to appeal such decisions. The cost of the
20 fingerprint processing may be borne by the district school
21 board or the employee.

22 (b) Personnel who have been fingerprinted or screened
23 pursuant to this subsection and who have not been unemployed
24 for more than 90 days shall not be required to be
25 refingerprinted or rescreened in order to comply with the
26 requirements of this subsection.

27 Section 708. Section 1012.33, Florida Statutes, is
28 created to read:

29 1012.33 Contracts with instructional staff,
30 supervisors, and school principals.--

31

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

1 4. For any person newly employed as a member of the
2 instructional staff after June 30, 1997, the initial annual
3 contract shall include a 97-day probationary period during
4 which time the employee's contract may be terminated without
5 cause or the employee may resign without breach of contract.

6 (b) The professional service contract shall be
7 effective at the beginning of the school fiscal year following
8 the completion of all requirements therefor.

9 (c) The period of service provided herein may be
10 extended to 4 years when prescribed by the district school
11 board and agreed to in writing by the employee at the time of
12 reappointment.

13 (d) A district school board may issue a continuing
14 contract prior to July 1, 1984, and may issue a professional
15 service contract subsequent to July 1, 1984, to any employee
16 who has previously held a professional service contract or
17 continuing contract in the same or another district within
18 this state. Any employee who holds a continuing contract may,
19 but is not required to, exchange such continuing contract for
20 a professional service contract in the same district.

21 (e) A professional service contract shall be renewed
22 each year unless the district school superintendent, after
23 receiving the recommendations required by s. 1012.34, charges
24 the employee with unsatisfactory performance and notifies the
25 employee of performance deficiencies as required by s.
26 1012.34. An employee who holds a professional service contract
27 on July 1, 1997, is subject to the procedures set forth in
28 paragraph (f) during the term of the existing professional
29 service contract. The employee is subject to the procedures
30 set forth in s. 1012.34(3)(d) upon the next renewal of the
31 professional service contract; however, if the employee is

1 notified of performance deficiencies before the next contract
2 renewal date, the procedures of s. 1012.34(3)(d) do not apply
3 until the procedures set forth in paragraph (f) have been
4 exhausted and the professional service contract is
5 subsequently renewed.

6 (f) The district school superintendent shall notify an
7 employee who holds a professional service contract on July 1,
8 1997, in writing, no later than 6 weeks prior to the end of
9 the postschool conference period, of performance deficiencies
10 which may result in termination of employment, if not
11 corrected during the subsequent year of employment (which
12 shall be granted for an additional year in accordance with the
13 provisions in subsection (1)). Except as otherwise hereinafter
14 provided, this action shall not be subject to the provisions
15 of chapter 120, but the following procedures shall apply:

16 1. On receiving notice of unsatisfactory performance,
17 the employee, on request, shall be accorded an opportunity to
18 meet with the district school superintendent, or his or her
19 designee, for an informal review of the determination of
20 unsatisfactory performance.

21 2. An employee notified of unsatisfactory performance
22 may request an opportunity to be considered for a transfer to
23 another appropriate position, with a different supervising
24 administrator, for the subsequent year of employment. If the
25 request for the transfer is granted, the district school
26 superintendent shall annually report to the department the
27 total number of employees transferred pursuant to this
28 subparagraph, where they were transferred, and what, if any,
29 remediation was implemented to remediate the unsatisfactory
30 performance.

31

1 3. During the subsequent year, the employee shall be
 2 provided assistance and inservice training opportunities to
 3 help correct the noted performance deficiencies. The employee
 4 shall also be evaluated periodically so that he or she will be
 5 kept apprised of progress achieved.

6 4. Not later than 6 weeks prior to the close of the
 7 postschool conference period of the subsequent year, the
 8 district school superintendent, after receiving and reviewing
 9 the recommendation required by s. 1012.34, shall notify the
 10 employee, in writing, whether the performance deficiencies
 11 have been corrected. If so, a new professional service
 12 contract shall be issued to the employee. If the performance
 13 deficiencies have not been corrected, the district school
 14 superintendent may notify the district school board and the
 15 employee, in writing, that the employee shall not be issued a
 16 new professional service contract; however, if the
 17 recommendation of the district school superintendent is not to
 18 issue a new professional service contract, and if the employee
 19 wishes to contest such recommendation, the employee will have
 20 15 days from receipt of the district school superintendent's
 21 recommendation to demand, in writing, a hearing. In such
 22 hearing, the employee may raise as an issue, among other
 23 things, the sufficiency of the district school
 24 superintendent's charges of unsatisfactory performance. Such
 25 hearing shall be conducted at the district school board's
 26 election in accordance with one of the following procedures:

27 a. A direct hearing conducted by the district school
 28 board within 60 days of receipt of the written appeal. The
 29 hearing shall be conducted in accordance with the provisions
 30 of ss. 120.569 and 120.57. A majority vote of the membership
 31 of the district school board shall be required to sustain the

1 district school superintendent's recommendation. The
2 determination of the district school board shall be final as
3 to the sufficiency or insufficiency of the grounds for
4 termination of employment; or

5 b. A hearing conducted by an administrative law judge
6 assigned by the Division of Administrative Hearings of the
7 Department of Management Services. The hearing shall be
8 conducted within 60 days of receipt of the written appeal in
9 accordance with chapter 120. The recommendation of the
10 administrative law judge shall be made to the district school
11 board. A majority vote of the membership of the district
12 school board shall be required to sustain or change the
13 administrative law judge's recommendation. The determination
14 of the district school board shall be final as to the
15 sufficiency or insufficiency of the grounds for termination of
16 employment.

17 (g) Beginning July 1, 2001, for each employee who
18 enters into a written contract, pursuant to this section, in a
19 school district in which the employee was not employed as of
20 June 30, 2001, for purposes of pay, a district school board
21 must recognize and accept each year of full-time public school
22 and charter school teaching service earned in the State of
23 Florida or outside the state and for which the employee
24 received a satisfactory performance evaluation. Instructional
25 personnel employed pursuant to s. 121.091(9)(b)3. are exempt
26 from the provisions of this paragraph.

27 (4)(a) An employee who had continuing contract status
28 prior to July 1, 1984, shall be entitled to retain such
29 contract and all rights arising therefrom as prescribed by
30 rules of the State Board of Education adopted pursuant to s.
31

1 231.36, Florida Statutes (1981), unless the employee
 2 voluntarily relinquishes his or her continuing contract.
 3 (b) Any member of the district administrative or
 4 supervisory staff and any member of the instructional staff,
 5 including any school principal, who is under continuing
 6 contract may be dismissed or may be returned to annual
 7 contract status for another 3 years in the discretion of the
 8 district school board, at the end of the school year, when a
 9 recommendation to that effect is submitted in writing to the
 10 district school board on or before April 1 of any school year,
 11 giving good and sufficient reasons therefor, by the district
 12 school superintendent, by the school principal if his or her
 13 contract is not under consideration, or by a majority of the
 14 district school board. The employee whose contract is under
 15 consideration shall be duly notified in writing by the party
 16 or parties preferring the charges at least 5 days prior to the
 17 filing of the written recommendation with the district school
 18 board, and such notice shall include a copy of the charges and
 19 the recommendation to the district school board. The district
 20 school board shall proceed to take appropriate action. Any
 21 decision adverse to the employee shall be made by a majority
 22 vote of the full membership of the district school board. Any
 23 such decision adverse to the employee may be appealed by the
 24 employee pursuant to s. 120.68.
 25 (c) Any member of the district administrative or
 26 supervisory staff and any member of the instructional staff,
 27 including any school principal, who is under continuing
 28 contract may be suspended or dismissed at any time during the
 29 school year; however, the charges against him or her must be
 30 based on immorality, misconduct in office, incompetency, gross
 31 insubordination, willful neglect of duty, drunkenness, or

1 conviction of a crime involving moral turpitude, as these
 2 terms are defined by rule of the State Board of Education.
 3 Whenever such charges are made against any such employee of
 4 the district school board, the district school board may
 5 suspend such person without pay; but, if the charges are not
 6 sustained, he or she shall be immediately reinstated, and his
 7 or her back salary shall be paid. In cases of suspension by
 8 the district school board or by the district school
 9 superintendent, the district school board shall determine upon
 10 the evidence submitted whether the charges have been sustained
 11 and, if the charges are sustained, shall determine either to
 12 dismiss the employee or fix the terms under which he or she
 13 may be reinstated. If such charges are sustained by a majority
 14 vote of the full membership of the district school board and
 15 such employee is discharged, his or her contract of employment
 16 shall be thereby canceled. Any such decision adverse to the
 17 employee may be appealed by the employee pursuant to s.
 18 120.68, provided such appeal is filed within 30 days after the
 19 decision of the district school board.

20 (5) Should a district school board have to choose from
 21 among its personnel who are on continuing contracts or
 22 professional service contracts as to which should be retained,
 23 such decisions shall be made pursuant to the terms of a
 24 collectively bargained agreement, when one exists. If no such
 25 agreement exists, the district school board shall prescribe
 26 rules to handle reductions in workforce.

27 (6)(a) Any member of the instructional staff,
 28 excluding an employee specified in subsection (4), may be
 29 suspended or dismissed at any time during the term of the
 30 contract for just cause as provided in paragraph (1)(a). The
 31 district school board must notify the employee in writing

1 whenever charges are made against the employee and may suspend
 2 such person without pay; but, if the charges are not
 3 sustained, the employee shall be immediately reinstated, and
 4 his or her back salary shall be paid. If the employee wishes
 5 to contest the charges, the employee must, within 15 days
 6 after receipt of the written notice, submit a written request
 7 for a hearing. Such hearing shall be conducted at the district
 8 school board's election in accordance with one of the
 9 following procedures:

10 1. A direct hearing conducted by the district school
 11 board within 60 days after receipt of the written appeal. The
 12 hearing shall be conducted in accordance with the provisions
 13 of ss. 120.569 and 120.57. A majority vote of the membership
 14 of the district school board shall be required to sustain the
 15 district school superintendent's recommendation. The
 16 determination of the district school board shall be final as
 17 to the sufficiency or insufficiency of the grounds for
 18 termination of employment; or

19 2. A hearing conducted by an administrative law judge
 20 assigned by the Division of Administrative Hearings of the
 21 Department of Management Services. The hearing shall be
 22 conducted within 60 days after receipt of the written appeal
 23 in accordance with chapter 120. The recommendation of the
 24 administrative law judge shall be made to the district school
 25 board. A majority vote of the membership of the district
 26 school board shall be required to sustain or change the
 27 administrative law judge's recommendation. The determination
 28 of the district school board shall be final as to the
 29 sufficiency or insufficiency of the grounds for termination of
 30 employment.
 31

1 Any such decision adverse to the employee may be appealed by
2 the employee pursuant to s. 120.68, provided such appeal is
3 filed within 30 days after the decision of the district school
4 board.

5 (b) Any member of the district administrative or
6 supervisory staff, including any principal but excluding an
7 employee specified in subsection (4), may be suspended or
8 dismissed at any time during the term of the contract;
9 however, the charges against him or her must be based on
10 immorality, misconduct in office, incompetency, gross
11 insubordination, willful neglect of duty, drunkenness, or
12 conviction of any crime involving moral turpitude, as these
13 terms are defined by rule of the State Board of Education.
14 Whenever such charges are made against any such employee of
15 the district school board, the district school board may
16 suspend the employee without pay; but, if the charges are not
17 sustained, he or she shall be immediately reinstated, and his
18 or her back salary shall be paid. In cases of suspension by
19 the district school board or by the district school
20 superintendent, the district school board shall determine upon
21 the evidence submitted whether the charges have been sustained
22 and, if the charges are sustained, shall determine either to
23 dismiss the employee or fix the terms under which he or she
24 may be reinstated. If such charges are sustained by a
25 majority vote of the full membership of the district school
26 board and such employee is discharged, his or her contract of
27 employment shall be thereby canceled. Any such decision
28 adverse to the employee may be appealed by him or her pursuant
29 to s. 120.68, provided such appeal is filed within 30 days
30 after the decision of the district school board.

31

1 (7) The district school board of any given district
2 shall grant continuing service credit for time spent
3 performing duties as a member of the Legislature to any
4 district employee who possesses a professional service
5 contract, multiyear contract, or continuing contract.

6 (8) Notwithstanding any other provision of law, any
7 member who has retired may interrupt retirement and be
8 reemployed in any public school. Any member so reemployed by
9 the same district from which he or she retired may be employed
10 on a probationary contractual basis as provided in subsection
11 (1); however, no regular retirement employee shall be eligible
12 to renew membership under a retirement system created by
13 chapter 121 or chapter 238.

14 Section 709. Section 1012.34, Florida Statutes, is
15 created to read:

16 1012.34 Assessment procedures and criteria.--

17 (1) For the purpose of improving the quality of
18 instructional, administrative, and supervisory services in the
19 public schools of the state, the district school
20 superintendent shall establish procedures for assessing the
21 performance of duties and responsibilities of all
22 instructional, administrative, and supervisory personnel
23 employed by the school district. The Department of Education
24 must approve each district's instructional personnel
25 assessment system.

26 (2) The following conditions must be considered in the
27 design of the district's instructional personnel assessment
28 system:

29 (a) The system must be designed to support district
30 and school level improvement plans.

31

1 (b) The system must provide appropriate instruments,
2 procedures, and criteria for continuous quality improvement of
3 the professional skills of instructional personnel.

4 (c) The system must include a mechanism to give
5 parents an opportunity to provide input into employee
6 performance assessments when appropriate.

7 (d) In addition to addressing generic teaching
8 competencies, districts must determine those teaching fields
9 for which special procedures and criteria will be developed.

10 (e) Each district school board may establish a peer
11 assistance process. The plan may provide a mechanism for
12 assistance of persons who are placed on performance probation
13 as well as offer assistance to other employees who request it.

14 (f) The district school board shall provide training
15 programs that are based upon guidelines provided by the
16 Department of Education to ensure that all individuals with
17 evaluation responsibilities understand the proper use of the
18 assessment criteria and procedures.

19 (3) The assessment procedure for instructional
20 personnel and school administrators must be primarily based on
21 the performance of students assigned to their classrooms or
22 schools, as appropriate. The procedures must comply with, but
23 are not limited to, the following requirements:

24 (a) An assessment must be conducted for each employee
25 at least once a year. The assessment must be based upon sound
26 educational principles and contemporary research in effective
27 educational practices. The assessment must primarily use data
28 and indicators of improvement in student performance assessed
29 annually as specified in s. 1008.22 and may consider results
30 of peer reviews in evaluating the employee's performance.
31 Student performance must be measured by state assessments

1 required under s. 1008.22 and by local assessments for
2 subjects and grade levels not measured by the state assessment
3 program. The assessment criteria must include, but are not
4 limited to, indicators that relate to the following:

5 1. Performance of students.

6 2. Ability to maintain appropriate discipline.

7 3. Knowledge of subject matter. The district school
8 board shall make special provisions for evaluating teachers
9 who are assigned to teach out-of-field.

10 4. Ability to plan and deliver instruction, including
11 the use of technology in the classroom.

12 5. Ability to evaluate instructional needs.

13 6. Ability to establish and maintain a positive
14 collaborative relationship with students' families to increase
15 student achievement.

16 7. Other professional competencies, responsibilities,
17 and requirements as established by rules of the State Board of
18 Education and policies of the district school board.

19 (b) All personnel must be fully informed of the
20 criteria and procedures associated with the assessment process
21 before the assessment takes place.

22 (c) The individual responsible for supervising the
23 employee must assess the employee's performance. The evaluator
24 must submit a written report of the assessment to the district
25 school superintendent for the purpose of reviewing the
26 employee's contract. The evaluator must submit the written
27 report to the employee no later than 10 days after the
28 assessment takes place. The evaluator must discuss the written
29 report of assessment with the employee. The employee shall
30 have the right to initiate a written response to the
31

1 assessment, and the response shall become a permanent
2 attachment to his or her personnel file.

3 (d) If an employee is not performing his or her duties
4 in a satisfactory manner, the evaluator shall notify the
5 employee in writing of such determination. The notice must
6 describe such unsatisfactory performance and include notice of
7 the following procedural requirements:

8 1. Upon delivery of a notice of unsatisfactory
9 performance, the evaluator must confer with the employee, make
10 recommendations with respect to specific areas of
11 unsatisfactory performance, and provide assistance in helping
12 to correct deficiencies within a prescribed period of time.

13 2.a. If the employee holds a professional service
14 contract as provided in s. 1012.33, the employee shall be
15 placed on performance probation and governed by the provisions
16 of this section for 90 calendar days following the receipt of
17 the notice of unsatisfactory performance to demonstrate
18 corrective action. School holidays and school vacation periods
19 are not counted when calculating the 90-calendar-day period.
20 During the 90 calendar days, the employee who holds a
21 professional service contract must be evaluated periodically
22 and apprised of progress achieved and must be provided
23 assistance and inservice training opportunities to help
24 correct the noted performance deficiencies. At any time during
25 the 90 calendar days, the employee who holds a professional
26 service contract may request a transfer to another appropriate
27 position with a different supervising administrator; however,
28 a transfer does not extend the period for correcting
29 performance deficiencies.

30 b. Within 14 days after the close of the 90 calendar
31 days, the evaluator must assess whether the performance

1 deficiencies have been corrected and forward a recommendation
 2 to the district school superintendent. Within 14 days after
 3 receiving the evaluator's recommendation, the district school
 4 superintendent must notify the employee who holds a
 5 professional service contract in writing whether the
 6 performance deficiencies have been satisfactorily corrected
 7 and whether the district school superintendent will recommend
 8 that the district school board continue or terminate his or
 9 her employment contract. If the employee wishes to contest the
 10 district school superintendent's recommendation, the employee
 11 must, within 15 days after receipt of the district school
 12 superintendent's recommendation, submit a written request for
 13 a hearing. The hearing shall be conducted at the district
 14 school board's election in accordance with one of the
 15 following procedures:

16 (I) A direct hearing conducted by the district school
 17 board within 60 days after receipt of the written appeal. The
 18 hearing shall be conducted in accordance with the provisions
 19 of ss. 120.569 and 120.57. A majority vote of the membership
 20 of the district school board shall be required to sustain the
 21 district school superintendent's recommendation. The
 22 determination of the district school board shall be final as
 23 to the sufficiency or insufficiency of the grounds for
 24 termination of employment; or

25 (II) A hearing conducted by an administrative law
 26 judge assigned by the Division of Administrative Hearings of
 27 the Department of Management Services. The hearing shall be
 28 conducted within 60 days after receipt of the written appeal
 29 in accordance with chapter 120. The recommendation of the
 30 administrative law judge shall be made to the district school
 31 board. A majority vote of the membership of the district

1 school board shall be required to sustain or change the
2 administrative law judge's recommendation. The determination
3 of the district school board shall be final as to the
4 sufficiency or insufficiency of the grounds for termination of
5 employment.

6 (4) The district school superintendent shall notify
7 the department of any instructional personnel who receive two
8 consecutive unsatisfactory evaluations and who have been given
9 written notice by the district that their employment is being
10 terminated or is not being renewed or that the district school
11 board intends to terminate, or not renew, their employment.
12 The department shall conduct an investigation to determine
13 whether action shall be taken against the certificateholder
14 pursuant to s. 1012.795(1)(b).

15 (5) The district school superintendent shall develop a
16 mechanism for evaluating the effective use of assessment
17 criteria and evaluation procedures by administrators who are
18 assigned responsibility for evaluating the performance of
19 instructional personnel. The use of the assessment and
20 evaluation procedures shall be considered as part of the
21 annual assessment of the administrator's performance. The
22 system must include a mechanism to give parents and teachers
23 an opportunity to provide input into the administrator's
24 performance assessment, when appropriate.

25 (6) Nothing in this section shall be construed to
26 grant a probationary employee a right to continued employment
27 beyond the term of his or her contract.

28 (7) The district school board shall establish a
29 procedure annually reviewing instructional personnel
30 assessment systems to determine compliance with this section.
31 All substantial revisions to an approved system must be

1 reviewed and approved by the district school board before
2 being used to assess instructional personnel. Upon request by
3 a school district, the department shall provide assistance in
4 developing, improving, or reviewing an assessment system.

5 (8) The State Board of Education shall adopt rules
6 pursuant to ss. 120.536(1) and 120.54, that establish uniform
7 guidelines for the submission, review, and approval of
8 district procedures for the annual assessment of instructional
9 personnel and that include criteria for evaluating
10 professional performance.

11 Section 710. Part III.c. of chapter 1012, Florida
12 Statutes, shall be entitled "Personnel, Instructional and
13 Noninstructional; Authorization; Requirements" and shall
14 consist of ss. 1012.35-1012.46.

15 Section 711. Section 1012.35, Florida Statutes, is
16 created to read:

17 1012.35 Substitute teachers.--Each district school
18 board shall adopt rules prescribing the compensation of, and
19 the procedure for employment of, substitute teachers. Such
20 procedure for employment shall include, but is not limited to,
21 the filing of a complete set of fingerprints as required in s.
22 1012.32.

23 Section 712. Section 1012.36, Florida Statutes, is
24 created to read:

25 1012.36 Part-time teachers.--

26 (1) District school boards may hire certified and
27 qualified personnel as provided in ss. 1012.39 and 1012.57 to
28 teach a specified number of periods, which may be less than a
29 full school day or less than a full school year.

30 (2) Assigned additional school duties and salaries
31 shall be given in direct ratio to the number of periods

1 taught. Other benefits shall be provided by district school
2 board rule or, if applicable, pursuant to chapter 447.

3 Section 713. Section 1012.37, Florida Statutes, is
4 created to read:

5 1012.37 Education paraprofessionals.--A district
6 school board may appoint education paraprofessionals to assist
7 members of the instructional staff in carrying out their
8 duties and responsibilities. An education paraprofessional
9 shall not be required to hold a teaching certificate. An
10 education paraprofessional, while rendering services under the
11 supervision of a certified teacher, shall be accorded the same
12 protection of laws as that accorded the certified teacher.
13 Paid education paraprofessionals employed by a district school
14 board shall be entitled to the same rights as those accorded
15 noninstructional employees of the district school board.

16 Section 714. Section 1012.38, Florida Statutes, is
17 created to read:

18 1012.38 Education paraprofessional career
19 development.--

20 (1)(a) Each school district may adopt a program for
21 the career development of education paraprofessionals. The
22 purpose of the program is to provide to education
23 paraprofessionals a system of career development which is
24 based upon education and training advancement, and to furnish
25 economic incentives to encourage excellence among education
26 paraprofessionals.

27 (b) The adoption of each program is subject to chapter
28 447, and the implementation of a program is contingent upon
29 the agreement and ratification of the program by both the
30 employer and employees under s. 447.309.

31

1 (2) A district education paraprofessional career
2 development program must include voluntary participation by
3 paraprofessionals in five career development levels. The
4 district school board shall adopt a procedure for verifying
5 the competency levels of all persons who participate in the
6 career development program and a procedure to determine the
7 outcomes and results of the program and impact on student
8 performance.

9 (3)(a) Level I.--To qualify for Level I, the person
10 must meet:

11 1. The health requirement established for certified
12 personnel.

13 2. The age requirements for certified personnel.

14 3. The local school district requirements for
15 employment.

16 (b) Level II.--To qualify for Level II, the person
17 must:

18 1. Have earned a high school diploma or the
19 equivalent.

20 2. Possess a clear understanding of state and district
21 rules and policies relevant to paraprofessionals.

22 3. Possess knowledge of all state and district
23 instructional practices and policies relevant to
24 paraprofessionals.

25 4. Have maintained satisfactory job performance of
26 appropriate skills and competencies for 1 year.

27 (c) Level III.--To qualify for Level III, the person
28 must:

29 1. Have completed 30 college semester hours or the
30 equivalent inservice hours.

31

1 2. Possess a clear understanding of state and district
2 rules and policies relevant to paraprofessionals.

3 3. Possess knowledge of all state and district
4 instructional practices and policies relevant to
5 paraprofessionals.

6 4. Have maintained satisfactory job performance of
7 appropriate skills and competencies for 2 years.

8 (d) Level IV.--To qualify for Level IV, the person
9 must:

10 1. Have completed 60 college semester hours or the
11 equivalent inservice hours.

12 2. Possess a clear understanding of state and district
13 rules and policies relevant to paraprofessionals.

14 3. Possess knowledge of all state and district
15 instructional practices and policies relevant to
16 paraprofessionals.

17 4. Have maintained satisfactory job performance of
18 appropriate skills and competencies for 2 years.

19 (e) Level V.--To qualify for Level V, the person must:

20 1. Have completed coursework to earn a bachelor of
21 arts or bachelor of science degree from an accredited
22 institution pursuant to s. 1012.56(2)(c).

23 2. Possess a clear understanding of state and district
24 rules and policies relevant to paraprofessionals.

25 3. Possess knowledge of all state and district
26 instructional practices and policies relevant to
27 paraprofessionals.

28 4. Have maintained satisfactory job performance of
29 appropriate skills and competencies for 2 years.

30 (4) Paraprofessionals may not:

31 (a) Establish instructional objectives;

1 (b) Make decisions regarding the relevancy of certain
2 activities or procedures to the attainment of instructional
3 objectives;

4 (c) Make decisions regarding the appropriateness of
5 certain teaching materials for accomplishing instructional
6 objectives; or

7 (d) Make judgments regarding the attainment of
8 instructional objectives unless these judgments are based upon
9 clear and objective criteria, such as specific achievement
10 standards on a true-false test.

11 Section 715. Section 1012.39, Florida Statutes, is
12 created to read:

13 1012.39 Employment of substitute teachers, teachers of
14 adult education, nondegreed teachers of career education, and
15 career specialists; students performing clinical field
16 experience.--

17 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
18 1012.57, or any other provision of law or rule to the
19 contrary, each district school board shall establish the
20 minimal qualifications for:

21 (a) Substitute teachers to be employed pursuant to s.
22 1012.35. The qualifications shall require the filing of a
23 complete set of fingerprints in the same manner as required by
24 s. 1012.32.

25 (b) Part-time and full-time teachers in adult
26 education programs. The qualifications shall require the
27 filing of a complete set of fingerprints in the same manner as
28 required by s. 1012.32. Faculty employed solely to conduct
29 postsecondary instruction may be exempted from this
30 requirement.

31

1 (c) Part-time and full-time nondegreed teachers of
2 career and technical programs. Qualifications shall be
3 established for agriculture, business, health occupations,
4 family and consumer sciences, industrial, marketing, career
5 specialist, and public service education teachers, based
6 primarily on successful occupational experience rather than
7 academic training. The qualifications for such teachers shall
8 require:

9 1. The filing of a complete set of fingerprints in the
10 same manner as required by s. 1012.32. Faculty employed solely
11 to conduct postsecondary instruction may be exempted from this
12 requirement.

13 2. Documentation of education and successful
14 occupational experience including documentation of:

15 a. A high school diploma or the equivalent.

16 b. Completion of 6 years of full-time successful
17 occupational experience or the equivalent of part-time
18 experience in the teaching specialization area. Alternate
19 means of determining successful occupational experience may be
20 established by the district school board.

21 c. Completion of career education training conducted
22 through the local school district inservice master plan.

23 d. For full-time teachers, completion of professional
24 education training in teaching methods, course construction,
25 lesson planning and evaluation, and teaching special needs
26 students. This training may be completed through coursework
27 from an accredited or approved institution or an approved
28 district teacher education program.

29 e. Demonstration of successful teaching performance.

30 (2) Substitute, adult education, and nondegreed career
31 education teachers who are employed pursuant to this section

1 shall have the same rights and protection of laws as certified
2 teachers.

3 (3) A student who is enrolled in a state-approved
4 teacher preparation program in a postsecondary educational
5 institution that is approved by rules of the State Board of
6 Education and who is jointly assigned by the postsecondary
7 educational institution and a district school board to perform
8 a clinical field experience under the direction of a regularly
9 employed and certified educator shall, while serving such
10 supervised clinical field experience, be accorded the same
11 protection of law as that accorded to the certified educator
12 except for the right to bargain collectively as an employee of
13 the district school board.

14 Section 716. Section 1012.40, Florida Statutes, is
15 created to read:

16 1012.40 Educational support employees.--

17 (1) As used in this section:

18 (a) "Educational support employee" means any person
19 employed by a district school system who is employed as a
20 teacher assistant, an education paraprofessional, a member of
21 the transportation department, a member of the operations
22 department, a member of the maintenance department, a member
23 of food service, a secretary, or a clerical employee, or any
24 other person who by virtue of his or her position of
25 employment is not required to be certified by the Department
26 of Education or district school board pursuant to s. 1012.39.
27 This section does not apply to persons employed in
28 confidential or management positions. This section applies to
29 all employees who are not temporary or casual and whose duties
30 require 20 or more hours in each normal working week.

1 (b) "Employee" means any person employed as an
2 educational support employee.

3 (2)(a) Each educational support employee shall be
4 employed on probationary status for a period to be determined
5 through the appropriate collective bargaining agreement or by
6 district school board rule in cases where a collective
7 bargaining agreement does not exist.

8 (b) Upon successful completion of the probationary
9 period by the employee, the employee's status shall continue
10 from year to year unless the district school superintendent
11 terminates the employee for reasons stated in the collective
12 bargaining agreement, or in district school board rule in
13 cases where a collective bargaining agreement does not exist,
14 or reduces the number of employees on a districtwide basis for
15 financial reasons.

16 (c) In the event a district school superintendent
17 seeks termination of an employee, the district school board
18 may suspend the employee with or without pay. The employee
19 shall receive written notice and shall have the opportunity to
20 formally appeal the termination. The appeals process shall be
21 determined by the appropriate collective bargaining process or
22 by district school board rule in the event there is no
23 collective bargaining agreement.

24 Section 717. Section 1012.41, Florida Statutes, is
25 created to read:

26 1012.41 Employment of directors of career and
27 technical education.--In order to receive state funding, each
28 district school board that employs at least 15 full-time
29 equivalent career and technical teachers must employ a
30 director of career and technical education who meets the
31 certification requirements established by the State Board of

1 Education. The directors shall be directly accountable to the
2 district school superintendent, or his or her designee, for
3 the planning and implementation of career and technical
4 programs. Two or more district school boards may employ a
5 single director.

6 Section 718. Section 1012.42, Florida Statutes, is
7 created to read:

8 1012.42 Teacher teaching out-of-field.--

9 (1) ASSISTANCE.--Each district school board shall
10 adopt and implement a plan to assist any teacher teaching
11 out-of-field, and priority consideration in professional
12 development activities shall be given to teachers who are
13 teaching out-of-field. The district school board shall require
14 that such teachers participate in a certification or staff
15 development program designed to provide the teacher with the
16 competencies required for the assigned duties. The
17 board-approved assistance plan must include duties of
18 administrative personnel and other instructional personnel to
19 provide students with instructional services. Each district
20 school board shall contact its regional workforce board,
21 created pursuant to s. 445.007, to identify resources that may
22 assist teachers who are teaching out-of-field and who are
23 pursuing certification.

24 (2) NOTIFICATION REQUIREMENTS.--When a teacher in a
25 district school system is assigned teaching duties in a class
26 dealing with subject matter that is outside the field in which
27 the teacher is certified, outside the field that was the
28 applicant's minor field of study, or outside the field in
29 which the applicant has demonstrated sufficient subject area
30 expertise, as determined by district school board policy in
31

1 the subject area to be taught, the parents of all students in
2 the class shall be notified in writing of such assignment.

3 Section 719. Section 1012.43, Florida Statutes, is
4 created to read:

5 1012.43 Career and technical teachers.--

6 (1) Career and technical teachers and other teachers
7 who qualify for certificates on the basis of nonacademic
8 preparation shall be entitled to all the contractual rights
9 and privileges now granted to other instructional personnel
10 holding equivalent certificates.

11 (2) A holder of a certificate based on nonacademic
12 preparation which entitled him or her to employment to teach
13 classes in career and technical or adult education shall not
14 be assigned to teach in a regular academic field of the
15 kindergarten through grade 12 school program.

16 Section 720. Section 1012.44, Florida Statutes, is
17 created to read:

18 1012.44 Qualifications for certain persons providing
19 speech-language services.--The State Board of Education shall
20 adopt rules for speech-language services to school districts
21 that qualify for the sparsity supplement as described in s.
22 1011.62(6). These services may be provided by baccalaureate
23 degree level persons for a period of 3 years. The rules shall
24 authorize the delivery of speech-language services by
25 baccalaureate degree level persons under the direction of a
26 certified speech-language pathologist with a master's degree
27 or higher. By October 1, 2003, these rules shall be reviewed
28 by the State Board of Education.

29 Section 721. Section 1012.45, Florida Statutes, is
30 created to read:

31 1012.45 School bus drivers; requirements and duties.--

1 (1) Each school bus driver must be of good moral
2 character, of good vision and hearing, able-bodied, free from
3 communicable disease, mentally alert, and sufficiently strong
4 physically to handle the bus with ease, and he or she must
5 possess other qualifications prescribed by the Commissioner of
6 Education, including those qualifications described in 49
7 C.F.R. s. 391, relating to physical qualifications and
8 examinations and 49 C.F.R. part 40 and part 382, relating to
9 controlled substance and alcohol use and testing, and he or
10 she must hold a valid commercial driver's license with a
11 passenger endorsement.

12 (2) Each school bus driver has the authority and
13 responsibility to control students during the time students
14 are on the school bus pursuant to s. 1006.10.

15 (3) The State Board of Education shall adopt rules
16 outlining requirements that school bus drivers must meet
17 before they are employed by district school boards.

18 (4) Each district school board may provide a school
19 bus driver training program and may make this program
20 available to private school bus drivers by contract.

21 Section 722. Section 1012.46, Florida Statutes, is
22 created to read:

23 1012.46 Athletic trainers.--

24 (1) School districts may establish and implement an
25 athletic injuries prevention and treatment program. Central to
26 this program should be the employment and availability of
27 persons trained in the prevention and treatment of physical
28 injuries which may occur during athletic activities. The
29 program should reflect opportunities for progressive
30 advancement and compensation in employment as provided in
31 subsection (2) and meet certain other minimum standards

1 developed by the Department of Education. The goal of the
2 Legislature is to have school districts employ and have
3 available a full-time teacher athletic trainer in each high
4 school in the state.

5 (2) To the extent practicable, a school district
6 program should include the following employment classification
7 and advancement scheme:

8 (a) First responder.--To qualify as a first responder,
9 a person must possess a professional, temporary, part-time,
10 adjunct, or substitute certificate pursuant to s. 1012.56, be
11 certified in cardiopulmonary resuscitation, first aid, and
12 have 15 semester hours in courses such as care and prevention
13 of athletic injuries, anatomy, physiology, nutrition,
14 counseling, and other similar courses approved by the
15 Commissioner of Education. This person may only administer
16 first aid and similar care.

17 (b) Teacher athletic trainer.--To qualify as a teacher
18 athletic trainer, a person must possess a professional,
19 temporary, part-time, adjunct, or substitute certificate
20 pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be
21 licensed as required by part XIII of chapter 468.

22 Section 723. Part III.d. of chapter 1012, Florida
23 Statutes, shall be entitled "Educator Certification for Public
24 Schools; Renewal; Duties" and shall consist of ss.
25 1012.51-1012.595.

26 Section 724. Section 1012.51, Florida Statutes, is
27 created to read:

28 1012.51 Legislative intent; declaration.--It is the
29 intent and purpose of the Legislature that the practice of
30 teaching in the public school system and its related services,
31 including administering and supervisory services, shall be

1 designated as professional services. Teaching is hereby
2 declared to be a profession in Florida, with similar rights,
3 responsibilities, and privileges accorded other legally
4 recognized professions.

5 Section 725. Section 1012.52, Florida Statutes, is
6 created to read:

7 1012.52 Teacher quality; legislative findings.--

8 (1) The Legislature intends to implement a
9 comprehensive approach to increase students' academic
10 achievement and improve teaching quality. The Legislature
11 recognizes that professional educators play an important role
12 in shaping the future of this state and the nation by
13 developing the knowledge and skills of our future workforce
14 and laying the foundation for good citizenship and full
15 participation in community and civic life. The Legislature
16 also recognizes its role in meeting the state's educational
17 priorities so as to provide opportunity for all students to
18 achieve at the levels set by the Sunshine State Standards.

19 (2) The Legislature further finds that effective
20 educators are able to do the following:

21 (a) Write and speak in a logical and understandable
22 style, using appropriate grammar and sentence structure, and
23 demonstrate a command of standard English, enunciation,
24 clarity of oral directions, and pace and precision in
25 speaking.

26 (b) Read, comprehend, and interpret professional and
27 other written material.

28 (c) Compute, think logically, and solve problems.

29 (d) Recognize signs of students' difficulty with the
30 reading and computational process and apply appropriate
31

1 measures to improve students' reading and computational
2 performance.

3 (e) Recognize patterns of physical, social, emotional,
4 and intellectual development in students, including
5 exceptional students in the regular classroom.

6 (f) Recognize and demonstrate awareness of the
7 educational needs of students who have limited proficiency in
8 English and employ appropriate teaching strategies.

9 (g) Use and integrate appropriate technology in
10 teaching and learning processes and in managing, evaluating,
11 and improving instruction.

12 (h) Use assessment and other diagnostic strategies to
13 assist the continuous development and acquisition of knowledge
14 and understanding of the learner.

15 (i) Use teaching and learning strategies that include
16 consideration of each student's learning styles, needs, and
17 background.

18 (j) Demonstrate the ability to maintain a positive,
19 collaborative relationship with students' families to increase
20 student achievement.

21 (k) Recognize signs of tendency toward violence and
22 severe emotional distress in students and apply techniques of
23 crisis intervention.

24 (l) Recognize signs of alcohol and drug abuse in
25 students and know how to appropriately work with such students
26 and seek assistance designed to prevent future abuse.

27 (m) Recognize the physical and behavioral indicators
28 of child abuse and neglect and know rights and
29 responsibilities regarding reporting.

30
31

1 (n) Demonstrate the ability to maintain a positive
2 environment in the classroom while achieving order and
3 discipline.

4 (o) Demonstrate the ability to grade student
5 performance effectively.

6 (p) Demonstrate knowledge and understanding of the
7 value of, and strategies for, promoting parental involvement
8 in education.

9 Section 726. Section 1012.53, Florida Statutes, is
10 created to read:

11 1012.53 Duties of instructional personnel.--

12 (1) The primary duty of instructional personnel is to
13 work diligently and faithfully to help students meet or exceed
14 annual learning goals, to meet state and local achievement
15 requirements, and to master the skills required to graduate
16 from high school prepared for postsecondary education and
17 work. This duty applies to instructional personnel whether
18 they teach or function in a support role.

19 (2) Members of the instructional staff of the public
20 schools shall perform duties prescribed by rules of the
21 district school board. The rules shall include, but are not
22 limited to, rules relating to a teacher's duty to help
23 students master challenging standards and meet all state and
24 local requirements for achievement; teaching efficiently and
25 faithfully, using prescribed materials and methods, including
26 technology-based instruction; recordkeeping; and fulfilling
27 the terms of any contract, unless released from the contract
28 by the district school board.

29 Section 727. Section 1012.54, Florida Statutes, is
30 created to read:

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1 1012.54 Purpose of instructional personnel
2 certification.--It is the intent of the Legislature that
3 school personnel certified in this state possess the
4 credentials, knowledge, and skills necessary to allow the
5 opportunity for a high-quality education in the public
6 schools. The purpose of school personnel certification is to
7 protect the educational interests of students, parents, and
8 the public at large by assuring that teachers in this state
9 are professionally qualified. In fulfillment of its duty to
10 the citizens of this state, the Legislature has established
11 certification requirements to assure that educational
12 personnel in public schools possess appropriate skills in
13 reading, writing, and mathematics, and adequate pedagogical
14 knowledge, including the use of technology to enhance student
15 learning, and relevant subject matter competence so as to
16 demonstrate an acceptable level of professional performance.
17 Further, the Legislature has established a certificate renewal
18 process which promotes the continuing professional improvement
19 of school personnel, thereby enhancing public education in all
20 areas of the state.

21 Section 728. Section 1012.55, Florida Statutes, is
22 created to read:

23 1012.55 Positions for which certificates required.--
24 (1) The State Board of Education shall classify school
25 services, designate the certification subject areas, establish
26 competencies, including the use of technology to enhance
27 student learning, and certification requirements for all
28 school-based personnel, and adopt rules in accordance with
29 which the professional, temporary, and part-time certificates
30 shall be issued by the Department of Education to applicants
31 who meet the standards prescribed by such rules for their

1 class of service. Each person employed or occupying a position
 2 as school supervisor, school principal, teacher, library media
 3 specialist, school counselor, athletic coach, or other
 4 position in which the employee serves in an instructional
 5 capacity, in any public school of any district of this state
 6 shall hold the certificate required by law and by rules of the
 7 State Board of Education in fulfilling the requirements of the
 8 law for the type of service rendered. However, the state board
 9 shall adopt rules authorizing district school boards to employ
 10 selected noncertificated personnel to provide instructional
 11 services in the individuals' fields of specialty or to assist
 12 instructional staff members as education paraprofessionals.

13 (2) Each person who is employed and renders service as
 14 an athletic coach in any public school in any district of this
 15 state shall hold a valid temporary or professional certificate
 16 or an athletic coaching certificate. The athletic coaching
 17 certificate may be used for either part-time or full-time
 18 positions. The provisions of this subsection do not apply to
 19 any athletic coach who voluntarily renders service and who is
 20 not employed by any public school district of this state.

21 (3) Each person employed as a school nurse shall hold
 22 a license to practice nursing in the state, and each person
 23 employed as a school physician shall hold a license to
 24 practice medicine in the state.

25 (4) A commissioned or noncommissioned military officer
 26 who is an instructor of junior reserve officer training shall
 27 be exempt from requirements for teacher certification, except
 28 for the filing of fingerprints pursuant to s. 1012.32, if he
 29 or she meets the following qualifications:

30 (a) Is retired from active military duty, pursuant to
 31 chapter 102 of Title 10, U.S.C.

1 (b) Satisfies criteria established by the appropriate
2 military service for certification by the service as a junior
3 reserve officer training instructor.

4 (c) Has an exemplary military record.

5
6 If such instructor is assigned instructional duties other than
7 junior reserve officer training, he or she shall hold the
8 certificate required by law and rules of the state board for
9 the type of service rendered.

10 Section 729. Effective July 1, 2002, section 1012.56,
11 Florida Statutes, is created to read:

12 1012.56 Educator certification requirements.--

13 (1) APPLICATION.--Each person seeking certification
14 pursuant to this chapter shall submit a completed application
15 containing the applicant's social security number to the
16 Department of Education and remit the fee required pursuant to
17 s. 1012.59 and rules of the State Board of Education. Pursuant
18 to the federal Personal Responsibility and Work Opportunity
19 Reconciliation Act of 1996, each party is required to provide
20 his or her social security number in accordance with this
21 section. Disclosure of social security numbers obtained
22 through this requirement shall be limited to the purpose of
23 administration of the Title IV-D program of the Social
24 Security Act for child support enforcement. Pursuant to s.
25 120.60, the department shall issue within 90 calendar days
26 after the stamped receipted date of the completed application:

27 (a) A certificate covering the classification, level,
28 and area for which the applicant is deemed qualified; or

29 (b) An official statement of status of eligibility.

30 The statement of status of eligibility must advise the
31 applicant of any qualifications that must be completed to

1 qualify for certification. Each statement of status of
 2 eligibility is valid for 2 years after its date of issuance,
 3 except as provided in paragraph (2)(d). A statement of status
 4 of eligibility may be reissued for one additional 2-year
 5 period if application is made while the initial statement of
 6 status of eligibility is valid or within 1 year after the
 7 initial statement expires, and if the certification subject
 8 area is authorized to be issued by the state board at the time
 9 the application requesting a reissued statement of status of
 10 eligibility is received.

11 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
 12 certification pursuant to this chapter, a person must:

13 (a) Be at least 18 years of age.

14 (b) File a written statement, under oath, that the
 15 applicant subscribes to and will uphold the principles
 16 incorporated in the Constitution of the United States and the
 17 Constitution of the State of Florida.

18 (c) Document receipt of a bachelor's or higher degree
 19 from an accredited institution of higher learning, or a
 20 nonaccredited institution of higher learning that the
 21 Department of Education has identified as having a quality
 22 program resulting in a bachelor's degree, or higher. Each
 23 applicant seeking initial certification must have attained at
 24 least a 2.5 overall grade point average on a 4.0 scale in the
 25 applicant's major field of study. The applicant may document
 26 the required education by submitting official transcripts from
 27 institutions of higher education or by authorizing the direct
 28 submission of such official transcripts through established
 29 electronic network systems. The bachelor's or higher degree
 30 may not be required in areas approved in rule by the State
 31 Board of Education as nondegreed areas.

1 (d) Submit to a fingerprint check from the Department
2 of Law Enforcement and the Federal Bureau of Investigation
3 pursuant to s. 1012.32. If the fingerprint reports indicate a
4 criminal history or if the applicant acknowledges a criminal
5 history, the applicant's records shall be referred to the
6 Bureau of Educator Standards for review and determination of
7 eligibility for certification. If the applicant fails to
8 provide the necessary documentation requested by the Bureau of
9 Educator Standards within 90 days after the date of the
10 receipt of the certified mail request, the statement of
11 eligibility and pending application shall become invalid.

12 (e) Be of good moral character.

13 (f) Be competent and capable of performing the duties,
14 functions, and responsibilities of an educator.

15 (g) Demonstrate mastery of general knowledge, pursuant
16 to subsection (3).

17 (h) Demonstrate mastery of subject area knowledge,
18 pursuant to subsection (4).

19 (i) Demonstrate mastery of professional preparation
20 and education competence, pursuant to subsection (5).

21 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
22 demonstrating mastery of general knowledge are:

23 (a) Achievement of passing scores on basic skills
24 examination required by state board rule;

25 (b) Achievement of passing scores on the College Level
26 Academic Skills Test earned prior to July 1, 2002;

27 (c) A valid standard teaching certificate issued by
28 another state that requires an examination of mastery of
29 general knowledge;

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1 (d) A valid standard teaching certificate issued by
2 another state and valid certificate issued by the National
3 Board for Professional Teaching Standards; or

4 (e) A valid standard teaching certificate issued by
5 another state and documentation of 2 years of continuous
6 successful full-time teaching or administrative experience
7 during the 5-year period immediately preceding the date of
8 application for certification.

9 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable
10 means of demonstrating mastery of subject area knowledge are:

11 (a) Achievement of passing scores on subject area
12 examinations required by state board rule;

13 (b) Completion of the subject area specialization
14 requirements specified in state board rule and verification of
15 the attainment of the essential subject matter competencies by
16 the district school superintendent of the employing school
17 district or chief administrative officer of the employing
18 state-supported or private school for a subject area for which
19 a subject area examination has not been developed and required
20 by state board rule;

21 (c) Completion of the graduate level subject area
22 specialization requirements specified in state board rule for
23 a subject coverage requiring a master's or higher degree and
24 achievement of a passing score on the subject area examination
25 specified in state board rule;

26 (d) A valid standard teaching certificate issued by
27 another state that requires an examination of mastery of
28 subject area knowledge;

29 (e) A valid standard teaching certificate issued by
30 another state and valid certificate issued by the National
31 Board for Professional Teaching Standards; or

1 (f) A valid standard teaching certificate issued by
2 another state and documentation of 2 years of continuous
3 successful full-time teaching or administrative experience
4 during the 5-year period immediately preceding the date of
5 application for certification.

6 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
7 COMPETENCE.--Acceptable means of demonstrating mastery of
8 professional preparation and education competence are:

9 (a) Completion of an approved teacher preparation
10 program at a postsecondary educational institution within this
11 state and achievement of a passing score on the professional
12 education competency examination required by state board rule;

13 (b) Completion of a teacher preparation program at a
14 postsecondary educational institution outside Florida and
15 achievement of a passing score on the professional education
16 competency examination required by state board rule;

17 (c) A valid standard teaching certificate issued by
18 another state that requires an examination of mastery of
19 professional education competence;

20 (d) A valid standard teaching certificate issued by
21 another state and valid certificate issued by the National
22 Board for Professional Teaching Standards;

23 (e) A valid standard teaching certificate issued by
24 another state and documentation of 2 years of continuous
25 successful full-time teaching or administrative experience
26 during the 5-year period immediately preceding the date of
27 application for certification;

28 (f) Completion of professional preparation courses as
29 specified in state board rule, successful completion of a
30 professional education competence demonstration program
31 pursuant to paragraph (7)(b), and achievement of a passing

1 score on the professional education competency examination
2 required by state board rule; or

3 (g) Successful completion of a professional
4 preparation alternative certification and education competency
5 program, outlined in paragraph (7)(a).

6 (6) TYPES AND TERMS OF CERTIFICATION.--

7 (a) The Department of Education shall issue a
8 professional certificate for a period not to exceed 5 years to
9 any applicant who meets all the requirements outlined in
10 subsection (2).

11 (b) The department shall issue a temporary certificate
12 to any applicant who completes the requirements outlined in
13 paragraphs (2)(a)-(f) and completes the subject area content
14 requirements specified in state board rule or demonstrates
15 mastery of subject area knowledge pursuant to subsection (4)
16 and holds an accredited degree or a degree approved by the
17 Department of Education at the level required for the subject
18 area specialization in state board rule.

19 (c) The department shall issue one nonrenewable 2-year
20 temporary certificate and one nonrenewable 5-year professional
21 certificate to a qualified applicant who holds a bachelor's
22 degree in the area of speech-language impairment to allow for
23 completion of a master's degree program in speech-language
24 impairment.

25
26 Each temporary certificate is valid for 3 school fiscal years
27 and is nonrenewable. However, the requirement in paragraph
28 (2)(g) must be met within 1 calendar year of the date of
29 employment under the temporary certificate. Individuals who
30 are employed under contract at the end of the 1 calendar year
31 time period may continue to be employed through the end of the

1 school year in which they have been contracted. A school
 2 district shall not employ, or continue the employment of, an
 3 individual in a position for which a temporary certificate is
 4 required beyond this time period if the individual has not met
 5 the requirement of paragraph (2)(g). The State Board of
 6 Education shall adopt rules to allow the department to extend
 7 the validity period of a temporary certificate for 2 years
 8 when the requirements for the professional certificate, not
 9 including the requirement in paragraph (2)(g), were not
 10 completed due to the serious illness or injury of the
 11 applicant or other extraordinary extenuating circumstances.
 12 The department shall reissue the temporary certificate for 2
 13 additional years upon approval by the Commissioner of
 14 Education. A written request for reissuance of the certificate
 15 shall be submitted by the district school superintendent, the
 16 governing authority of a university lab school, the governing
 17 authority of a state-supported school, or the governing
 18 authority of a private school.

19 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION
 20 AND EDUCATION COMPETENCY PROGRAM.--

21 (a) The Department of Education shall develop and each
 22 school district must provide a cohesive competency-based
 23 professional preparation alternative certification program by
 24 which members of a school district's instructional staff may
 25 satisfy the mastery of professional preparation and education
 26 competence requirements specified in this subsection and rules
 27 of the State Board of Education. Participants must hold a
 28 state-issued temporary certificate. A school district shall
 29 provide a competency-based alternative certification
 30 preparation program developed by the Department of Education
 31

1 or developed by the district and approved by the Department of
2 Education. The program shall include the following components:

3 1. A minimum period of initial preparation prior to
4 assuming duties as the teacher of record.

5 2. An option for collaboration between school
6 districts and other supporting agencies for implementation.

7 3. Experienced peer mentors.

8 4. An assessment that provides for:

9 a. An initial evaluation of each educator's
10 competencies to determine an appropriate individualized
11 professional development plan.

12 b. A postevaluation to assure successful completion of
13 the program.

14 5. Professional education preparation content
15 knowledge that includes, but is not limited to, the following:

16 a. Requirements specified in state board rule for
17 professional preparation.

18 b. The educator-accomplished practices approved by the
19 state board.

20 c. A variety of data indicators for student progress.

21 d. Methodologies, including technology-based
22 methodologies, for teaching subject content that supports the
23 Sunshine State Standards for students.

24 e. Techniques for effective classroom management.

25 f. Techniques and strategies for operationalizing the
26 role of the teacher in assuring a safe learning environment
27 for students.

28 g. Methodologies for assuring the ability of all
29 students to read, write, and compute.

30
31

1 6. Required achievement of passing scores on the
2 professional education competency examination required by
3 state board rule.

4 (b) Each school district must and a state supported
5 public school or a private school may develop and maintain a
6 system by which members of the instructional staff may
7 demonstrate mastery of professional education competence as
8 required by law. Each program must be based on classroom
9 application and instructional performance and must include a
10 performance evaluation plan for documenting the demonstration
11 of required professional education competence.

12 (8) EXAMINATIONS.--

13 (a) The Commissioner of Education, with the approval
14 of the State Board of Education, may contract for developing,
15 printing, administering, scoring, and appropriate analysis of
16 the written examinations required.

17 (b) The State Board of Education shall, by rule,
18 specify the examination scores that are required for the
19 issuance of a professional certificate and temporary
20 certificate. Such rules must define generic subject area
21 competencies and must establish uniform evaluation guidelines.

22 (c) The State Board of Education shall designate the
23 certification areas for subject area examinations. All
24 required examinations may be taken prior to graduation.

25 (d) If an applicant takes an examination developed by
26 this state and does not achieve the score necessary for
27 certification, the applicant may review his or her completed
28 examination and bring to the attention of the department any
29 errors that would result in a passing score.

30 (e) For any examination developed by this state, the
31 Department of Education and the State Board of Education shall

1 maintain confidentiality of the examination, developmental
2 materials, and workpapers, which are exempt from s. 119.07(1).

3 (f) The examinations used for demonstration of mastery
4 of general knowledge, professional education competence, and
5 subject area knowledge shall be aligned with student standards
6 approved by the state board. The delivery system for these
7 examinations shall provide for overall efficiency,
8 user-friendly application, reasonable accessibility to
9 prospective teachers, and prompt attainment of examination
10 results. The examination of competency for demonstration of
11 subject area knowledge shall be sufficiently comprehensive to
12 assess subject matter expertise for individuals who have
13 acquired subject knowledge either through college credit or by
14 other means.

15 (g) All examination instruments, including
16 developmental materials and workpapers directly related
17 thereto, which are prepared, prescribed, or administered
18 pursuant to this section shall be confidential and exempt from
19 the provisions of s. 119.07(1) and from s. 1001.52. Provisions
20 governing access to, maintenance of, and destruction of such
21 instruments and related materials shall be prescribed by rules
22 of the State Board of Education.

23 (9) NONCITIZENS.--

24 (a) The State Board of Education may adopt rules for
25 issuing certificates to noncitizens who are needed to teach
26 and who are legally admitted to the United States through the
27 United States Immigration and Naturalization Service. The
28 filing of a written oath to uphold the principles of the
29 Constitution of the United States and the Constitution of the
30 State of Florida, required under paragraph (2)(b), does not
31 apply to individuals assigned to teach on an exchange basis.

1 (b) A certificate may not be issued to a citizen of a
2 nation controlled by forces that are antagonistic to
3 democratic forms of government, except to an individual who
4 has been legally admitted to the United States through the
5 United States Immigration and Naturalization Service.

6 (10) DENIAL OF CERTIFICATE.--

7 (a) The Department of Education may deny an applicant
8 a certificate if the department possesses evidence
9 satisfactory to it that the applicant has committed an act or
10 acts, or that a situation exists, for which the Education
11 Practices Commission would be authorized to revoke a teaching
12 certificate.

13 (b) The decision of the department is subject to
14 review by the Education Practices Commission upon the filing
15 of a written request from the applicant within 20 days after
16 receipt of the notice of denial.

17 (11) STATE BOARD RULES.--The State Board of Education
18 shall adopt rules pursuant to ss. 120.536 and 120.54, as
19 necessary to implement this section.

20 (12) PRIOR APPLICATION.--Persons who apply for
21 certification are governed by the law and rules in effect at
22 the time of application for issuance of the initial
23 certificate, provided that continuity of certificates is
24 maintained.

25 (13) PERSONNEL RECORDS.--The Department of Education
26 shall maintain a complete statement of the academic
27 preparation, professional training, and teaching experience of
28 each person to whom a certificate is issued. The applicant or
29 the district school superintendent shall furnish the
30 information using a format or forms provided by the
31 department.

1 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of
2 Education may make decisions regarding an applicant's
3 certification under extenuating circumstances not otherwise
4 provided for in statute or by rule. However, an applicant for
5 certification approved by the commissioner must possess the
6 credentials, knowledge, and skills necessary to provide
7 quality education in the public schools.

8 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
9 CERTIFICATE.--Beginning with the 2003-2004 school year, the
10 Department of Education shall conduct a longitudinal study to
11 compare performance of certificateholders who are employed in
12 Florida school districts. The study shall compare a sampling
13 of educators who have qualified for a professional certificate
14 since July 1, 2002, based on the following:

15 (a) Graduation from a state-approved teacher
16 preparation program.

17 (b) Completion of a state-approved professional
18 preparation and education competency program.

19 (c) A valid standard teaching certificate issued by a
20 state other than Florida.

21
22 The department comparisons shall be made to determine if there
23 is any significant difference in the performance of these
24 groups of teachers, as measured by their students' achievement
25 levels and learning gains as measured by s. 1008.22.

26 Section 730. Section 1012.565, Florida Statutes, is
27 created to read:

28 1012.565 Educator certification for blind and visually
29 impaired students.--As a part of the certification process,
30 teachers certified in the education of blind and visually
31 impaired students shall be required to demonstrate competence

1 in reading, writing, and teaching braille pursuant to
 2 standards adopted by the Department of Education, comparable
 3 to the braille reading and writing standards adopted by the
 4 National Library Service for the Blind and Physically
 5 Handicapped, Library of Congress, Washington, D.C. The
 6 department shall ensure that teachers of students with visual
 7 impairments have access to inservice instruction for the
 8 purpose of updating their braille skill competence.

9 Section 731. Section 1012.57, Florida Statutes, is
 10 created to read:

11 1012.57 Certification of adjunct educators.--

12 (1) Notwithstanding the provisions of ss. 1012.32,
 13 1012.55, and 1012.56, or any other provision of law or rule to
 14 the contrary, district school boards may issue an adjunct
 15 teaching certificate to any applicant who fulfills the
 16 requirements of s. 1012.56(2)(a)-(f) and who has expertise in
 17 the subject area to be taught. An applicant shall be
 18 considered to have expertise in the subject area to be taught
 19 if the applicant has at least a minor in the subject area or
 20 demonstrates sufficient subject area mastery as determined by
 21 district school board policy. The adjunct teaching certificate
 22 shall be used for part-time teaching positions. The intent of
 23 this provision is to allow school districts to tap the wealth
 24 of talent and expertise represented in Florida's citizens who
 25 may wish to teach part-time in a Florida public school by
 26 permitting school districts to issue adjunct certificates.
 27 Adjunct certificateholders should be used as a strategy to
 28 reduce the teacher shortage; thus, adjunct certificateholders
 29 should supplement a school's instructional staff, not supplant
 30 it. Each school principal shall assign an experienced peer
 31 mentor to assist the adjunct teaching certificateholder during

1 the certificateholder's first year of teaching, and an adjunct
2 certificateholder may participate in a district's new teacher
3 training program. District school boards shall provide the
4 adjunct teaching certificateholder an orientation in classroom
5 management prior to assigning the certificateholder to a
6 school. Each adjunct teaching certificate is valid for 5
7 school years and is renewable if:

8 (a) The applicant completes a minimum of 60 inservice
9 points or 3 semester hours of college credit. The earned
10 credits must include instruction in classroom management,
11 district school board procedures, school culture, and other
12 activities that enhance the professional teaching skills of
13 the certificateholder.

14 (b) The applicant has received satisfactory
15 performance evaluations during each year of teaching under
16 adjunct teaching certification.

17 (2) Individuals who are certified and employed
18 pursuant to this section shall have the same rights and
19 protection of laws as teachers certified pursuant to s.
20 1012.56.

21 Section 732. Section 1012.575, Florida Statutes, is
22 created to read:

23 1012.575 Alternative preparation programs for
24 certified teachers to add additional coverage.--A district
25 school board may design alternative teacher preparation
26 programs to enable persons already certificated to add an
27 additional coverage to their certificates. Each alternative
28 teacher preparation program shall be reviewed and approved by
29 the Department of Education to assure that persons who
30 complete the program are competent in the necessary areas of
31 subject matter specialization. Two or more school districts

1 may jointly participate in an alternative preparation program
2 for teachers.

3 Section 733. Section 1012.58, Florida Statutes, is
4 created to read:

5 1012.58 Transition to Teaching Program.--

6 (1) LEGISLATIVE INTENT.--The Transition to Teaching
7 Program is created to encourage and assist midcareer
8 professionals who want to become teachers.

9 (2) GRANTS; ELIGIBLE APPLICANTS.--

10 (a) The Commissioner of Education shall design the
11 process for receiving and evaluating grant proposals in
12 accordance with state and federal appropriations guidelines.
13 Grants may be awarded only to the extent that funding is
14 provided.

15 (b) The Commissioner of Education shall request
16 proposals from eligible applicants to participate in the
17 program. Each application must:

18 1. Describe the target group of career-changing
19 professionals upon which the applicant will focus in carrying
20 out its program, including a description of the
21 characteristics of the target group that shows how the
22 knowledge and experience of its members are likely to improve
23 their ability to become effective teachers.

24 2. Describe how the applicant will identify and
25 recruit program participants.

26 3. Describe how the applicant will ensure that program
27 participants are placed and teach in eligible school districts
28 in this state.

29 4. Describe the teacher support services that program
30 participants will receive throughout at least their first year
31 of teaching.

1 5. Describe how the applicant will collaborate with
2 other institutions, agencies, or organizations to recruit,
3 train, place, and support program participants, including
4 evidence of the commitment of those institutions, agencies, or
5 organizations to the applicant's program.

6 (c) The Commissioner of Education must require an
7 evaluation process to measure the progress and effectiveness
8 of the program. This evaluation must include:

9 1. The program's goals and objectives.

10 2. The performance indicators that the applicant will
11 use to measure the program's progress.

12 3. The outcome measures that will be used to determine
13 the program's effectiveness.

14 4. An assurance that the applicant will provide the
15 commissioner with information the commissioner finds necessary
16 to determine the overall effectiveness of the programs.

17 (3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

18 (a) An applicant shall estimate the funds required for
19 the proposed program. All funds provided for a program must be
20 used as authorized in federal guidelines.

21 (b) Eligible applicants are encouraged to implement
22 the program using the following components:

23 1. Recruiting program participants, including
24 informing them of opportunities under the program and putting
25 them in contact with other institutions, agencies, or
26 organizations that will train, place, and support them in the
27 teaching profession.

28 2. Assisting providers of teacher training to tailor
29 their training to meet the particular needs of professionals
30 who are changing their careers to teaching.

31

1 3. Placement activities, including identifying
2 eligible local education agencies with a need for the skills
3 and characteristics of the newly trained program participants
4 and assisting those participants to obtain employment in those
5 school districts.

6 4. Post-placement support activities for program
7 participants.

8 (4) ELIGIBLE PARTICIPANTS; REQUIREMENTS FOR GRANT
9 REPAYMENT.--

10 (a) Each participant who receives a grant from the
11 program to pursue a teacher preparation program must agree to
12 teach in an eligible school district in this state for at
13 least 3 years after certification. To be eligible, a school
14 district must meet the requirements established in regulations
15 that implement the Omnibus Appropriations Bill of 2000.

16 (b) The commissioner shall establish conditions under
17 which a participant must repay all or a portion of the
18 training stipend if the participant fails to complete his or
19 her service obligation.

20 Section 734. Section 1012.585, Florida Statutes, is
21 created to read:

22 1012.585 Process for renewal of professional
23 certificates.--

24 (1)(a) District school boards in this state shall
25 renew state-issued professional certificates as follows:

26 1. Each district school board shall renew state-issued
27 professional certificates for individuals who hold a
28 professional certificate by this state and are employed by
29 that district pursuant to criteria established in subsections
30 (2), (3), and (4) and rules of the State Board of Education.

31

1 2. The employing school district may charge the
2 individual an application fee not to exceed the amount charged
3 by the Department of Education for such services, including
4 associated late renewal fees. Each district school board
5 shall transmit monthly to the department a fee in an amount
6 established by the State Board of Education for each renewed
7 certificate. The fee shall not exceed the actual cost for
8 maintenance and operation of the statewide certification
9 database and for the actual costs incurred in printing and
10 mailing such renewed certificates. As defined in current rules
11 of the state board, the department shall contribute a portion
12 of such fee for purposes of funding the Educator Recovery
13 Network established in s. 1012.798. The department shall
14 deposit all funds into the Educational Certification Trust
15 Fund for use as specified in s. 1012.59.

16 (b) The department shall renew state-issued
17 professional certificates for individuals who are not employed
18 by a district school board of this state pursuant to criteria
19 established in subsections (2), (3), and (4) and requirements
20 specified in rules of the state board.

21 (2)(a) All professional certificates, except a
22 nonrenewable professional certificate, shall be renewable for
23 successive periods not to exceed 5 years after the date of
24 submission of documentation of completion of the requirements
25 for renewal provided in subsection (3). Only one renewal may
26 be granted during each 5-year validity period of a
27 professional certificate.

28 (b) A teacher with national certification from the
29 National Board for Professional Teaching Standards is deemed
30 to meet state renewal requirements for the life of the
31

1 teacher's national certificate in the subject shown on the
2 national certificate.

3 (c) If the renewal application form is not received by
4 the department or by the employing school district before the
5 expiration of the professional certificate, the application
6 form, application fee, and a late fee must be submitted before
7 July 1 of the year following expiration of the certificate in
8 order to renew the professional certificate.

9 (d) The State Board of Education shall adopt rules to
10 allow a 1-year extension of the validity period of a
11 professional certificate in the event of serious illness,
12 injury, or other extraordinary extenuating circumstances of
13 the applicant. The department shall grant such 1-year
14 extension upon written request by the applicant or by the
15 district school superintendent or the governing authority of a
16 university lab school, state-supported school, or private
17 school that employs the applicant.

18 (3) For the renewal of a professional certificate, the
19 following requirements must be met:

20 (a) The applicant must earn a minimum of 6 college
21 credits or 120 inservice points or a combination thereof. For
22 each area of specialization to be retained on a certificate,
23 the applicant must earn at least 3 of the required credit
24 hours or equivalent inservice points in the specialization
25 area. Education in "clinical educator" training pursuant to s.
26 1004.04(5)(b) and credits or points that provide training in
27 the area of exceptional student education, normal child
28 development, and the disorders of development may be applied
29 toward any specialization area. Credits or points that provide
30 training in the areas of drug abuse, child abuse and neglect,
31 strategies in teaching students having limited proficiency in

1 English, or dropout prevention, or training in areas
 2 identified in the educational goals and performance standards
 3 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied
 4 toward any specialization area. Credits or points earned
 5 through approved summer institutes may be applied toward the
 6 fulfillment of these requirements. Inservice points may also
 7 be earned by participation in professional growth components
 8 approved by the State Board of Education and specified
 9 pursuant to s. 1012.98 in the district's approved master plan
 10 for inservice educational training, including, but not limited
 11 to, serving as a trainer in an approved teacher training
 12 activity, serving on an instructional materials committee or a
 13 state board or commission that deals with educational issues,
 14 or serving on an advisory council created pursuant to s.
 15 229.58.

16 (b) In lieu of college course credit or inservice
 17 points, the applicant may renew a specialization area by
 18 passage of a state board approved subject area test.

19 (c) If an applicant wishes to retain more than two
 20 specialization areas on the certificate, the applicant shall
 21 be permitted two successive validity periods for renewal of
 22 all specialization areas, but must earn no fewer than 6
 23 college course credit hours or the equivalent in any one
 24 validity period.

25 (d) The State Board of Education shall adopt rules for
 26 the expanded use of training for renewal of the professional
 27 certificate for educators who are required to complete
 28 training in teaching students of limited English proficiency
 29 as follows:

30 1. A teacher who holds a professional certificate may
 31 use college credits or inservice points completed in

1 English-for-Speakers-of-Other-Languages training in excess of
2 6 semester hours during one certificate-validity period toward
3 renewal of the professional certificate during the subsequent
4 validity periods.

5 2. A teacher who holds a temporary certificate may use
6 college credits or inservice points completed in
7 English-for-Speakers-of-Other-Languages training toward
8 renewal of the teacher's first professional certificate. Such
9 training must not have been included within the degree
10 program, and the teacher's temporary and professional
11 certificates must be issued for consecutive school years.

12 (4) When any person who holds a valid temporary
13 certificate or professional certificate is called into or
14 volunteers for actual wartime service or required peacetime
15 military service training, the certificate shall be renewed
16 for a period of time equal to the time spent in military
17 service if the person makes proper application and presents
18 substantiating evidence to the department or the employing
19 school district regarding such military service.

20 (5) The State Board of Education shall adopt rules to
21 allow the reinstatement of expired professional certificates.
22 The department may reinstate an expired professional
23 certificate if the certificateholder:

24 (a) Submits an application for reinstatement of the
25 expired certificate.

26 (b) Documents completion of 6 college credits during
27 the 5 years immediately preceding reinstatement of the expired
28 certificate, completion of 120 inservice points, or a
29 combination thereof, in an area specified in paragraph (3)(a).

30 (c) During the 5 years immediately preceding
31 reinstatement of the certificate, achieves a passing score on

1 the subject area test for each subject to be shown on the
2 reinstated certificate.

3
4 The requirements of this subsection may not be satisfied by
5 subject area tests or college credits completed for issuance
6 of the certificate that has expired.

7 Section 735. Section 1012.59, Florida Statutes, is
8 created to read:

9 1012.59 Certification fees.--

10 (1) The State Board of Education, by rule, shall
11 establish separate fees for applications, examinations,
12 certification, certification renewal, late renewal,
13 recordmaking, and recordkeeping, and may establish procedures
14 for scheduling and administering an examination upon an
15 applicant's request. Each fee shall be based on department
16 estimates of the revenue required to implement the provisions
17 of law with respect to certification of school personnel. The
18 application fee shall be nonrefundable. Each examination fee
19 shall be sufficient to cover the actual cost of developing and
20 administering the examination, but shall not exceed \$100 for
21 an examination.

22 (2) The proceeds from the collection of certification
23 fees, fines, penalties, and costs levied pursuant to this
24 chapter shall be remitted by the Department of Education to
25 the Treasurer for deposit into a separate fund to be known as
26 the "Educational Certification and Service Trust Fund" and
27 disbursed for the payment of expenses incurred by the
28 Educational Practices Commission and in the printing of forms
29 and bulletins and the issuing of certificates, upon vouchers
30 approved by the department.

31

1 Section 736. 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 737. 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 738. 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

1 for personal reasons must be charged only to accrued sick
2 leave, and leave for personal reasons is noncumulative.

3 3. District school boards may adopt rules permitting
4 the annual payment for accumulated sick leave that is earned
5 for that year and that is unused at the end of the school
6 year, based on the daily rate of pay of the employee
7 multiplied by up to 80 percent. Days for which such payment
8 is received shall be deducted from the accumulated leave
9 balance. Such annual payment may apply only to instructional
10 staff and educational support employees.

11 4. A district school board may establish policies to
12 provide terminal pay for accumulated sick leave to
13 instructional staff and educational support employees of the
14 district school board. If termination of employment is by
15 death of the employee, any terminal pay to which the employee
16 may have been entitled may be made to his or her beneficiary.
17 However, such terminal pay may not exceed an amount determined
18 as follows:

19 a. During the first 3 years of service, the daily rate
20 of pay multiplied by 35 percent times the number of days of
21 accumulated sick leave.

22 b. During the next 3 years of service, the daily rate
23 of pay multiplied by 40 percent times the number of days of
24 accumulated sick leave.

25 c. During the next 3 years of service, the daily rate
26 of pay multiplied by 45 percent times the number of days of
27 accumulated sick leave.

28 d. During the next 3 years of service, the daily rate
29 of pay multiplied by 50 percent times the number of days of
30 accumulated sick leave.

31

1 e. During and after the 13th year of service, the
2 daily rate of pay multiplied by 100 percent times the number
3 of days of accumulated sick leave.

4 5. A district school board may establish policies to
5 provide terminal pay for accumulated sick leave to any
6 full-time employee of the district school board other than
7 instructional staff or educational support employees as
8 defined in this section. If termination of the employee is by
9 death of the employee, any terminal pay to which the employee
10 may have been entitled may be made to the employee's
11 beneficiary.

12 a. Terminal pay may not exceed one-fourth of all
13 unused sick leave accumulated on or after July 1, 2001, and
14 may not exceed a maximum of 60 days of actual payment. This
15 limit does not impair any contractual agreement established
16 before July 1, 2001; however, a previously established
17 contract renewed on or after July 1, 2001, constitutes a new
18 contract.

19 b. For unused sick leave accumulated before July 1,
20 2001, terminal payment shall be made pursuant to a district
21 school board's policies, contracts, or rules that are in
22 effect on June 30, 2001.

23 c. If an employee has an accumulated sick leave
24 balance of 60 days of actual payment or more prior to July 1,
25 2001, sick leave earned after that date may not be accumulated
26 for terminal pay purposes until the accumulated leave balance
27 for leave earned before July 1, 2001, is less than 60 days.

28 (b) Claim must be filed.--Any district school board
29 employee who finds it necessary to be absent from his or her
30 duties because of illness, as defined in this section, shall
31 notify his or her immediate supervisor, if possible, before

1 the beginning of the workday on which the employee must be
 2 absent or during that day, except for emergency reasons
 3 recognized by the district school board as valid. Any
 4 district school board employee shall, before claiming and
 5 receiving compensation for the time absent from his or her
 6 duties while absent because of sick leave as prescribed in
 7 this section, make and file within 5 working days following
 8 his or her return from such absence with the district school
 9 superintendent of the district in which he or she is so
 10 employed a written certificate which shall set forth the day
 11 or days absent, that such absence was necessary, and that the
 12 employee is entitled or not entitled to receive pay for such
 13 absence in accordance with the provisions of this section;
 14 however, the district school board of any district may adopt
 15 rules under which the district school superintendent may
 16 require a certificate of illness from a licensed physician
 17 licensed under chapter 458, chapter 459, or chapter 460 or
 18 from the county health officer.

19 (c) Compensation.--Any employee having unused sick
 20 leave credit shall receive full-time compensation for the time
 21 justifiably absent on sick leave, but no compensation may be
 22 allowed beyond that which may be provided in subsection (4).

23 (d) Expenditure authorized.--District school boards
 24 may expend public funds for payment to employees on account of
 25 sickness. The expending and excluding of such funds shall be
 26 in compliance with rules adopted by the Department of
 27 Management Services pursuant to chapter 650.

28 (e) Use by family member.--Each district school system
 29 must provide a policy under which a district employee may
 30 authorize his or her spouse, child, parent, or sibling who is
 31 also a district employee to use sick leave that has accrued to

1 the authorizing employee. In developing the policy, the
2 district school board must provide that the recipient may not
3 use the donated sick leave until all of his or her sick leave
4 has been depleted, excluding sick leave from a sick leave
5 pool, if the recipient participates in a sick leave pool.
6 Donated sick leave under this paragraph shall have no terminal
7 value as provided in s. 1012.61(2).

8 (3) SICK LEAVE POOL.--Notwithstanding any other
9 provision of this section, a district school board, based upon
10 the maintenance of reliable and accurate records by the
11 district school system showing the amount of sick leave which
12 has been accumulated and is unused by employees in accordance
13 with this section, may, by rule or collective bargaining
14 agreement, establish one or more plans allowing participating
15 full-time employees of a district school system to pool sick
16 leave accrued and allowing any sick leave thus pooled to be
17 disbursed to any participating employee who is in need of sick
18 leave in excess of that amount he or she has personally
19 accrued. Such rules or agreements shall include, but not be
20 limited to, the following provisions:

21 (a) Participation in any sick leave pool shall at all
22 times be voluntary on the part of employees.

23 (b) Any full-time employee shall be eligible for
24 participation in any sick leave pool after 1 year of
25 employment with the district school system, provided the
26 employee has accrued a minimum amount of unused sick leave
27 which shall be established by rule and provided, further, a
28 sick leave pool is established that allows participation by
29 that particular employee.

30
31

1 (c) Any sick leave pooled pursuant to this section
2 shall be removed from the personally accumulated sick leave
3 balance of the employee donating such leave.

4 (d) Participating employees shall make equal
5 contributions to the sick leave pool. There shall be
6 established a maximum amount of sick leave which may be
7 contributed by an employee to the pool. After the initial
8 contribution which an employee makes upon electing to
9 participate, no further contributions shall be required except
10 as may be necessary to replenish the pool. Any such further
11 contribution shall be equally required of all employees
12 participating in the pool.

13 (e) Any sick leave time drawn from the pool by a
14 participating employee must be used for said employee's
15 personal illness, accident, or injury.

16 (f) A participating employee is not eligible to use
17 sick leave from the pool until all of his or her sick leave
18 has been depleted, unless otherwise agreed to in a collective
19 bargaining agreement. There shall be established a maximum
20 number of days for which an employee may draw sick leave from
21 the sick leave pool.

22 (g) A participating employee who uses sick leave from
23 the pool is not required to recontribute such sick leave to
24 the pool, except as otherwise provided in this section.

25 (h) A participating employee who chooses to no longer
26 participate in the sick leave pool is not eligible to withdraw
27 any sick leave already contributed to the pool.

28 (i) Alleged abuse of the use of the sick leave pool
29 shall be investigated and, on a finding of wrongdoing, the
30 employee shall repay all of the sick leave credits drawn from
31 the sick leave pool and be subject to such other disciplinary

1 action as determined by the district school board to be
2 appropriate. Rules adopted for the administration of this
3 program shall provide for the investigation of the use of sick
4 leave utilized by the participating employee in the sick leave
5 pool.

6 Section 739. Section 1012.62, Florida Statutes, is
7 created to read:

8 1012.62 Transfer of sick leave and annual leave.--In
9 implementing the provisions of ss. 1001.42(4)(n) and
10 402.22(1)(d), educational personnel in Department of Children
11 and Family Services residential care facilities who are
12 employed by a district school board may request, and the
13 district school board shall accept, a lump-sum transfer of
14 accumulated sick leave for such personnel to the maximum
15 allowed by policies of the district school board,
16 notwithstanding the provisions of s. 110.122. Educational
17 personnel in Department of Children and Family Services
18 residential care facilities who are employed by a district
19 school board under the provisions of s. 402.22(1)(d) may
20 request, and the district school board shall accept, a
21 lump-sum transfer of accumulated annual leave for each person
22 employed by the district school board in a position in the
23 district eligible to accrue vacation leave under policies of
24 the district school board.

25 Section 740. Section 1012.63, Florida Statutes, is
26 created to read:

27 1012.63 Illness-in-line-of-duty leave.--Any district
28 school board employee shall be entitled to
29 illness-in-line-of-duty leave when he or she has to be absent
30 from his or her duties because of a personal injury received
31 in the discharge of duty or because of illness from any

1 contagious or infectious disease contracted in school work.

2 The following requirements shall be observed:

3 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the
4 district school board employee shall be authorized for a total
5 of not to exceed 10 school days during any school year for
6 illness contracted, or injury incurred, from the causes
7 prescribed above. However, in the case of sickness or injury
8 occurring under such circumstances as in the opinion of the
9 district school board warrant it, additional emergency sick
10 leave may be granted out of local funds for such term and
11 under such conditions as the district school board deems
12 proper. The district school board may carry insurance to
13 safeguard the district school board against excessive payments
14 during any year.

15 (2) CLAIMS.--Any district school board employee who
16 has any claim for compensation while absent because of illness
17 contracted or injury incurred as prescribed herein shall file
18 a claim in the manner prescribed in s. 1012.61(2)(b) within 5
19 working days following the employee's return from such
20 absence. The school board of the district in which such person
21 is employed shall approve the claims and authorize the payment
22 thereof if the district school board is satisfied that the
23 claim correctly states the facts and that the claim is
24 entitled to payment in accordance with the provisions of this
25 section.

26 Section 741. Section 1012.64, Florida Statutes, is
27 created to read:

28 1012.64 Sabbatical leave.--

29 (1) Any member of the instructional staff of any
30 school district may be granted sabbatical leave for a period
31 not to exceed 1 year. A person who receives such leave may be

1 paid one-half of his or her ordinary salary during the period
2 of such leave, or in accordance with negotiated agreement or
3 district school board policy, and shall receive full benefits
4 during such period. A person compensated under this section
5 may not be compensated for other employment during the period
6 of sabbatical leave so that he or she would receive combined
7 compensation in excess of his or her ordinary salary.

8 (2) Funds, not to exceed 25 percent, of the district's
9 allocation for inservice training under s. 1011.62(3) or other
10 district funds may be expended in order to fulfill the
11 provisions of this section, provided that the district
12 allocates \$5 of district funds for each \$1 of state inservice
13 training funds expended under this subsection.

14 (3) Each district school board shall adopt rules to
15 implement this section.

16 Section 742. Section 1012.65, Florida Statutes, is
17 created to read:

18 1012.65 Terminal pay for accrued vacation leave.--A
19 district school board may establish policies to provide for a
20 lump-sum payment for accrued vacation leave to an employee of
21 the district school board upon termination of employment or
22 upon retirement, or to the employee's beneficiary if service
23 is terminated by death. Effective July 1, 2001, terminal pay
24 for accrued vacation leave may not exceed a maximum of 60 days
25 of actual payment. This limit does not impair any contractual
26 agreement established before July 1, 2001. For unused vacation
27 leave accumulated before July 1, 2001, terminal payment shall
28 be made pursuant to the district school board's policies,
29 contracts, or rules that are in effect on June 30, 2001.

30 Section 743. Section 1012.66, Florida Statutes, is
31 created to read:

1 1012.66 Provisions for leaves of absence.--All leaves
2 of absence for all district school board employees, except
3 those leaves prescribed by law, shall be granted with or
4 without compensation pursuant to rules adopted by the district
5 school board. Such leaves authorized by the district school
6 board shall include, but are not limited to, professional
7 leave and extended professional leave, personal leave,
8 military leave granted in compliance with chapter 115, and
9 maternity leave.

10 Section 744. Section 1012.67, Florida Statutes, is
11 created to read:

12 1012.67 Absence without leave.--Any district school
13 board employee who is willfully absent from duty without leave
14 shall forfeit compensation for the time of such absence, and
15 his or her employment shall be subject to termination by the
16 district school board.

17 Section 745. Section 1012.68, Florida Statutes, is
18 created to read:

19 1012.68 Records of absences.--The administrator of
20 each designated organizational unit shall see that both the
21 days present and the days absent for each employee are
22 reported to the district school superintendent at least once
23 each month in the manner prescribed for that purpose. This
24 report shall include the exact dates of, and the reasons for,
25 each absence. Each district school superintendent shall
26 establish procedures to ensure maintenance of the complete
27 records of all such absences.

28 Section 746. Section 1012.685, Florida Statutes, is
29 created to read:

30 1012.685 Retirement; annuities authorized.--
31

1 (1) District school boards may purchase annuities for
2 all school personnel with 25 or more years of creditable
3 service who have reached age 50 and have applied for
4 retirement under the Florida Retirement System or who have
5 reached age 55 and have applied for retirement under plan E of
6 the Teachers' Retirement System. No such annuity shall provide
7 for more than the total difference in retirement income
8 between the retirement benefit based on average monthly
9 compensation and creditable service as of the member's early
10 retirement date and the early retirement benefit.

11 (2) District school boards may purchase annuities for
12 members of the Florida Retirement System who have out-of-state
13 teaching service in another state or country which is
14 documented as valid by the appropriate district school board.
15 Such annuities may be based on no more than 5 years of
16 out-of-state teaching service and may equal, but not exceed,
17 the benefits that would be payable under the Florida
18 Retirement System if credit for out-of-state teaching was
19 authorized under that system.

20 (3) District school boards may invest funds, purchase
21 annuities, or provide local supplemental retirement programs
22 for purposes of providing annuities for school personnel.

23 (4) All retirement annuities shall comply with s. 14,
24 Art. X of the State Constitution.

25 Section 747. Section 1012.69, Florida Statutes, is
26 created to read:

27 1012.69 Provisions relating to Workers' Compensation
28 Law.--Nothing contained in this chapter shall supersede any of
29 the provisions of the Workers' Compensation Law; provided,
30 however, that where amounts payable under the provisions of
31 the education code, for injuries, accidents, or other

1 disabilities which would entitle an employee to compensation
2 under the provisions of the Workers' Compensation Law exceed
3 the amounts payable under the compensation law, payments shall
4 be made, as provided in the education code, for the difference
5 between the amount paid under the Workers' Compensation Law
6 and the amount due under the provisions of the education code.

7 Section 748. Section 1012.695, Florida Statutes, is
8 created to read:

9 1012.695 Local civil service system laws not
10 superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not
11 be construed to supersede or modify any local law establishing
12 a civil service system covering employees of any school
13 district.

14 Section 749. Part III.f. of chapter 1012, Florida
15 Statutes, shall be entitled "Educator Benefits; Liability
16 Protection; Awards in Public Schools" and shall consist of ss.
17 1012.71-1012.77.

18 Section 750. Section 1012.71, Florida Statutes, is
19 created to read:

20 1012.71 The Florida Teachers Lead Program Stipend.--

21 (1) Funding for the Florida Teachers Lead Program
22 Stipend shall be as determined by the Legislature in the
23 General Appropriations Act. Funds appropriated for the Florida
24 Teachers Lead Program Stipend are provided to purchase
25 classroom materials and supplies used in the instruction of
26 students in kindergarten through grade 12 of the public school
27 system. From the funds appropriated, the Commissioner of
28 Education shall calculate an amount for each school district
29 by prorating the total of each school district's share of the
30 total K-12 unweighted FTE student enrollment.

31

1 (2) From the funds allocated to each district, the
 2 district school board shall calculate an identical amount for
 3 each classroom teacher which is his or her proportionate share
 4 of the amount allocated to the district for the total number
 5 of teachers in the district. The district school board shall
 6 provide the funds no later than September 30 of each year
 7 directly to each teacher as a stipend to purchase, on behalf
 8 of the school district, classroom materials and supplies to be
 9 used in the instruction of students assigned to the teacher.
 10 Each teacher shall have sole discretion regarding which
 11 classroom materials and supplies best meet the needs of the
 12 students, when they are needed, and where they are acquired.
 13 The funds expended by individual teachers shall not be subject
 14 to state or local competitive bidding requirements.
 15 Disbursement of Florida Teachers Lead Program Stipend funds
 16 directly to each teacher shall complete the school district's
 17 expenditure of these funds.

18 (3) Each teacher shall sign a statement acknowledging
 19 receipt of the funds, agreeing to keep receipts to show the
 20 expenditure of the funds used to purchase classroom materials
 21 and supplies for use in the instruction of the students
 22 assigned to them, and agreeing to return any unused funds by
 23 the end of the regular school year. The statement to be signed
 24 and dated by each teacher for receipt of the Florida Teachers
 25 Lead Program Stipend shall include the wording: "I, ...(Name
 26 of teacher)..., am employed by the County District School
 27 Board as a full-time classroom teacher. I acknowledge that
 28 Florida Teachers Lead Program Stipend funds are appropriated
 29 by the Legislature for the sole purpose of purchasing
 30 classroom materials and supplies to be used in the instruction
 31 of students assigned to me. In accepting custody of these

1 funds, I agree to keep receipts for all expenditures. I
2 understand that if I do not keep receipts showing these funds
3 were spent to purchase classroom materials and supplies for
4 use with my students, it will be my personal responsibility to
5 pay any federal taxes due on these funds. I also agree to
6 return any unused funds to the district school board at the
7 end of the regular school year for deposit into the School
8 Advisory Council account of the school at which I was employed
9 at the time of the receipt of the funds."

10 (4) Florida Teachers Lead Program Stipend funds shall
11 be provided to each teacher in addition to any other funds
12 appropriated for public school operations.

13 (5) Any unused funds which are returned to the
14 district school board shall be deposited into the School
15 Advisory Council account of the school at which the teacher
16 returning the funds was employed at the time of the receipt of
17 the funds.

18 (6) For purposes of this section, the term "classroom
19 teacher" includes certified teachers employed on or before
20 September 1 of each year whose full-time job responsibility is
21 the classroom instruction of students in kindergarten through
22 grade 12, and full-time media specialists and guidance
23 counselors who serve students in kindergarten through grade
24 12. Only school district personnel employed in these positions
25 are eligible for the classroom materials and supply stipend
26 from funds appropriated to implement the provisions of this
27 section.

28 Section 751. Section 1012.72, Florida Statutes, is
29 created to read:

30 1012.72 Excellent Teaching Program.--
31

1 (1) The Legislature recognizes that teachers play a
 2 critical role in preparing students to achieve the high levels
 3 of academic performance expected by the Sunshine State
 4 Standards. The Legislature further recognizes the importance
 5 of identifying and rewarding teaching excellence and of
 6 encouraging good teachers to become excellent teachers. The
 7 Legislature finds that the National Board of Professional
 8 Teaching Standards (NBPTS) has established high and rigorous
 9 standards for accomplished teaching and has developed a
 10 national voluntary system for assessing and certifying
 11 teachers who demonstrate teaching excellence by meeting those
 12 standards. It is therefore the Legislature's intent to provide
 13 incentives for teachers to seek NBPTS certification and to
 14 reward teachers who demonstrate teaching excellence by
 15 attaining NBPTS certification and sharing their expertise with
 16 other teachers.

17 (2) The Excellent Teaching Program is created to
 18 provide monetary incentives and bonuses for teaching
 19 excellence. The Department of Education shall distribute to
 20 each school district or to the NBPTS an amount as prescribed
 21 annually by the Legislature for the Excellent Teaching
 22 Program. For purposes of this section, the Florida School for
 23 the Deaf and the Blind shall be considered a school district.
 24 Unless otherwise provided in the General Appropriations Act,
 25 each distribution shall be the sum of the amounts earned for
 26 the following incentives and bonuses:

27 (a) A fee subsidy to be paid by the Department of
 28 Education to the NBPTS on behalf of each individual who is an
 29 employee of a district school board or a public school within
 30 the school district, who is certified by the district to have
 31 demonstrated satisfactory teaching performance pursuant to s.

1 1012.34 and who satisfies the prerequisites for participating
 2 in the NBPTS certification program, and who agrees, in
 3 writing, to pay 10 percent of the NBPTS participation fee and
 4 to participate in the NBPTS certification program during the
 5 school year for which the fee subsidy is provided. The fee
 6 subsidy for each eligible participant shall be an amount equal
 7 to 90 percent of the fee charged for participating in the
 8 NBPTS certification program. The fee subsidy is a one-time
 9 award and may not be duplicated for any individual.

10 (b) A portfolio-preparation incentive of \$150 paid by
 11 the Department of Education to each teacher employed by a
 12 district school board or a public school within a school
 13 district who is participating in the NBPTS certification
 14 program. The portfolio-preparation incentive is a one-time
 15 award paid during the school year for which the NBPTS fee
 16 subsidy is provided.

17 (c) An annual bonus equal to 10 percent of the prior
 18 fiscal year's statewide average salary for classroom teachers
 19 to be distributed to the school district to be paid to each
 20 individual who holds NBPTS certification and is employed by
 21 the district school board or by a public school within the
 22 school district. The district school board shall distribute
 23 the annual bonus to each individual who meets the requirements
 24 of this paragraph and who is certified annually by the
 25 district to have demonstrated satisfactory teaching
 26 performance pursuant to s. 1012.34. The annual bonus may be
 27 paid as a single payment or divided into not more than three
 28 payments.

29 (d) An annual bonus equal to 10 percent of the prior
 30 fiscal year's statewide average salary for classroom teachers
 31 to be distributed to the school district to be paid to each

1 individual who meets the requirements of paragraph (c) and
 2 agrees, in writing, to provide the equivalent of 12 workdays
 3 of mentoring and related services to public school teachers
 4 within the state who do not hold NBPTS certification. The
 5 district school board shall distribute the annual bonus in a
 6 single payment following the completion of all required
 7 mentoring and related services for the year. It is not the
 8 intent of the Legislature to remove excellent teachers from
 9 their assigned classrooms; therefore, credit may not be
 10 granted by a school district or public school for mentoring or
 11 related services provided during student contact time during
 12 the 196 days of required service for the school year.

13
 14 A teacher for whom the state pays the certification fee and
 15 who does not complete the certification program or does not
 16 teach in a public school of this state for at least 1 year
 17 after completing the certification program must repay the
 18 amount of the certification fee to the state. However, a
 19 teacher who completes the certification program but fails to
 20 be awarded NBPTS certification is not required to repay the
 21 amount of the certification fee if the teacher meets the
 22 1-year teaching requirement. Repayment is not required of a
 23 teacher who does not complete the certification program or
 24 fails to fulfill the teaching requirement because of the
 25 teacher's death or disability or because of other extenuating
 26 circumstances as determined by the State Board of Education.

27 (3)(a) In addition to any other remedy available under
 28 the law, any person who is a recipient of a certification fee
 29 subsidy paid to the NBPTS and who is an employee of the state
 30 or any of its political subdivisions is considered to have
 31 consented, as a condition of employment, to the voluntary or

1 involuntary withholding of wages to repay to the state the
 2 amount of such a certification fee subsidy awarded under this
 3 section. Any such employee who defaults on the repayment of
 4 such a certification fee subsidy must, within 60 days after
 5 service of a notice of default by the Department of Education
 6 to the employee, establish a repayment schedule which must be
 7 agreed to by the department and the employee, for repaying the
 8 defaulted sum through payroll deductions. The department may
 9 not require the employee to pay more than 10 percent of the
 10 employee's pay per pay period under such a repayment schedule
 11 or plan. If the employee fails to establish a repayment
 12 schedule within the specified period of time or fails to meet
 13 the terms and conditions of the agreed upon or approved
 14 repayment schedule as authorized by this subsection, the
 15 employee has breached an essential condition of employment and
 16 is considered to have consented to the involuntary withholding
 17 of wages or salary for the repayment of the certification fee
 18 subsidy.

19 (b) A person who is employed by the state, or any of
 20 its political subdivisions, may not be dismissed for having
 21 defaulted on the repayment of the certification fee subsidy to
 22 the state.

23 (4) The State Board of Education may adopt rules
 24 pursuant to ss. 120.536 and 120.54 as necessary to implement
 25 the provisions for payment of the fee subsidies, incentives,
 26 and bonuses and for the repayment of defaulted certification
 27 fee subsidies under this section.

28 (5) The Excellent Teaching Program Trust Fund shall be
 29 administered by the Department of Education pursuant to s.
 30 1010.72.

31

1 Section 752. Section 1012.73, Florida Statutes, is
2 created to read:

3 1012.73 Florida Mentor Teacher School Pilot Program.--

4 (1) The Legislature recognizes that high-quality
5 teachers are essential to assuring excellence and increasing
6 the achievement levels of all students. The purpose of this
7 section is to provide a model to reform and improve the
8 current structure of the teaching profession. There is created
9 a Florida Mentor Teacher School Pilot Program to attract,
10 retain, and motivate high-quality teachers. The commissioner
11 shall select a combination of elementary, middle, and high
12 schools representing small, medium, and large districts. Each
13 approved school shall receive an equivalent grant based upon
14 the number of schools selected by the commissioner and the
15 amount of the legislative appropriation. Each mentor teacher
16 school program shall be approved based on criteria specified
17 by the commissioner.

18 (2) The goals of the Florida Mentor Teacher School
19 Pilot Program are to:

20 (a) Provide teachers with multiple career paths,
21 beginning as education paraprofessionals and rising to
22 associate teachers, teachers, lead teachers, and mentor
23 teachers. The five levels must have highly differentiated
24 duties. The mentor teacher shall have a reduced teaching
25 schedule that permits weekly instruction to all students under
26 the mentor teacher's supervision while also allowing for
27 demonstration lessons, coaching, facilitating curriculum
28 development, and providing staff development for other
29 teachers at the school.

30 (b) Establish broad salary ranges to provide
31 flexibility and to reward performance and to negotiate

1 salaries to attract teachers to hard-to-staff schools and
2 subjects. Advancement shall be determined by academic
3 achievement, examination, demonstration, and student learning
4 gains data. Each mentor teacher shall be eligible for a total
5 annual salary incentive of up to twice the average district
6 classroom teacher's salary. Fifty percent of the mentor
7 teacher salary incentive shall be based on increased student
8 achievement of students assigned to the supervision of the
9 mentor teacher.

10 (c) Provide ongoing professional development for
11 teachers to learn and grow professionally that includes a
12 daily block of time for associate teachers, teachers, and lead
13 teachers to reflect and plan and to interact with the mentor
14 teacher.

15 (d) Provide all eligible teachers with the opportunity
16 for national certification.

17 (e) Provide for a specified organizational pattern,
18 such as clusters or teams of teachers for grade levels or
19 subject areas comprised of associate teachers, teachers, and
20 lead teachers who are supported by education paraprofessional
21 learning guides and directed by a mentor teacher.

22 (3) The five teacher career development positions and
23 minimum requirements are:

24 (a) Education paraprofessional learning guide.--An
25 education paraprofessional learning guide must hold an
26 associate degree from a postsecondary educational institution
27 and must demonstrate appropriate writing, speaking, and
28 computation skills.

29 (b) Associate teacher.--An associate teacher must hold
30 a bachelor's degree from a postsecondary educational
31

1 institution and a valid Florida teaching certificate as
2 provided by s. 1012.56.

3 (c) Teacher.--A teacher must hold a bachelor's degree
4 or higher from a postsecondary educational institution and a
5 valid Florida teaching certificate, have a minimum of 3 years'
6 full-time teaching experience, document satisfactory teaching
7 performance, and document evidence of positive student
8 learning gains, when data become available.

9 (d) Lead teacher.--A lead teacher must hold a
10 bachelor's degree or higher from a postsecondary educational
11 institution and a valid Florida professional teaching
12 certificate, have a minimum of 3 years' full-time teaching
13 experience, document exemplary teaching performance, and
14 document evidence of significant positive student learning
15 gains, when data become available. A lead teacher shall
16 provide intensive support for associate teachers and teachers.

17 (e) Mentor teacher.--A mentor teacher must:

18 1. Hold a bachelor's degree or higher from a
19 postsecondary educational institution and a valid Florida
20 professional teaching certificate.

21 2. Have a minimum of 5 years' full-time teaching
22 experience.

23 3. Document exemplary teaching performance.

24 4. Document evidence of significant positive student
25 learning gains, when data become available.

26 5. Hold a valid National Board for Professional
27 Teaching Standards certificate; have been selected as a
28 school, district, or state teacher of the year; or hold an
29 equivalent status as determined by the commissioner.

30 6. Demonstrate expertise as a staff developer.
31

1 (4) The State Board of Education may adopt rules,
2 pursuant to ss. 120.536(1) and 120.54, for the implementation
3 of this section and approval of the mentor teacher school
4 program.

5 (5) This section shall be implemented to the extent
6 specifically funded in the General Appropriations Act.

7 Section 753. Section 1012.74, Florida Statutes, is
8 created to read:

9 1012.74 Florida educators professional liability
10 insurance protection.--

11 (1) The Legislature intends that all the teachers in
12 this state be protected from liability for monetary damages
13 and the cost of defense of actions resulting from claims made
14 against them arising out of occurrences in the course of
15 activities in their professional capacity.

16 (2)(a) Educator professional liability coverage for
17 all instructional personnel, as defined by s. 1012.01(2), who
18 are full-time personnel, as defined by the district school
19 board policy, shall be provided by specific appropriations
20 under the General Appropriations Act.

21 (b) Educator professional liability coverage shall be
22 extended at cost to all instructional personnel, as defined by
23 s. 1012.01(3), who are part-time personnel, as defined by the
24 district school board policy, and choose to participate in the
25 state-provided program.

26 (c) Educator professional liability coverage shall be
27 extended at cost to all administrative personnel, as defined
28 by s. 1012.01(2), who choose to participate in the
29 state-provided program.

30 (3) The Department of Education shall administer the
31 educator liability program. The insurance carrier providing

1 any portion of educator professional liability coverage under
2 the program which is procured with state funds must be
3 selected by a competitive process. The amount of the
4 appropriation for purchase of liability insurance remaining
5 after liability insurance is provided shall revert to general
6 revenue unallocated.

7 Section 754. Section 1012.75, Florida Statutes, is
8 created to read:

9 1012.75 Liability of teacher or principal; excessive
10 force.--

11 (1) Except in the case of excessive force or cruel and
12 unusual punishment, a teacher or other member of the
13 instructional staff, a principal or the principal's designated
14 representative, or a bus driver shall not be civilly or
15 criminally liable for any action carried out in conformity
16 with State Board of Education and district school board rules
17 regarding the control, discipline, suspension, and expulsion
18 of students, including, but not limited to, any exercise of
19 authority under s. 1003.32 or s. 1006.09.

20 (2) The State Board of Education shall adopt rules
21 that outline administrative standards for the use of
22 reasonable force by school personnel to maintain a safe and
23 orderly learning environment. Such standards shall be
24 distributed to each school in the state and shall provide
25 guidance to school personnel in receiving the limitations on
26 liability specified in this section.

27 Section 755. Section 1012.77, Florida Statutes, is
28 created to read:

29 1012.77 Christa McAuliffe Ambassador for Education
30 Program.--

31

1 (1) The Legislature recognizes that Florida continues
2 to face teacher shortages and that fewer young people consider
3 teaching as a career. It is the intent of the Legislature to
4 promote the positive and rewarding aspects of being a teacher,
5 to encourage more individuals to become teachers, and to
6 provide annual sabbatical support for outstanding Florida
7 teachers to serve as goodwill ambassadors for education. The
8 Legislature further wishes to honor the memory of Christa
9 McAuliffe, who epitomized the challenge and inspiration that
10 teaching can be.

11 (2) The Christa McAuliffe Ambassador for Education
12 Program is established to provide salary, travel, and other
13 related expenses annually for an outstanding Florida teacher
14 to promote the positive aspects of teaching as a career. The
15 goals of the program are to:

16 (a) Enhance the stature of teachers and the teaching
17 profession.

18 (b) Promote the importance of quality education and
19 teaching for our future.

20 (c) Inspire and attract talented people to become
21 teachers.

22 (d) Provide information regarding Florida's
23 scholarship and loan programs related to teaching.

24 (e) Promote the teaching profession within community
25 and business groups.

26 (f) Provide information to retired military personnel
27 and other individuals who might consider teaching as a second
28 career.

29 (g) Work with and represent the Department of
30 Education, as needed.

31

1 (h) Work with and encourage the efforts of school and
2 district teachers of the year.

3 (i) Support the activities of the Florida Future
4 Educator of America Program.

5 (j) Represent Florida teachers at business, trade,
6 education, and other conferences and meetings.

7 (k) Promote the teaching profession in other ways
8 related to the teaching responsibilities, background
9 experiences, and aspirations of the Ambassador for Education.

10 (3) The Teacher of the Year shall serve as the
11 Ambassador for Education. If the Teacher of the Year is
12 unable to serve as the Ambassador for Education, the first
13 runner-up shall serve in his or her place. The Department of
14 Education shall establish application and selection procedures
15 for determining an annual teacher of the year. Applications
16 and selection criteria shall be developed and distributed
17 annually by the Department of Education to all school
18 districts. The Commissioner of Education shall establish a
19 selection committee which assures representation from teacher
20 organizations, administrators, and parents to select the
21 Teacher of the Year and Ambassador for Education from among
22 the district teachers of the year.

23 (4)(a) The Commissioner of Education shall pay an
24 annual salary, fringe benefits, travel costs, and other costs
25 associated with administering the program.

26 (b) The Ambassador for Education shall serve for 1
27 year, from July 1 to June 30, and shall be assured of
28 returning to his or her teaching position upon completion of
29 the program. The ambassador will not have a break in
30 creditable or continuous service or employment for the period
31 of time in which he or she participates in the program.

1 Section 756. Part III.g. of chapter 1012, Florida
2 Statutes, shall be entitled "Personnel Discipline and
3 Assistance in Public Schools" and shall consist of ss.
4 1012.79-1012.798.

5 Section 757. Section 1012.79, Florida Statutes, is
6 created to read:

7 1012.79 Education Practices Commission;
8 organization.--

9 (1) The Education Practices Commission consists of 17
10 members, including 7 teachers, 5 administrators, and 5 lay
11 citizens (of whom 2 shall be former district school board
12 members), appointed by the State Board of Education from
13 nominations by the Commissioner of Education and subject to
14 Senate confirmation. Prior to making nominations, the
15 commissioner shall consult with the teaching and other
16 involved associations in the state. In making nominations, the
17 commissioner shall attempt to achieve equal geographical
18 representation, as closely as possible.

19 (a) A teacher member, in order to be qualified for
20 appointment:

- 21 1. Must be certified to teach in the state.
- 22 2. Must be a resident of the state.
- 23 3. Must have practiced the profession in this state
24 for at least 5 years immediately preceding the appointment.

25 (b) A school administrator member, in order to be
26 qualified for appointment:

- 27 1. Must have an endorsement on the educator
28 certificate in the area of school administration or
29 supervision.
- 30 2. Must be a resident of the state.

31

1 3. Must have practiced the profession as an
2 administrator for at least 5 years immediately preceding the
3 appointment.

4 (c) The lay members must be residents of the state.

5 (2) Members of the commission shall serve for 4-year
6 staggered terms. No commission member may serve more than 8
7 years.

8 (3) The State Board of Education may remove any member
9 from the commission for misconduct or malfeasance in office,
10 incapacity, or neglect of duty.

11 (4) From among its members, the commission shall elect
12 a chair who shall preside over meetings of the commission and
13 perform other duties directed by the commission or required by
14 its duly adopted rules or operating procedures. School
15 districts shall be reimbursed for substitute teachers required
16 to replace commission members, when they are carrying out
17 their official duties, at a rate established by the school
18 district for substitute teachers. The department may
19 reimburse local school districts for substitutes.

20 (5) The commission, by a vote of three-fourths of the
21 membership, shall employ an executive director, who shall be
22 exempt from career service. The executive director may be
23 dismissed by a majority vote of the membership.

24 (6)(a) The commission shall be assigned to the
25 Department of Education for administrative purposes. The
26 commission, in the performance of its powers and duties, shall
27 not be subject to control, supervision, or direction by the
28 Department of Education.

29 (b) The property, personnel, and appropriations
30 related to the specified authority, powers, duties, and
31

1 responsibilities of the commission shall be provided to the
2 commission by the Department of Education.

3 (7) The duties and responsibilities of the commission
4 are to:

5 (a) Interpret and apply the standards of professional
6 practice established by the State Board of Education.

7 (b) Revoke or suspend a certificate or take other
8 appropriate action as provided in ss. 1012.56 and 1012.796.

9 (c) Report to and meet with the State Board of
10 Education at least once each year.

11 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54
12 to implement provisions of law conferring duties upon it.

13 (8)(a) The commission shall, from time to time,
14 designate members of the commission to serve on panels for the
15 purpose of reviewing and issuing final orders upon cases
16 presented to the commission. A case concerning a complaint
17 against a teacher shall be reviewed and a final order thereon
18 shall be entered by a panel composed of seven commission
19 members, four of whom shall be teachers. A case concerning a
20 complaint against an administrator shall be reviewed and a
21 final order thereon shall be entered by a panel composed of
22 seven commission members, four of whom shall be
23 administrators.

24 (b) A majority of a quorum of a panel of the
25 commission shall have final agency authority in all cases
26 involving the revocation, suspension, or other disciplining of
27 certificates of teachers and school administrators. A majority
28 of the membership of the panel shall constitute a quorum. The
29 district school board shall retain the authority to discipline
30 teachers and administrators pursuant to law.

31

1 (9) The commission shall make such expenditures as may
2 be necessary in exercising its authority and powers and
3 carrying out its duties and responsibilities, including
4 expenditures for personal services, general counsel or access
5 to counsel, and rent at the seat of government and elsewhere;
6 for books of reference, periodicals, furniture, equipment, and
7 supplies; and for printing and binding. The expenditures of
8 the commission shall be subject to the powers and duties of
9 the Department of Banking and Finance as provided in s. 17.03.

10 (10) The commission shall be financed from the
11 following: certification fees; fines, penalties, and costs
12 collected pursuant to s. 1012.796(9); and general revenue.

13 Section 758. Section 1012.795, Florida Statutes, is
14 created to read:

15 1012.795 Education Practices Commission; authority to
16 discipline.--

17 (1) The Education Practices Commission may suspend the
18 educator certificate of any person as defined in s. 1012.01(2)
19 or (3) for a period of time not to exceed 3 years, thereby
20 denying that person the right to teach for that period of
21 time, after which the holder may return to teaching as
22 provided in subsection (4); may revoke the educator
23 certificate of any person, thereby denying that person the
24 right to teach for a period of time not to exceed 10 years,
25 with reinstatement subject to the provisions of subsection
26 (4); may revoke permanently the educator certificate of any
27 person; may suspend the educator certificate, upon order of
28 the court, of any person found to have a delinquent child
29 support obligation; or may impose any other penalty provided
30 by law, provided it can be shown that the person:

- 1 (a) Obtained the educator certificate by fraudulent
2 means.
- 3 (b) Has proved to be incompetent to teach or to
4 perform duties as an employee of the public school system or
5 to teach in or to operate a private school.
- 6 (c) Has been guilty of gross immorality or an act
7 involving moral turpitude.
- 8 (d) Has had an educator certificate revoked in another
9 state.
- 10 (e) Has been convicted of a misdemeanor, felony, or
11 any other criminal charge, other than a minor traffic
12 violation.
- 13 (f) Upon investigation, has been found guilty of
14 personal conduct which seriously reduces that person's
15 effectiveness as an employee of the district school board.
- 16 (g) Has breached a contract, as provided in s.
17 1012.33(2).
- 18 (h) Has been the subject of a court order directing
19 the Education Practices Commission to suspend the certificate
20 as a result of a delinquent child support obligation.
- 21 (i) Has violated the Principles of Professional
22 Conduct for the Education Profession prescribed by State Board
23 of Education rules.
- 24 (j) Has otherwise violated the provisions of law, the
25 penalty for which is the revocation of the educator
26 certificate.
- 27 (k) Has violated any order of the Education Practices
28 Commission.
- 29 (2) The plea of guilty in any court, the decision of
30 guilty by any court, the forfeiture by the teaching
31 certificateholder of a bond in any court of law, or the

1 written acknowledgment, duly witnessed, of offenses listed in
 2 subsection (1) to the district school superintendent or a duly
 3 appointed representative or to the district school board shall
 4 be prima facie proof of grounds for revocation of the
 5 certificate as listed in subsection (1) in the absence of
 6 proof by the certificateholder that the plea of guilty,
 7 forfeiture of bond, or admission of guilt was caused by
 8 threats, coercion, or fraudulent means.

9 (3) The revocation by the Education Practices
 10 Commission of an educator certificate of any person
 11 automatically revokes any and all Florida educator
 12 certificates held by that person.

13 (4)(a) An educator certificate which has been
 14 suspended under this section is automatically reinstated at
 15 the end of the suspension period, provided the certificate did
 16 not expire during the period of suspension. If the
 17 certificate expired during the period of suspension, the
 18 holder of the former certificate may secure a new certificate
 19 by making application therefor and by meeting the
 20 certification requirements of the state board current at the
 21 time of the application for the new certificate. An educator
 22 certificate suspended pursuant to a court order for a
 23 delinquent child support obligation may only be reinstated
 24 upon notice from the court that the party has complied with
 25 the terms of the court order.

26 (b) A person whose educator certificate has been
 27 revoked under this section may apply for a new certificate at
 28 the expiration of that period of ineligibility fixed by the
 29 Education Practices Commission by making application therefor
 30 and by meeting the certification requirements of the state
 31

1 board current at the time of the application for the new
2 certificate.

3 (5) Each district school superintendent and the
4 governing authority of each university lab school,
5 state-supported school, or private school shall report to the
6 department the name of any person certified pursuant to this
7 chapter or employed and qualified pursuant to s. 1012.39:

8 (a) Who has been convicted of, or who has pled nolo
9 contendere to, a misdemeanor, felony, or any other criminal
10 charge, other than a minor traffic infraction;

11 (b) Who that official has reason to believe has
12 committed or is found to have committed any act which would be
13 a ground for revocation or suspension under subsection (1); or

14 (c) Who has been dismissed or severed from employment
15 because of conduct involving any immoral, unnatural, or
16 lascivious act.

17 (6)(a) When an individual violates the provisions of a
18 settlement agreement enforced by a final order of the
19 Education Practices Commission, an order to show cause may be
20 issued by the clerk of the commission. The order shall require
21 the individual to appear before the commission to show cause
22 why further penalties should not be levied against the
23 individual's certificate pursuant to the authority provided to
24 the Education Practices Commission in subsection (1). The
25 Education Practices Commission may fashion further penalties
26 under the authority of subsection (1) as deemed appropriate
27 when the show cause order is responded to by the individual.

28 (b) The Education Practices Commission shall issue a
29 final order revoking an individual's Florida educator's
30 certificate for a minimum of 1 year under the following
31 circumstances:

- 1 1. If the individual:
2 a. Has been found to have violated the provisions of
3 this section, such that the Education Practices Commission has
4 the authority to discipline the individual's Florida
5 educator's certificate on two separate occasions;
6 b. Has twice entered into a settlement agreement
7 enforced by a final order of the Education Practices
8 Commission; or
9 c. Has been found to have violated the provisions of
10 this section, such that the Education Practices Commission has
11 the authority to discipline the individual's Florida
12 educator's certificate on one occasion and entered into a
13 settlement agreement enforced by a final order of the
14 Education Practices Commission on one occasion; and
15 2. A third finding of probable cause and a finding
16 that the allegations are proven or admitted to is subsequently
17 found by the Commissioner of Education.

18
19 If, in the third instance, the individual enters into a
20 settlement agreement with the Department of Education, that
21 agreement shall also include a penalty revoking that
22 individual's Florida educator's certificate for a minimum of 1
23 year.

24 Section 759. Section 1012.796, Florida Statutes, is
25 created to read:

26 1012.796 Complaints against teachers and
27 administrators; procedure; penalties.--

28 (1)(a) The Department of Education shall cause to be
29 investigated expeditiously any complaint filed before it or
30 otherwise called to its attention which, if legally
31 sufficient, contains grounds for the revocation or suspension

1 of a certificate or any other appropriate penalty as set forth
2 in subsection (7). The complaint is legally sufficient if it
3 contains the ultimate facts which show a violation has
4 occurred as provided in s. 1012.795. The department may
5 investigate or continue to investigate and take appropriate
6 action in a complaint even though the original complainant
7 withdraws the complaint or otherwise indicates a desire not to
8 cause it to be investigated or prosecuted to completion. The
9 department may investigate or continue to investigate and take
10 action on a complaint filed against a person whose educator
11 certificate has expired if the act or acts which are the basis
12 for the complaint were allegedly committed while that person
13 possessed an educator certificate.

14 (b) When an investigation is undertaken, the
15 department shall notify the certificateholder and the district
16 school superintendent in the district in which the
17 certificateholder is employed and shall inform the
18 certificateholder of the substance of any complaint which has
19 been filed against that certificateholder, unless the
20 department determines that such notification would be
21 detrimental to the investigation, in which case the department
22 may withhold notification.

23 (c) Each school district shall file in writing with
24 the department all legally sufficient complaints within 30
25 days after the date on which subject matter of the complaint
26 comes to the attention of the school district. The school
27 district shall include all information relating to the
28 complaint which is known to the school district at the time of
29 filing. Each district school board shall develop policies and
30 procedures to comply with this reporting requirement. The
31 district school board policies and procedures shall include

1 appropriate penalties for all personnel of the district school
 2 board for nonreporting and procedures for promptly informing
 3 the district school superintendent of each legally sufficient
 4 complaint. The district school superintendent is charged with
 5 knowledge of these policies and procedures. If the district
 6 school superintendent has knowledge of a legally sufficient
 7 complaint and does not report the complaint, or fails to
 8 enforce the policies and procedures of the district school
 9 board, and fails to comply with the requirements of this
 10 subsection, in addition to other actions against
 11 certificateholders authorized by law, the district school
 12 superintendent shall be subject to penalties as specified in
 13 s. 1001.51(13). This paragraph does not limit or restrict the
 14 power and duty of the department to investigate complaints as
 15 provided in paragraphs (a) and (b), regardless of the school
 16 district's untimely filing, or failure to file, complaints and
 17 followup reports.

18 (2) The Commissioner of Education shall develop job
 19 specifications for investigative personnel employed by the
 20 department. Such specifications shall be substantially
 21 equivalent to or greater than those job specifications of
 22 investigative personnel employed by the Department of Business
 23 and Professional Regulation. The department may contract with
 24 the Department of Business and Professional Regulation for
 25 investigations. No person who is responsible for conducting an
 26 investigation of a teacher or administrator may prosecute the
 27 same case. The department general counsel or members of that
 28 staff may conduct prosecutions under this section.

29 (3) The department staff shall advise the commissioner
 30 concerning the findings of the investigation. The department
 31 general counsel or members of that staff shall review the

1 investigation and advise the commissioner concerning probable
2 cause or lack thereof. The determination of probable cause
3 shall be made by the commissioner. The commissioner shall
4 provide an opportunity for a conference, if requested, prior
5 to determining probable cause. The commissioner may enter
6 into deferred prosecution agreements in lieu of finding
7 probable cause when in his or her judgment such agreements
8 would be in the best interests of the department, the
9 certificateholder, and the public. Such deferred prosecution
10 agreements shall become effective when filed with the clerk of
11 the Education Practices Commission. However, a deferred
12 prosecution agreement shall not be entered into where there is
13 probable cause to believe that a felony or an act of moral
14 turpitude has occurred. Upon finding no probable cause, the
15 commissioner shall dismiss the complaint.

16 (4) The complaint and all information obtained
17 pursuant to the investigation by the department shall be
18 confidential and exempt from the provisions of s. 119.07(1)
19 until the conclusion of the preliminary investigation of the
20 complaint, until such time as the preliminary investigation
21 ceases to be active, or until such time as otherwise provided
22 by s. 1012.798(6). However, the complaint and all material
23 assembled during the investigation may be inspected and copied
24 by the certificateholder under investigation, or the
25 certificateholder's designee, after the investigation is
26 concluded, but prior to the determination of probable cause by
27 the commissioner. If the preliminary investigation is
28 concluded with the finding that there is no probable cause to
29 proceed, the complaint and information shall be open
30 thereafter to inspection pursuant to s. 119.07(1). If the
31 preliminary investigation is concluded with the finding that

1 there is probable cause to proceed and a complaint is filed
 2 pursuant to subsection (6), the complaint and information
 3 shall be open thereafter to inspection pursuant to s.
 4 119.07(1). If the preliminary investigation ceases to be
 5 active, the complaint and all such material shall be open
 6 thereafter to inspection pursuant to s. 119.07(1), except as
 7 otherwise provided pursuant to s. 1012.798(6). For the purpose
 8 of this subsection, a preliminary investigation shall be
 9 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.

12 (5) When deemed necessary to protect the health,
 13 safety, and welfare of a minor student, the district school
 14 superintendent in consultation with the school principal may,
 15 and upon the request of the Commissioner of Education shall,
 16 temporarily suspend a certificateholder from the
 17 certificateholder's regularly assigned duties, with pay, and
 18 reassign the suspended certificateholder to a position that
 19 does not require direct contact with students in the district
 20 school system. Such suspension shall continue until the
 21 completion of the proceedings and the determination of
 22 sanctions, if any, pursuant to this section and s. 1012.795.

23 (6) Upon the finding of probable cause, the
 24 commissioner shall file a formal complaint and prosecute the
 25 complaint pursuant to the provisions of chapter 120. An
 26 administrative law judge shall be assigned by the Division of
 27 Administrative Hearings of the Department of Management
 28 Services to hear the complaint if there are disputed issues of
 29 material fact. The administrative law judge shall make
 30 recommendations in accordance with the provisions of
 31 subsection (7) to the appropriate Education Practices

1 Commission panel which shall conduct a formal review of such
2 recommendations and other pertinent information and issue a
3 final order. The commission shall consult with its legal
4 counsel prior to issuance of a final order.

5 (7) A panel of the commission shall enter a final
6 order either dismissing the complaint or imposing one or more
7 of the following penalties:

8 (a) Denial of an application for a teaching
9 certificate or for an administrative or supervisory
10 endorsement on a teaching certificate. The denial may provide
11 that the applicant may not reapply for certification, and that
12 the department may refuse to consider that applicant's
13 application, for a specified period of time or permanently.

14 (b) Revocation or suspension of a certificate.

15 (c) Imposition of an administrative fine not to exceed
16 \$2,000 for each count or separate offense.

17 (d) Placement of the teacher, administrator, or
18 supervisor on probation for a period of time and subject to
19 such conditions as the commission may specify, including
20 requiring the certified teacher, administrator, or supervisor
21 to complete additional appropriate college courses or work
22 with another certified educator, with the administrative costs
23 of monitoring the probation assessed to the educator placed on
24 probation.

25 (e) Restriction of the authorized scope of practice of
26 the teacher, administrator, or supervisor.

27 (f) Reprimand of the teacher, administrator, or
28 supervisor in writing, with a copy to be placed in the
29 certification file of such person.

30 (g) Imposition of an administrative sanction, upon a
31 person whose teaching certificate has expired, for an act or

1 acts committed while that person possessed a teaching
2 certificate or an expired certificate subject to late renewal,
3 which sanction bars that person from applying for a new
4 certificate for a period of 10 years or less, or permanently.

5 (8) Violations of the provisions of probation shall
6 result in an order to show cause issued by the clerk of the
7 Education Practices Commission. Upon failure of the
8 probationer, at the time and place stated in the order, to
9 show cause satisfactorily to the Education Practices
10 Commission why a penalty for violating probation should not be
11 imposed, the Education Practices Commission shall impose
12 whatever penalty is appropriate as established in s.
13 1012.795(6). Any probation period will be tolled when an order
14 to show cause has been issued until the issue is resolved by
15 the Education Practices Commission.

16 (9) All moneys collected by, or awarded to, the
17 commission as fees, fines, penalties, or costs shall be
18 deposited into the Educational Certification and Service Trust
19 Fund pursuant to s. 1012.59.

20 Section 760. Section 1012.797, Florida Statutes, is
21 created to read:

22 1012.797 Notification of district school
23 superintendent of certain charges against or convictions of
24 employees.--

25 (1) Notwithstanding the provisions of s. 985.04(4) or
26 any other provision of law to the contrary, a law enforcement
27 agency shall, within 48 hours, notify the appropriate district
28 school superintendent of the name and address of any employee
29 of the school district who is charged with a felony or with a
30 misdemeanor involving the abuse of a minor child or the sale
31 or possession of a controlled substance. The notification

1 shall include the specific charge for which the employee of
2 the school district was arrested. Such notification shall
3 include other education providers such as the Florida School
4 for the Deaf and the Blind, university lab schools, and
5 private elementary and secondary schools.

6 (2) Except to the extent necessary to protect the
7 health, safety, and welfare of other students, the information
8 obtained by the district school superintendent pursuant to
9 this section may be released only to appropriate school
10 personnel or as otherwise provided by law.

11 Section 761. Section 1012.798, Florida Statutes, is
12 created to read:

13 1012.798 Recovery network program for educators.--

14 (1) RECOVERY NETWORK ESTABLISHED.--There is created
15 within the Department of Education, a recovery network program
16 to assist educators who are impaired as a result of alcohol
17 abuse, drug abuse, or a mental condition in obtaining
18 treatment to permit their continued contribution to the
19 education profession. Any person who holds certification
20 issued by the department pursuant to s. 1012.56 is eligible
21 for the assistance.

22 (2) STAFF.--

23 (a) The department shall employ an administrator and
24 staff as are necessary to be assigned exclusively to the
25 recovery network program.

26 (b) The Commissioner of Education shall establish the
27 criteria for and appoint the staff of the program.

28 (c) The department may contract with other
29 professionals to implement this section.

30 (3) PURPOSE.--The recovery network program shall
31 assist educators in obtaining treatment and services from

1 approved treatment providers, but each impaired educator must
2 pay for his or her treatment under terms and conditions agreed
3 upon by the impaired educator and the treatment provider. A
4 person who is admitted to the program must contract with the
5 treatment provider and the program. The treatment contract
6 must prescribe the type of treatment and the responsibilities
7 of the impaired educator and of the provider and must provide
8 that the impaired educator's progress will be monitored by the
9 program.

10 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
11 network program shall locate, evaluate, and approve qualified
12 treatment providers.

13 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
14 AND DEPARTMENT.--The recovery network program shall operate
15 independently of, but may cooperate with, the Office of
16 Professional Practices Services of the Department of Education
17 and the Education Practices Commission. A person's
18 participation in the program entitles the commissioner to
19 enter into a deferred prosecution agreement pursuant to s.
20 1012.796, or such participation may be considered a factor in
21 mitigation of or a condition of disciplinary action against
22 the person's certificate by the Education Practices Commission
23 pursuant to s. 1012.795.

24 (6) PARTICIPATION.--The recovery network program shall
25 operate independently of employee assistance programs operated
26 by local school districts, and the powers and duties of school
27 districts to make employment decisions, including disciplinary
28 decisions, is not affected except as provided in this section:

29 (a) A person who is not subject to investigation or
30 proceedings under ss. 1012.795 and 1012.796 may voluntarily
31 seek assistance through a local school district employee

1 assistance program for which he or she is eligible and through
2 the recovery network, regardless of action taken against him
3 or her by a school district. Voluntarily seeking assistance
4 alone does not subject a person to proceedings under ss.
5 1012.795 and 1012.796.

6 (b) A person who is subject to investigation or
7 proceedings under ss. 1012.795 and 1012.796 may be required to
8 participate in the program. The program may approve a local
9 employee assistance program as a treatment provider or as a
10 means of securing a treatment provider. The program and the
11 local school district shall cooperate so that the person may
12 obtain treatment without limiting the school district's
13 statutory powers and duties as an employer or the disciplinary
14 procedures under ss. 1012.795 and 1012.796.

15 (c) A person who has not previously been under
16 investigation by the department may be enrolled in a treatment
17 program by the recovery network after an investigation has
18 commenced, if the person:

19 1. Acknowledges his or her impairment.

20 2. Agrees to evaluation, as approved by the recovery
21 network.

22 3. Agrees to enroll in an appropriate treatment
23 program approved by the recovery network.

24 4. Executes releases for all medical and treatment
25 records regarding his or her impairment and participation in a
26 treatment program to the recovery network, pursuant to 42
27 U.S.C. s. 290dd-3 and the federal regulations adopted
28 thereunder.

29 5. Enters into a deferred prosecution agreement with
30 the commissioner, which provides that no prosecution shall be
31 instituted concerning the matters enumerated in the agreement

1 if the person is properly enrolled in the treatment program
2 and successfully completes the program as certified by the
3 recovery network. The commissioner is under no obligation to
4 enter into a deferred prosecution agreement with the educator
5 but may do so if he or she determines that it is in the best
6 interest of the educational program of the state.

7 6. Has not previously entered a substance abuse
8 program.

9 7. Is not being investigated for any action involving
10 commission of a felony or violent act against another person.

11 8. Has not had multiple arrests for minor drug use,
12 possession, or abuse of alcohol.

13 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
14 DETERMINED.--If a complaint is made to the department against
15 a teacher or an administrator pursuant to s. 1012.796 and a
16 finding of no probable cause indicates that no concern other
17 than impairment exists, the department shall inform the person
18 of the availability of assistance provided by the recovery
19 network program.

20 (8) ADMISSION.--A person who is referred or who
21 requests admission to the recovery network program shall be
22 temporarily admitted pending a finding that he or she has:

23 (a) Acknowledged his or her impairment problem.

24 (b) Agreed to evaluation as approved by the recovery
25 network program.

26 (c) Voluntarily enrolled in an appropriate treatment
27 program approved by the recovery network program.

28 (d) Voluntarily sought agreement from the school
29 district for temporary leave or limitations on the scope of
30 employment if the temporary leave or limitations are included
31 in the treatment provider's recommendations; or voluntarily

1 agreed to pursue the alternative treatment recommended by the
2 treatment provider if the school district does not approve
3 such temporary leave or limitations on the scope of
4 employment.

5 (e) Executed releases to the recovery network program
6 for all medical and treatment records regarding his or her
7 impairment and participation in a treatment program pursuant
8 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
9 thereunder.

10 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved
11 treatment provider must disclose to the recovery network
12 program all information in its possession which relates to a
13 person's impairment and participation in the treatment
14 program. Information obtained under this subsection is
15 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
16 of the State Constitution. This exemption is necessary to
17 promote the rehabilitation of impaired educators and to
18 protect the privacy of treatment program participants. The
19 failure to provide such information to the program is grounds
20 for withdrawal of approval of a treatment provider. Medical
21 records provided to the program may not be disclosed to any
22 other person, except as authorized by law.

23 (10) DECLARATION OF INELIGIBILITY.--

24 (a) A person may be declared ineligible for further
25 assistance from the recovery network program if he or she does
26 not progress satisfactorily in a treatment program or leaves a
27 prescribed program or course of treatment without the approval
28 of the treatment provider.

29 (b) The determination of ineligibility must be made by
30 the commissioner in cases referred to him or her by the
31 program administrator. Before referring a case to the

1 commissioner, the administrator must discuss the circumstances
 2 with the treatment provider. The commissioner may direct the
 3 Office of Professional Practices Services to investigate the
 4 case and provide a report.

5 (c) If a treatment contract with the program is a
 6 condition of a deferred prosecution agreement, and the
 7 commissioner determines that the person is ineligible for
 8 further assistance, the commissioner may agree to modify the
 9 terms and conditions of the deferred prosecution agreement or
 10 may issue an administrative complaint, pursuant to s.
 11 1012.796, alleging the charges regarding which prosecution was
 12 deferred. The person may dispute the determination as an
 13 affirmative defense to the administrative complaint by
 14 including with his or her request for hearing on the
 15 administrative complaint a written statement setting forth the
 16 facts and circumstances that show that the determination of
 17 ineligibility was erroneous. If administrative proceedings
 18 regarding the administrative complaint, pursuant to ss.
 19 120.569 and 120.57, result in a finding that the determination
 20 of ineligibility was erroneous, the person is eligible to
 21 participate in the program. If the determination of
 22 ineligibility was the only reason for setting aside the
 23 deferred prosecution agreement and issuing the administrative
 24 complaint and the administrative proceedings result in a
 25 finding that the determination was erroneous, the complaint
 26 shall be dismissed and the deferred prosecution agreement
 27 reinstated without prejudice to the commissioner's right to
 28 reissue the administrative complaint for other breaches of the
 29 agreement.

30 (d) If a treatment contract with the program is a
 31 condition of a final order of the Education Practices

1 Commission, the commissioner's determination of ineligibility
2 constitutes a finding of probable cause that the person failed
3 to comply with the final order. The commissioner shall issue
4 an administrative complaint, and the case shall proceed under
5 ss. 1012.795 and 1012.796, in the same manner as cases based
6 on a failure to comply with an order of the Education
7 Practices Commission.

8 (e) If the person voluntarily entered into a treatment
9 contract with the program, the commissioner shall issue a
10 written notice stating the reasons for the determination of
11 ineligibility. Within 20 days after the date of such notice,
12 the person may contest the determination of ineligibility
13 pursuant to ss. 120.569 and 120.57.

14 (11) MEDICAL RECORDS RELEASE.--Medical records
15 released pursuant to paragraph (8)(e) may be disclosed to the
16 commissioner, the Office of Professional Practices Services,
17 and the Education Practices Commission only as required for
18 purposes of this section, or as otherwise authorized by law.
19 Further disclosure or release of the medical records may not
20 be made except as authorized by law and in accordance with 42
21 U.S.C. s. 290dd-2 and the federal regulations adopted
22 thereunder. The medical records are confidential and exempt
23 from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution.

25 (12) FEES.--The State Board of Education shall include
26 in the fees established pursuant to s. 1012.59 an amount
27 sufficient to implement the provisions of this section. The
28 State Board of Education shall by rule establish procedures
29 and additional standards for:

30 (a) Approving treatment providers, including
31 appropriate qualifications and experience, amount of

1 reasonable fees and charges, and quality and effectiveness of
2 treatment programs provided.

3 (b) Admitting eligible persons to the program.

4 (c) Evaluating impaired persons by the recovery
5 network program.

6 Section 762. Part IV of chapter 1012, Florida
7 Statutes, shall be entitled "Public Postsecondary Educational
8 Institutions; Personnel" and shall consist of ss.
9 1012.80-1012.97.

10 Section 763. Part IV.a. of chapter 1012, Florida
11 Statutes, shall be entitled "General Provisions" and shall
12 consist of ss. 1012.80-1012.801.

13 Section 764. Section 1012.80, Florida Statutes, is
14 created to read:

15 1012.80 Participation by employees in disruptive
16 activities at public postsecondary educational institutions;
17 penalties.--

18 (1) Any person who accepts the privilege extended by
19 the laws of this state of employment at any public
20 postsecondary educational institution shall, by so working at
21 such institution, be deemed to have given his or her consent
22 to the policies of that institution, the State Board of
23 Education, and the laws of this state. Such policies shall
24 include prohibition against disruptive activities at public
25 postsecondary educational institutions.

26 (2) After it has been determined that an employee of a
27 public postsecondary educational institution has participated
28 in disruptive activities, the institution may terminate the
29 contract of the employee, and thereafter such person shall not
30 be employed by any state public school or public postsecondary
31 educational institution.

1 Section 765. Effective upon this act becoming a law,
2 section 1012.801, Florida Statutes, is created to read:

3 1012.801 Employees of the Division of Colleges and
4 Universities.--Employees of the Division of Colleges and
5 Universities of the Department of Education who are
6 participating in the State University Optional Retirement
7 Program prior to June 30, 2002, shall be eligible to continue
8 such participation as long as they remain employees of the
9 Department of Education or a state university without a break
10 in continuous service.

11 Section 766. Part IV.b. of chapter 1012, Florida
12 Statutes, shall be entitled "Community Colleges; Personnel"
13 and shall consist of ss. 1012.81-1012.88.

14 Section 767. Section 1012.81, Florida Statutes, is
15 created to read:

16 1012.81 Personnel records.--Rules of the State Board
17 of Education shall prescribe the content and custody of
18 limited-access records which a community college may maintain
19 on its employees. Such records shall be limited to
20 information reflecting evaluations of employee performance and
21 shall be open to inspection only by the employee and by
22 officials of the college who are responsible for supervision
23 of the employee. Such limited-access employee records are
24 confidential and exempt from the provisions of s. 119.07(1).
25 Except as required for use by the president in the discharge
26 of his or her official responsibilities, the custodian of
27 limited-access employee records may release information from
28 such records only upon authorization in writing from the
29 employee or the president or upon order of a court of
30 competent jurisdiction.

1 Section 768. Section 1012.82, Florida Statutes, is
2 created to read:

3 1012.82 Teaching faculty; minimum teaching hours per
4 week.--Each full-time member of the teaching faculty at any
5 community college who is paid wholly from funds appropriated
6 from the community college program fund shall teach a minimum
7 of 15 classroom contact hours per week at such institution.
8 However, the required classroom contact hours per week may be
9 reduced upon approval of the president of the institution in
10 direct proportion to specific duties and responsibilities
11 assigned the faculty member by his or her departmental chair
12 or other appropriate college administrator. Such specific
13 duties may include specific research duties, specific duties
14 associated with developing television, video tape, or other
15 specifically assigned innovative teaching techniques or
16 devices, or assigned responsibility for off-campus student
17 internship or work-study programs. A "classroom contact hour"
18 consists of a regularly scheduled classroom activity of not
19 less than 50 minutes in a course of instruction which has been
20 approved by the community college board of trustees. Any
21 full-time faculty member who is paid partly from community
22 college program funds and partly from other funds or
23 appropriations shall teach a minimum number of classroom
24 contact hours per week in such proportion to 15 classroom
25 contact hours as his or her salary paid from community college
26 program funds bears to his or her total salary.

27 Section 769. Section 1012.83, Florida Statutes, is
28 created to read:

29 1012.83 Contracts with administrative and
30 instructional staff.--Each person employed in an
31 administrative or instructional capacity in a community

1 college shall be entitled to a contract as provided by rules
2 of the State Board of Education.

3 Section 770. Section 1012.84, Florida Statutes, is
4 created to read:

5 1012.84 Exemption from county civil service
6 commissions.--

7 (1) Any community college located in a county which
8 has either a budget commission or a civil service commission
9 is exempt from the regulation, supervision, and control of any
10 such commission.

11 (2) Any general or special law conflicting with this
12 section is repealed to the extent that said law conflicts with
13 this section.

14 Section 771. Section 1012.85, Florida Statutes, is
15 created to read:

16 1012.85 Payment of costs of civil actions against
17 officers, employees, or agents of community college board of
18 trustees.--

19 (1) Whenever any civil action has been brought against
20 any officer of the community college board of trustees,
21 including a board member, or any person employed by or agent
22 of the community college board of trustees, of any community
23 college for any act or omission arising out of and in the
24 course of the performance of his or her duties and
25 responsibilities, the community college board of trustees may
26 defray all costs of defending such action, including
27 reasonable attorney's fees and expenses together with costs of
28 appeal, if any, and may save harmless and protect such person
29 from any financial loss resulting therefrom; and the community
30 college board of trustees may be self-insured, to enter into
31 risk management programs, or to purchase insurance for

1 whatever coverage it may choose, or to have any combination
2 thereof, to cover all such losses and expenses. However, any
3 attorney's fees paid from public funds for any officer,
4 employee, or agent who is found to be personally liable by
5 virtue of acting outside the scope of his or her employment or
6 acting in bad faith, with malicious purpose, or in a manner
7 exhibiting wanton and willful disregard of human rights,
8 safety, or property may be recovered by the state, county,
9 municipality, or political subdivision in a civil action
10 against such officer, employee, or agent.

11 (2) Failure by a community college board of trustees
12 to perform any act authorized by this section shall not
13 constitute a cause of action against a community college or
14 its trustees, officers, employees, or agents.

15 Section 772. Section 1012.855, Florida Statutes, is
16 created to read:

17 1012.855 Employment of community college personnel;
18 discrimination in granting salary prohibited.--

19 (1)(a) Employment of all personnel in each community
20 college shall be upon recommendation of the president, subject
21 to rejection for cause by the community college board of
22 trustees; to the rules of the State Board of Education
23 relative to certification, tenure, leaves of absence of all
24 types, including sabbaticals, remuneration, and such other
25 conditions of employment as the State Board of Education deems
26 necessary and proper; and to policies of the community college
27 board of trustees not inconsistent with law.

28 (b) Any internal auditor employed by a community
29 college shall be hired by the community college board of
30 trustees and shall report directly to the board.

31

1 (2) Each community college board of trustees shall
2 undertake a program to eradicate any discrimination on the
3 basis of gender, race, or physical handicap in the granting of
4 salaries to employees.

5 Section 773. Section 1012.86, Florida Statutes, is
6 created to read:

7 1012.86 Community college employment equity
8 accountability program.--

9 (1) Each community college shall include in its annual
10 equity update a plan for increasing the representation of
11 women and minorities in senior-level administrative positions
12 and in full-time faculty positions, and for increasing the
13 representation of women and minorities who have attained
14 continuing-contract status. Positions shall be defined in the
15 personnel data element directory of the Department of
16 Education. The plan must include specific measurable goals and
17 objectives, specific strategies and timelines for
18 accomplishing these goals and objectives, and comparable
19 national standards as provided by the Department of Education.
20 The goals and objectives shall be based on meeting or
21 exceeding comparable national standards and shall be reviewed
22 and recommended by the State Board of Education as
23 appropriate. Such plans shall be maintained until appropriate
24 representation has been achieved and maintained for at least 3
25 consecutive reporting years.

26 (2)(a) On or before May 1 of each year, each community
27 college president shall submit an annual employment
28 accountability plan to the Commissioner of Education and the
29 State Board of Education. The accountability plan must show
30 faculty and administrator employment data according to
31

1 requirements specified on the federal Equal Employment
2 Opportunity (EE0-6) report.

3 (b) The plan must show the following information for
4 those positions including, but not limited to:

5 1. Job classification title.

6 2. Gender.

7 3. Ethnicity.

8 4. Appointment status.

9 5. Salary information. At each community college,
10 salary information shall also include the salary ranges in
11 which new hires were employed compared to the salary ranges
12 for employees with comparable experience and qualifications.

13 6. Other comparative information including, but not
14 limited to, composite information regarding the total number
15 of positions within the particular job title classification
16 for the community college by race, gender, and salary range
17 compared to the number of new hires.

18 7. A statement certifying diversity and balance in the
19 gender and ethnic composition of the selection committee for
20 each vacancy, including a brief description of guidelines used
21 for ensuring balanced and diverse membership on selection and
22 review committees.

23 (c) The annual employment accountability plan shall
24 also include an analysis and an assessment of the community
25 college's attainment of annual goals and of long-range goals
26 for increasing the number of women and minorities in faculty
27 and senior-level administrative positions, and a corrective
28 action plan for addressing underrepresentation.

29 (d) Each community college's employment accountability
30 plan must also include:

31

1 1. The requirements for receiving a continuing
2 contract.

3 2. A brief description of the process used to grant
4 continuing-contract status.

5 3. A brief description of the process used to annually
6 apprise each eligible faculty member of progress toward
7 attainment of continuing-contract status.

8 (3) Community college presidents and the heads of each
9 major administrative division shall be evaluated annually on
10 the progress made toward meeting the goals and objectives of
11 the community college's employment accountability plan.

12 (a) The community college presidents, or the
13 presidents' designees, shall annually evaluate each department
14 chairperson, dean, provost, and vice president in achieving
15 the annual and long-term goals and objectives. A summary of
16 the results of such evaluations shall be reported annually by
17 the community college president to the community college board
18 of trustees. Annual budget allocations by the community
19 college board of trustees for positions and funding must take
20 into consideration these evaluations.

21 (b) Community college boards of trustees shall
22 annually evaluate the performance of the community college
23 presidents in achieving the annual and long-term goals and
24 objectives. A summary of the results of such evaluations shall
25 be reported to the Commissioner of Education and the State
26 Board of Education as part of the community college's annual
27 employment accountability plan, and to the Legislature as part
28 of the annual equity progress report submitted by the State
29 Board of Education.

30 (4) The State Board of Education shall submit an
31 annual equity progress report to the President of the Senate

1 and the Speaker of the House of Representatives on or before
2 January 1 of each year.

3 (5) Each community college shall develop a budgetary
4 incentive plan to support and ensure attainment of the goals
5 developed pursuant to this section. The plan shall specify,
6 at a minimum, how resources shall be allocated to support the
7 achievement of goals and the implementation of strategies in a
8 timely manner. After prior review and approval by the
9 community college president and the community college board of
10 trustees, the plan shall be submitted as part of the annual
11 employment accountability plan submitted by each community
12 college to the State Board of Education.

13 (6) Subject to available funding, the Legislature
14 shall provide an annual appropriation to the State Board of
15 Education to be allocated to community college presidents,
16 faculty, and administrative personnel to further enhance
17 equity initiatives and related priorities that support the
18 mission of colleges and departments in recognition of the
19 attainment of the equity goals and objectives.

20 Section 774. Section 1012.865, Florida Statutes, is
21 created to read:

22 1012.865 Sick leave.--Each community college board of
23 trustees shall adopt rules whereby any full-time employee who
24 is unable to perform his or her duties at the community
25 college on account of personal sickness, accident disability,
26 or extended personal illness, or because of illness or death
27 of the employee's father, mother, brother, sister, husband,
28 wife, child, or other close relative or member of the
29 employee's own household, and who consequently has to be
30 absent from work shall be granted leave of absence for
31 sickness by the president or by the president's designated

1 representative. The following provisions shall govern sick
2 leave:

3 (1) DEFINITIONS.--As used in this section, unless the
4 context otherwise requires, the term:

5 (a) "Educational support employee" means any person
6 employed by a community college as an education or
7 administrative paraprofessional; a member of the operations,
8 maintenance, or comparable department; or a secretary,
9 clerical, or comparable level support employee.

10 (b) "Instructional staff" shall be used synonymously
11 with the word "teacher" or "faculty" and includes faculty
12 members, librarians, counselors, and other comparable members
13 engaged in an instructional capacity in the community college.

14 (2) EXTENT OF LEAVE WITH COMPENSATION.--

15 (a) Each full-time employee shall earn 1 day of sick
16 leave with compensation for each calendar month or major
17 fraction of a calendar month of service, not to exceed 12 days
18 for each fiscal year. Such leave shall be taken only when
19 necessary because of sickness as herein prescribed. Such sick
20 leave shall be cumulative from year to year. Accumulated sick
21 leave may be transferred from another Florida community
22 college, the Florida Department of Education, a state
23 university, a Florida district school board, or a state
24 agency, provided that at least one-half of the sick leave
25 accumulated at any time must have been established in the
26 college in which such employee is currently employed.

27 (b) A community college board of trustees may
28 establish rules and prescribe procedures whereby a full-time
29 employee may, at the beginning date of employment in any year,
30 be credited with 12 days of sick leave with compensation in
31 excess of the number of days the employee has earned. Upon

1 termination of employment, the employee's final compensation
2 shall be adjusted in an amount necessary to ensure that sick
3 leave with compensation does not exceed the days of earned
4 sick leave as provided herein.

5 (c) A community college board of trustees may
6 establish rules and prescribe standards to permit a full-time
7 employee to be absent no more than 4 days for personal
8 reasons. However, such absences for personal reasons shall be
9 charged only to accrued sick leave, and leave for personal
10 reasons shall be noncumulative.

11 (d) A community college board of trustees may
12 establish rules to provide terminal pay for accumulated sick
13 leave to full-time instructional staff and educational support
14 employees or to the employee's beneficiary if service is
15 terminated by death. However, such terminal pay may not
16 exceed an amount determined as follows:

17 1. During the first 3 years of service, the daily rate
18 of pay multiplied by 35 percent times the number of days of
19 accumulated sick leave.

20 2. During the next 3 years of service, the daily rate
21 of pay multiplied by 40 percent times the number of days of
22 accumulated sick leave.

23 3. During the next 3 years of service, the daily rate
24 of pay multiplied by 45 percent times the number of days of
25 accumulated sick leave.

26 4. During the 10th year of service, the daily rate of
27 pay multiplied by 50 percent times the number of days of
28 accumulated sick leave.

29 5. During the next 20 years of service, the daily rate
30 of pay multiplied by 50 percent plus up to an additional 2.5
31

1 percent per year for each year of service beyond 10 years,
2 times the number of days of accumulated sick leave.

3
4 If an employee receives terminal pay benefits based on unused
5 sick leave credit, all unused sick leave credit shall become
6 invalid; however, if an employee terminates his or her
7 employment without receiving terminal pay benefits and is
8 reemployed, his or her sick leave credit shall be reinstated.

9 (e) A community college board of trustees may, by
10 rule, provide for terminal pay for accumulated unused sick
11 leave to be paid to any full-time employee of a community
12 college other than instructional staff or educational support
13 employees. If termination of employment is by death of the
14 employee, any terminal pay to which the employee may have been
15 entitled shall be made to the employee's beneficiary.

16 1. For unused sick leave accumulated before July 1,
17 2001, terminal pay shall be made pursuant to rules or policies
18 of the board of trustees which were in effect on June 30,
19 2001.

20 2. For unused sick leave accumulated on or after July
21 1, 2001, terminal payment may not exceed an amount equal to
22 one-fourth of the employee's unused sick leave or 60 days of
23 the employee's pay, whichever amount is less.

24 3. If the employee had an accumulated sick leave
25 balance of 60 days or more on June 30, 2001, sick leave earned
26 after that date may not be accumulated for terminal pay
27 purposes until the accumulated leave balance as of June 30,
28 2001, is less than 60 days.

29 (3) CLAIM MUST BE FILED.--Any full-time employee who
30 finds it necessary to be absent from his or her duties because
31 of illness as defined in this section shall notify the

1 community college president or a college official designated
 2 by the president, if possible before the opening of college on
 3 the day on which the employee must be absent or during the
 4 day, except when he or she is absent for emergency reasons
 5 recognized by the community college board of trustees as
 6 valid. Any employee shall, before claiming and receiving
 7 compensation for the time absent from his or her duties while
 8 absent because of sick leave as prescribed in this section,
 9 make and file a written certificate which shall set forth the
 10 day or days absent, that such absence was necessary, and that
 11 he or she is entitled or not entitled to receive pay for such
 12 absence in accordance with the provisions of this section. The
 13 community college board of trustees may adopt rules under
 14 which the president may require a certificate of illness from
 15 a licensed physician or from the county health officer.

16 (4) COMPENSATION.--Any full-time employee who has
 17 unused sick leave credit shall receive full-time compensation
 18 for the time justifiably absent on sick leave; however, no
 19 compensation may be allowed beyond that provided in subsection
 20 (6).

21 (5) EXPENDITURE AUTHORIZED.--Community college boards
 22 of trustees may expend public funds for payment to employees
 23 on account of sickness. The expending and excluding of such
 24 funds shall be in compliance with rules adopted by the
 25 Department of Management Services pursuant to chapter 650.

26 (6) SICK LEAVE POOL.--Notwithstanding any other
 27 provision of this section, a community college board of
 28 trustees may, by rule, based upon the maintenance of reliable
 29 and accurate records by the community college showing the
 30 amount of sick leave which has been accumulated and is unused
 31 by employees in accordance with this section, establish a plan

1 allowing participating full-time employees of the community
2 college to pool sick leave accrued and allowing any sick leave
3 thus pooled to be disbursed to any participating employee who
4 is in need of sick leave in excess of that amount he or she
5 has personally accrued. Such rules shall include, but not be
6 limited to, the following provisions:

7 (a) Participation in the sick leave pool shall at all
8 times be voluntary on the part of employees.

9 (b) Any full-time employee shall be eligible for
10 participation in the sick leave pool after 1 year of
11 employment with the community college, provided such employee
12 has accrued a minimum amount of unused sick leave, which
13 minimum shall be established by rule.

14 (c) Any sick leave pooled pursuant to this section
15 shall be removed from the personally accumulated sick leave
16 balance of the employee donating such leave.

17 (d) Participating employees shall make equal
18 contributions to the sick leave pool. There shall be
19 established a maximum amount of sick leave which may be
20 contributed to the pool by an employee. After the initial
21 contribution which an employee makes upon electing to
22 participate, no further contributions shall be required except
23 as may be necessary to replenish the pool. Any such further
24 contribution shall be equally required of all employees
25 participating in the pool.

26 (e) Any sick leave time drawn from the pool by a
27 participating employee must be used for that employee's
28 personal illness, accident, or injury.

29 (f) A participating employee will not be eligible to
30 use sick leave from the pool until all of his or her sick
31 leave has been depleted. There shall be established a maximum

1 number of days for which an employee may draw sick leave from
2 the sick leave pool.

3 (g) A participating employee who uses sick leave from
4 the pool will not be required to recontribute such sick leave
5 to the pool, except as otherwise provided herein.

6 (h) A participating employee who chooses to no longer
7 participate in the sick leave pool will not be eligible to
8 withdraw any sick leave already contributed to the pool.

9 (i) Alleged abuse of the use of the sick leave pool
10 shall be investigated, and, on a finding of wrongdoing, the
11 employee shall repay all of the sick leave credits drawn from
12 the sick leave pool and shall be subject to such other
13 disciplinary action as is determined by the board to be
14 appropriate. Rules adopted for the administration of this
15 program shall provide for the investigation of the use of sick
16 leave utilized by the participating employee in the sick leave
17 pool.

18 Section 775. Section 1012.87, Florida Statutes, is
19 created to read:

20 1012.87 Retirement annuities.--Each community college
21 board of trustees may purchase annuities for its community
22 college personnel who have 25 or more years of creditable
23 service and who have reached age 55 and have applied for
24 retirement under the Florida Retirement System. No such
25 annuity may provide for more than the total difference in
26 retirement income between the retirement benefit based on
27 average monthly compensation and creditable service as of the
28 member's early retirement date and the early retirement
29 benefit. Community college boards of trustees may also
30 purchase annuities for members of the Florida Retirement
31 System who have out-of-state teaching service in another state

1 or country which is documented as valid by the appropriate
2 educational entity. Such annuities may be based on no more
3 than 5 years of out-of-state teaching service and may equal,
4 but not exceed, the benefits that would be payable under the
5 Florida Retirement System if credit for out-of-state teaching
6 was authorized under that system. Each community college board
7 of trustees may invest funds, purchase annuities, or provide
8 local supplemental retirement programs for purposes of
9 providing retirement annuities for community college
10 personnel. All such retirement annuities shall comply with s.
11 14, Art. X of the State Constitution.

12 Section 776. Section 1012.875, Florida Statutes, is
13 created to read:

14 1012.875 Community College Optional Retirement
15 Program.--Each community college may implement an optional
16 retirement program, if such program is established therefor
17 pursuant to s. 1001.64(20), under which annuity contracts
18 providing retirement and death benefits may be purchased by,
19 and on behalf of, eligible employees who participate in the
20 program. Except as otherwise provided herein, this retirement
21 program, which shall be known as the State Community College
22 System Optional Retirement Program, may be implemented and
23 administered only by an individual community college or by a
24 consortium of community colleges.

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

26 (a) "Activation" means the date upon which an optional
27 retirement program is first made available by the program
28 administrator to eligible employees.

29 (b) "College" means community colleges as defined in
30 s. 1000.21.

31

1 (c) "Department" means the Department of Management
2 Services.

3 (d) "Program administrator" means the individual
4 college or consortium of colleges responsible for implementing
5 and administering an optional retirement program.

6 (e) "Program participant" means an eligible employee
7 who has elected to participate in an available optional
8 retirement program as authorized by this section.

9 (2) Participation in the optional retirement program
10 provided by this section is limited to employees who satisfy
11 the criteria set forth in s. 121.051(2)(c).

12 (3)(a) With respect to any employee who is eligible to
13 participate in the optional retirement program by reason of
14 qualifying employment commencing before the program's
15 activation:

16 1. The employee may elect to participate in the
17 optional retirement program in lieu of participation in the
18 Florida Retirement System. To become a program participant,
19 the employee must file with the personnel officer of the
20 college, within 60 days after the program's activation, both a
21 written election on a form provided by the department and a
22 completed application for an individual contract or
23 certificate.

24 2. An employee's participation in the optional
25 retirement program commences on the first day of the next full
26 calendar month following the filing of the election and
27 completed application with the program administrator and
28 receipt of such election by the department. An employee's
29 membership in the Florida Retirement System terminates on this
30 same date.

31

1 3. Any such employee who fails to make an election to
2 participate in the optional retirement program within 60 days
3 after its activation has elected to retain membership in the
4 Florida Retirement System.

5 (b) With respect to any employee who becomes eligible
6 to participate in an optional retirement program by reason of
7 qualifying employment commencing on or after the program's
8 activation:

9 1. The employee may elect to participate in the
10 optional retirement program in lieu of participation in the
11 Florida Retirement System. To become a program participant,
12 the employee must file with the personnel officer of the
13 college, within 60 days after commencing qualifying
14 employment, both a written election on a form provided by the
15 department and a completed application for an individual
16 contract or certificate.

17 2. An employee's participation in the optional
18 retirement program commences on the first day of the next full
19 calendar month following the filing of the election and
20 completed application with the program administrator and
21 receipt of such election by the department. An employee's
22 membership in the Florida Retirement System terminates on this
23 same date.

24 3. If the employee makes an election to participate in
25 the optional retirement program before the community college
26 submits its initial payroll for the employee, participation in
27 the optional retirement program commences on the first date of
28 employment.

29 4. Any such employee who fails to make an election to
30 participate in the optional retirement program within 60 days
31

1 after commencing qualifying employment has elected to retain
2 membership in the Florida Retirement System.

3 (c) Any employee who, on or after an optional
4 retirement program's activation, becomes eligible to
5 participate in the program by reason of a change in status due
6 to the subsequent designation of the employee's position as
7 one of those referenced in subsection (2), or due to the
8 employee's appointment, promotion, transfer, or
9 reclassification to a position referenced in subsection (2),
10 must be notified by the community college of the employee's
11 eligibility to participate in the optional retirement program
12 in lieu of participation in the Florida Retirement System.
13 These eligible employees are subject to the provisions of
14 paragraph (b) and may elect to participate in the optional
15 retirement program in the same manner as those employees
16 described in paragraph (b), except that the 60-day election
17 period commences upon the date notice of eligibility is
18 received by the employee.

19 (d) Program participants must be fully and immediately
20 vested in the optional retirement program.

21 (e) The election by an eligible employee to
22 participate in the optional retirement program is irrevocable
23 for so long as the employee continues to meet the eligibility
24 requirements set forth in this section and in s.
25 121.051(2)(c), except as provided in paragraph (i).

26 (f) If a program participant becomes ineligible to
27 continue participating in the optional retirement program
28 pursuant to the criteria referenced in subsection (2), the
29 employee becomes a member of the Florida Retirement System if
30 eligible. The college must notify the department of an
31 employee's change in eligibility status within 30 days after

1 the event that makes the employee ineligible to continue
2 participation in the optional retirement program.

3 (g) An eligible employee who is a member of the
4 Florida Retirement System at the time of election to
5 participate in the optional retirement program retains all
6 retirement service credit earned under the Florida Retirement
7 System at the rate earned. Additional service credit in the
8 Florida Retirement System may not be earned while the employee
9 participates in the optional retirement program, nor is the
10 employee eligible for disability retirement under the Florida
11 Retirement System.

12 (h) A program participant may not simultaneously
13 participate in any other state-administered retirement system,
14 plan, or class.

15 (i) Except as provided in s. 121.052(6)(d), a program
16 participant who is or who becomes dually employed in two or
17 more positions covered by the Florida Retirement System, one
18 of which is eligible for an optional retirement program
19 pursuant to this section and one of which is not, is subject
20 to the dual employment provisions of chapter 121.

21 (4)(a) Each college must contribute on behalf of each
22 program participant an amount equal to 10.43 percent of the
23 participant's gross monthly compensation. The college shall
24 deduct an amount approved by the community college to provide
25 for the administration of the optional retirement program.
26 Payment of this contribution must be made either directly by
27 the community college or through the program administrator to
28 the designated company contracting for payment of benefits to
29 the program participant.

30 (b) Each community college must contribute on behalf
31 of each program participant an amount equal to the unfunded

1 actuarial accrued liability portion of the employer
2 contribution which would be required if the program
3 participant were a member of the Regular Class of the Florida
4 Retirement System. Payment of this contribution must be made
5 directly by the college to the department for deposit in the
6 Florida Retirement System Trust Fund.

7 (c) Each program participant who has executed an
8 annuity contract may contribute by way of salary reduction or
9 deduction a percentage of the program participant's gross
10 compensation, but this percentage may not exceed the
11 corresponding percentage contributed by the community college
12 to the optional retirement program. Payment of this
13 contribution may be made either directly by the college or
14 through the program administrator to the designated company
15 contracting for payment of benefits to the program
16 participant.

17 (d) Contributions to an optional retirement program by
18 a college or a program participant are in addition to, and
19 have no effect upon, contributions required now or in future
20 by the federal Social Security Act.

21 (5)(a) The benefits to be provided to program
22 participants must be provided through individual contracts or
23 group annuity contracts, which may be fixed, variable, or
24 both. Each individual contract or certificate must state the
25 type of annuity contract on its face page, and must include at
26 least a statement of ownership, the contract benefits, annuity
27 income options, limitations, expense charges, and surrender
28 charges, if any.

29 (b) Benefits are payable under the optional retirement
30 program to program participants or their beneficiaries, and
31 the benefits must be paid only by the designated company in

1 accordance with the terms of the annuity contracts applicable
2 to the program participant, provided that benefits funded by
3 employer contributions are payable only as a lifetime annuity
4 to the program participant, except for:

5 1. A lump-sum payment to the program participant's
6 beneficiary or estate upon the death of the program
7 participant; or

8 2. A cash-out of a de minimis account upon the request
9 of a former program participant who has been terminated for a
10 minimum of 6 months from the employment that caused the
11 participant to be eligible for participation. A de minimis
12 account is an account with a designated company containing
13 employer contributions and accumulated earnings of not more
14 than \$3,500. The cash-out must be a complete liquidation of
15 the account balance with that designated company and is
16 subject to the provisions of the Internal Revenue Code.

17 (c) The benefits payable to any person under the
18 optional retirement program, and any contribution accumulated
19 under the program, are not subject to assignment, execution,
20 attachment, or to any legal process whatsoever.

21 (6)(a) The optional retirement program authorized by
22 this section must be implemented and administered by the
23 program administrator under s. 403(b) of the Internal Revenue
24 Code. The program administrator has the express authority to
25 contract with a third party to fulfill any of the program
26 administrator's duties.

27 (b) The program administrator shall solicit
28 competitive bids or issue a request for proposal and select no
29 more than four companies from which annuity contracts may be
30 purchased under the optional retirement program. In making
31

1 these selections, the program administrator shall consider the
2 following factors:

3 1. The financial soundness of the company.

4 2. The extent of the company's experience in providing
5 annuity contracts to fund retirement programs.

6 3. The nature and extent of the rights and benefits
7 provided to program participants in relation to the premiums
8 paid.

9 4. The suitability of the rights and benefits provided
10 to the needs of eligible employees and the interests of the
11 college in the recruitment and retention of employees.

12
13 In lieu of soliciting competitive bids or issuing a request
14 for proposals, the program administrator may authorize the
15 purchase of annuity contracts under the optional retirement
16 program from those companies currently selected by the
17 department to offer such contracts through the State
18 University System Optional Retirement Program, as set forth in
19 s. 121.35.

20 (c) Optional retirement program annuity contracts must
21 be approved in form and content by the program administrator
22 in order to qualify. The program administrator may use the
23 same annuity contracts currently used within the State
24 University System Optional Retirement Program, as set forth in
25 s. 121.35.

26 (d) The provision of each annuity contract applicable
27 to a program participant must be contained in a written
28 program description that includes a report of pertinent
29 financial and actuarial information on the solvency and
30 actuarial soundness of the program and the benefits applicable
31 to the program participant. The company must furnish the

1 description annually to the program administrator, and to each
2 program participant upon commencement of participation in the
3 program and annually thereafter.

4 (e) The program administrator must ensure that each
5 program participant is provided annually with an accounting of
6 the total contributions and the annual contributions made by
7 and on the behalf of the program participant.

8 Section 777. Section 1012.88, Florida Statutes, is
9 created to read:

10 1012.88 Community college police.--

11 (1) Each community college is permitted and empowered
12 to employ police officers for the community college, who must
13 be designated community college police.

14 (2) Each community college police officer is a law
15 enforcement officer of the state and a conservator of the
16 peace who has the authority to arrest, in accordance with the
17 laws of this state, any person for a violation of state law or
18 applicable county or municipal ordinance if that violation
19 occurs on or in any property or facilities of the community
20 college by which he or she is employed or any property or
21 facilities of a direct-support organization of such community
22 college. A community college police officer may also arrest a
23 person off campus for a violation committed on campus after a
24 hot pursuit of that person that began on any such property or
25 facilities. A community college police officer may bear arms
26 in the performance of his or her duties and carry out a search
27 pursuant to a search warrant on the campus where he or she is
28 employed. Community college police, upon request of the
29 sheriff or local police authority, may serve subpoenas or
30 other legal process and may make arrests of persons against
31 whom arrest warrants have been issued or against whom charges

1 have been made for violations of federal or state laws or
2 county or municipal ordinances.

3 (3) Community college police shall promptly deliver
4 all persons arrested and charged with felonies to the sheriff
5 of the county within which the community college is located
6 and all persons arrested and charged with misdemeanors to the
7 applicable authority as provided by law, but otherwise to the
8 sheriff of the county in which the community college is
9 located.

10 (4) Community college police must meet the minimum
11 standards established by the Police Standards and Training
12 Commission of the Department of Law Enforcement and chapter
13 943 for law enforcement officers. Each community college
14 police officer must, before entering into the performance of
15 his or her duties, take the oath of office established by the
16 community college. Each community college that employs police
17 officers may obtain and approve a bond on each police officer,
18 conditioned upon the officer's faithful performance of his or
19 her duties, which bond must be payable to the Governor. The
20 community college may determine the amount of the bond. In
21 determining the amount of the bond, the community college may
22 consider the amount of money or property likely to be in the
23 custody of the officer at any one time. The community college
24 shall provide a uniform set of identifying credentials to each
25 community college police officer it employs.

26 (5) In performance of any of the powers, duties, and
27 functions authorized by law, community college police have the
28 same rights, protections, and immunities afforded other law
29 enforcement officers.

30 (6) The community college, with the approval of the
31 Department of Law Enforcement, shall adopt rules, including,

1 without limitation, rules for the appointment, employment, and
2 removal of community college police in accordance with the
3 state Career Service System and shall establish in writing a
4 policy manual, that includes, without limitation, procedures
5 for managing routine law enforcement situations and emergency
6 law enforcement situations. The community college shall
7 furnish a copy of the policy manual to each of the police
8 officers it employs.

9 Section 778. Part IV.c. of chapter 1012, Florida
10 Statutes, shall be entitled "Universities; Personnel" and
11 shall consist of ss. 1012.91-1012.97.

12 Section 779. Section 1012.91, Florida Statutes, is
13 created to read:

14 1012.91 Personnel records.--

15 (1) Each university board of trustees shall adopt
16 rules prescribing the content and custody of limited-access
17 records that the university may maintain on its employees.
18 Such limited-access records are confidential and exempt from
19 the provisions of s. 119.07(1). Such records are limited to
20 the following:

21 (a) Records containing information reflecting academic
22 evaluations of employee performance shall be open to
23 inspection only by the employee and by officials of the
24 university responsible for supervision of the employee.

25 (b) Records maintained for the purposes of any
26 investigation of employee misconduct, including but not
27 limited to a complaint against an employee and all information
28 obtained pursuant to the investigation of such complaint,
29 shall be confidential until the investigation ceases to be
30 active or until the university provides written notice to the

31

1 employee who is the subject of the complaint that the
2 university has either:

3 1. Concluded the investigation with a finding not to
4 proceed with disciplinary action;

5 2. Concluded the investigation with a finding to
6 proceed with disciplinary action; or

7 3. Issued a letter of discipline.

8
9 For the purpose of this paragraph, an investigation shall be
10 considered active as long as it is continuing with a
11 reasonable, good faith anticipation that a finding will be
12 made in the foreseeable future. An investigation shall be
13 presumed to be inactive if no finding is made within 90 days
14 after the complaint is filed.

15 (c) Records maintained for the purposes of any
16 disciplinary proceeding brought against an employee shall be
17 confidential until a final decision is made in the proceeding.
18 The record of any disciplinary proceeding, including any
19 evidence presented, shall be open to inspection by the
20 employee at all times.

21 (d) Records maintained for the purposes of any
22 grievance proceeding brought by an employee for enforcement of
23 a collective bargaining agreement or contract shall be
24 confidential and shall be open to inspection only by the
25 employee and by officials of the university conducting the
26 grievance proceeding until a final decision is made in the
27 proceeding.

28 (2) Notwithstanding the foregoing, any records or
29 portions thereof which are otherwise confidential by law shall
30 continue to be exempt from the provisions of s. 119.07(1). In
31 addition, for sexual harassment investigations, portions of

1 such records which identify the complainant, a witness, or
2 information which could reasonably lead to the identification
3 of the complainant or a witness are limited-access records.

4 (3) Except as required for use by the president in the
5 discharge of his or her official responsibilities, the
6 custodian of limited-access records may release information
7 from such records only upon authorization in writing from the
8 employee or upon order of a court of competent jurisdiction.

9 (4) Notwithstanding the provisions of subsection (1),
10 records comprising the common core items contained in the
11 State University System Student Assessment of Instruction or
12 comparable instrument may not be prescribed as limited-access
13 records.

14 (5) This section shall apply to records created after
15 July 1, 1995.

16 Section 780. Section 1012.92, Florida Statutes, is
17 created to read:

18 1012.92 Personnel codes of conduct; disciplinary
19 measures; rulemaking authority.--

20 (1) Each university board of trustees may adopt, by
21 rule, codes of conduct and appropriate penalties for
22 violations of rules by employees, to be administered by the
23 university. Such penalties, unless otherwise provided by law,
24 may include: reprimand; restitution; fines; restrictions on
25 the use of or removal from university facilities; educational
26 training or counseling requirements; and the imposition of
27 probation, suspension, dismissal, demotion, or other
28 appropriate disciplinary action.

29 (2) Sanctions authorized by university codes of
30 conduct may be imposed only for acts or omissions in violation
31 of rules adopted by the university, including rules adopted

1 under this section, rules of the State Board of Education,
2 county and municipal ordinances, and the laws of this state,
3 the United States, or any other state.

4 (3) The university board of trustees shall adopt rules
5 for the lawful discipline of any employee who intentionally
6 acts to impair, interfere with, or obstruct the orderly
7 conduct, processes, and functions of a state university. Said
8 rules may apply to acts conducted on or off campus when
9 relevant to such orderly conduct, processes, and functions.

10 Section 781. Section 1012.93, Florida Statutes, is
11 created to read:

12 1012.93 Faculty members; test of spoken English.--The
13 State Board of Education shall adopt rules requiring that all
14 faculty members in each state university and New College,
15 other than those persons who teach courses that are conducted
16 primarily in a foreign language, be proficient in the oral use
17 of English, as determined by a satisfactory grade on the "Test
18 of Spoken English" of the Educational Testing Service or a
19 similar test approved by the state board.

20 Section 782. Section 1012.94, Florida Statutes, is
21 created to read:

22 1012.94 Evaluations of faculty members; report.--

23 (1) For the purpose of evaluating faculty members,
24 each university board of trustees shall adopt rules for the
25 assignment of duties and responsibilities to faculty members.
26 These assigned duties or responsibilities shall be conveyed to
27 each faculty member at the beginning of each academic term, in
28 writing, by his or her departmental chair or other appropriate
29 university administrator making the assignment. In evaluating
30 the competencies of a faculty member, primary assessment shall
31 be in terms of his or her performance of the assigned duties

1 and responsibilities, and such evaluation shall be given
2 adequate consideration for the purpose of salary adjustments,
3 promotions, reemployment, and tenure. A faculty member who is
4 assigned full-time teaching duties as provided by law shall be
5 rewarded with salary adjustments, promotions, reemployment, or
6 tenure for meritorious teaching and other scholarly activities
7 related thereto.

8 (2) The State Board of Education shall establish
9 criteria for evaluating the quantity and quality of service to
10 public schools by university faculty members and shall require
11 consideration of this service in promotion, tenure, and other
12 reward measures. Each university board of trustees shall
13 ensure that the following policies are implemented:

14 (a) Flexible criteria for rewarding faculty members,
15 consistent with the educational goals and objectives of the
16 university, shall be established, which criteria shall include
17 quality teaching and service to public schools as major
18 factors in determining salary adjustments, promotions,
19 reemployment, or tenure.

20 (b) Measures shall be taken to increase the
21 recognition, reinforcements, and rewards given quality
22 teaching and service to public schools. Such measures might
23 include grants for professional development, curriculum
24 improvement, and instructional innovation, as well as awards
25 of varying kinds for meritorious teaching.

26 (c) The means of identifying and evaluating quality
27 teachers and outstanding service to public schools shall be
28 determined in accordance with established guidelines of the
29 university.

30 (3) The chief academic officer at each state
31 university and New College shall disseminate information to

1 all faculty members which clearly states that service to
2 public schools is one of the criteria used to determine salary
3 adjustments, promotions, reemployment, and tenure for faculty
4 members.

5 Section 783. Section 1012.945, Florida Statutes, is
6 created to read:

7 1012.945 Required number of classroom teaching hours
8 for university faculty members.--

9 (1) As used in this section:

10 (a) "State funds" means those funds appropriated
11 annually in the General Appropriations Act.

12 (b) "Classroom contact hour" means a regularly
13 scheduled 1-hour period of classroom activity in a course of
14 instruction which has been approved by the university.

15 (2) Each full-time equivalent teaching faculty member
16 at a university who is paid wholly from state funds shall
17 teach a minimum of 12 classroom contact hours per week at such
18 university. However, any faculty member who is assigned by his
19 or her departmental chair or other appropriate university
20 administrator professional responsibilities and duties in
21 furtherance of the mission of the university shall teach a
22 minimum number of classroom contact hours in proportion to 12
23 classroom hours per week as such especially assigned
24 mentioned duties and responsibilities bear to 12
25 classroom contact hours per week. Any full-time faculty member
26 who is paid partly from state funds and partly from other
27 funds or appropriations shall teach a minimum number of
28 classroom contact hours in such proportion to 12 classroom
29 contact hours per week as his or her salary paid from state
30 funds bears to his or her total salary. In determining the
31 appropriate hourly weighting of assigned duties other than

1 classroom contact hours, the universities shall develop and
2 apply a formula designed to equate the time required for
3 nonclassroom duties with classroom contact hours. "Full-time
4 equivalent teaching faculty member" shall be interpreted to
5 mean all faculty personnel budgeted in the instruction and
6 research portion of the budget, exclusive of those full-time
7 equivalent positions assigned to research, public service,
8 administrative duties, and academic advising. Full-time
9 administrators, librarians, and counselors shall be exempt
10 from the provisions of this section; and colleges of medicine
11 and law and others which are required for purposes of
12 accreditation to meet national standards prescribed by the
13 American Medical Association, the American Bar Association, or
14 other professional associations shall be exempt from the
15 provisions of this section to the extent that the requirements
16 of this section differ from the requirements of accreditation.

17 Section 784. Section 1012.95, Florida Statutes, is
18 created to read:

19 1012.95 University employment equity accountability
20 program.--

21 (1) Each state university and New College shall
22 maintain an annual equity plan for appropriate representation
23 of women and minorities in senior-level administrative
24 positions, within tenure-track faculty, and within
25 faculty-granted tenure. Such plan shall be maintained until
26 appropriate representation has been achieved. As used in this
27 subsection, the term:

28 (a) "Appropriate representation" means category
29 employment representation that at least meets comparable
30 national standards for at least two consecutive reporting
31 periods.

1 **(b) "Category" means major executive, administrative,**
2 **and professional grouping, including senior-level**
3 **administrative and professional positions, senior academic**
4 **administrative-level positions, and tenure-track faculty.**

5 **(2)(a) By April 1 of each year, each state university**
6 **president shall submit an annual equity report to the**
7 **Commissioner of Education and the State Board of Education.**
8 **The equity report shall consist of a status update, an**
9 **analysis, and a status report of selected personnel**
10 **transactions. As used in this paragraph, the term, "selected**
11 **personnel transactions" means new hires in, promotions into,**
12 **tenure actions in, and terminations from a category. Each**
13 **university shall provide the following information for the**
14 **selected personnel transactions including, but not limited to:**

- 15 **1. Job classification title.**
- 16 **2. Gender.**
- 17 **3. Race.**
- 18 **4. Appointment status.**

19
20 **The status update shall assess underrepresentation in each**
21 **category. The status report shall consist of current category**
22 **employment representation, comparable national standards, an**
23 **evaluation of representation, and annual goals to address**
24 **underrepresentation.**

25 **(b) After 1 year of implementation of a plan, and**
26 **annually thereafter, for those categories in which prior year**
27 **goals were not achieved, each university shall provide, in its**
28 **annual equity report, a narrative explanation and a plan for**
29 **achievement of equity. The plan shall include guidelines for**
30 **ensuring balanced membership on selection committees and**
31 **specific steps for developing a diverse pool of candidates for**

1 each vacancy in the category. The plan shall also include a
2 systematic process by which those responsible for hiring are
3 provided information and are evaluated regarding their
4 responsibilities pursuant to this section.

5 (c) The equity report shall include an analysis and
6 assessment of the university's accomplishment of annual goals,
7 as specified in the university's affirmative action plan, for
8 increasing the representation of women and minorities in
9 tenure-earning and senior-level administrative positions.

10 (d) The equity report shall also include the current
11 rank, race, and gender of faculty eligible for tenure in a
12 category. In addition, each university shall report
13 representation of the pool of tenure-eligible faculty at each
14 stage of the transaction process and provide certification
15 that each eligible faculty member was apprised annually of
16 progress toward tenure. Each university shall also report on
17 the dissemination of standards for achieving tenure; racial
18 and gender composition of committees reviewing recommendations
19 at each transaction level; and dissemination of guidelines for
20 equitable distribution of assignments.

21 (3)(a) A factor in the evaluation of university
22 presidents, vice presidents, deans, and chairpersons shall be
23 their annual progress in achieving the annual and long-range
24 hiring and promotional goals and objectives, as specified in
25 the university's equity plan and affirmative action plan.
26 Annual budget allocations for positions and funding shall be
27 based on this evaluation. A summary of such evaluations shall
28 be submitted to the Commissioner of Education and the State
29 Board of Education as part of the university's annual equity
30 report.

31

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 785. Section 1012.96, Florida Statutes, is
31 created to read:

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 786. 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 787. Section 1012.97, Florida Statutes, is
29 created to read:

30 1012.97 University police.--
31

1 (1) Each university is empowered and directed to
2 provide for police officers for the university, and such
3 police officers shall hereafter be known and designated as the
4 "university police."

5 (2) The university police are hereby declared to be
6 law enforcement officers of the state and conservators of the
7 peace with the right to arrest, in accordance with the laws of
8 this state, any person for violation of state law or
9 applicable county or city ordinances when such violations
10 occur on any property or facilities that are under the
11 guidance, supervision, regulation, or control of the state
12 university or a direct-support organization of such
13 university, except that arrest may be made off campus when hot
14 pursuit originates on any such property or facilities. Such
15 officers shall have full authority to bear arms in the
16 performance of their duties and to execute search warrants
17 within their territorial jurisdiction. University police, when
18 requested by the sheriff or local police authority, may serve
19 subpoenas or other legal process and may make arrest of any
20 person against whom a warrant has been issued or any charge
21 has been made of violation of federal or state laws or county
22 or city ordinances.

23 (3) University police shall promptly deliver all
24 persons arrested and charged with a felony to the sheriff of
25 the county within which the university is located, and all
26 persons arrested and charged with misdemeanors shall be
27 delivered to the applicable authority as may be provided by
28 law, but otherwise to the sheriff of the county in which the
29 university is located.

30 (4) University police must meet the minimum standards
31 established by the Criminal Justice Standards and Training

1 Commission and chapter 943. Each police officer shall, before
2 entering into the performance of his or her duties, take the
3 oath of office as established by the university; and the
4 university may obtain and approve a bond on each officer,
5 payable to the Governor and his or her successors in office,
6 conditioned on the faithful performance of the duties of such
7 university police officer. The university may determine the
8 amount of the bond. In determining the amount of the bond, the
9 university may consider the amount of money or property likely
10 to be in the custody of the officer at any one time. The
11 university shall provide a uniform set of identification
12 credentials for each university police officer.

13 (5) In performance of any of the powers, duties, and
14 functions authorized by law or this section, university police
15 shall have the same rights, protections, and immunities
16 afforded other peace or law enforcement officers.

17 (6) The university, in concurrence with the Department
18 of Law Enforcement, shall adopt rules, including, but not
19 limited to, the appointment, employment, and removal of
20 university police and, further, establish in writing a policy
21 manual, including, but not limited to, routine and emergency
22 law enforcement situations. A policy manual shall be furnished
23 to each university police officer.

24 Section 788. Part V of chapter 1012, Florida Statutes,
25 shall be entitled "Professional Development" and shall consist
26 of ss. 1012.98-1012.985.

27 Section 789. Section 1012.98, Florida Statutes, is
28 created to read:

29 1012.98 School Community Professional Development
30 Act.--

31

1 (1) The Department of Education, public postsecondary
2 educational institutions, public school districts, and public
3 schools in this state shall collaborate to establish a
4 coordinated system of professional development. The purpose of
5 the professional development system is to enable the school
6 community to meet state and local student achievement
7 standards and the state education goals and to succeed in
8 school improvement as described in s. 1000.03.

9 (2) The school community includes administrative
10 personnel, managers, instructional personnel, support
11 personnel, members of district school boards, members of
12 school advisory councils, parents, business partners, and
13 personnel that provide health and social services to school
14 children. School districts may identify and include
15 additional members of the school community in the professional
16 development activities required by this section.

17 (3) The activities designed to implement this section
18 must:

19 (a) Increase the success of educators in guiding
20 student learning and development so as to implement state and
21 local educational standards, goals, and initiatives.

22 (b) Assist the school community in providing
23 stimulating educational activities that encourage and motivate
24 students to achieve at the highest levels and to become active
25 learners.

26 (c) Provide continuous support for all education
27 professionals as well as temporary intervention for education
28 professionals who need improvement in knowledge, skills, and
29 performance.

30 (4) The Department of Education, school districts,
31 schools, community colleges, and state universities share the

1 responsibilities described in this section. These
2 responsibilities include the following:

3 (a) The department shall develop and disseminate to
4 the school community model professional development methods
5 and programs that have demonstrated success in meeting
6 identified student needs. The Commissioner of Education shall
7 use data on student achievement to identify student needs. The
8 methods of dissemination must include a statewide performance
9 support system, a database of exemplary professional
10 development activities, a listing of available professional
11 development resources, training programs, and technical
12 assistance.

13 (b) Each school district shall develop a professional
14 development system. The system shall be developed in
15 consultation with teachers and representatives of community
16 college and university faculty, community agencies, and other
17 interested citizen groups to establish policy and procedures
18 to guide the operation of the district professional
19 development program. The professional development system
20 must:

21 1. Be approved by the department. All substantial
22 revisions to the system shall be submitted to the department
23 for review for continued approval.

24 2. Require the use of student achievement data; school
25 discipline data; school environment surveys; assessments of
26 parental satisfaction; performance appraisal data of teachers,
27 managers, and administrative personnel; and other performance
28 indicators to identify school and student needs that can be
29 met by improved professional performance.

30 3. Provide inservice activities coupled with followup
31 support that are appropriate to accomplish district-level and

1 school-level improvement goals and standards. The inservice
2 activities for instructional personnel shall primarily focus
3 on subject content and teaching methods, including technology,
4 as related to the Sunshine State Standards, assessment and
5 data analysis, classroom management, and school safety.

6 4. Include a master plan for inservice activities,
7 pursuant to rules of the State Board of Education, for all
8 district employees from all fund sources. The master plan
9 shall be updated annually by September 1 using criteria for
10 continued approval as specified by rules of the State Board of
11 Education. Written verification that the inservice plan meets
12 all requirements of this section must be submitted annually to
13 the commissioner by October 1.

14 5. Require each school principal to establish and
15 maintain an individual professional development plan for each
16 instructional employee assigned to the school. The individual
17 professional development plan must:

18 a. Be related to specific performance data for the
19 students to whom the teacher is assigned.

20 b. Define the inservice objectives and specific
21 measurable improvements expected in student performance as a
22 result of the inservice activity.

23 c. Include an evaluation component that determines the
24 effectiveness of the professional development plan.

25 6. Include inservice activities for school
26 administrative personnel that address updated skills necessary
27 for effective school management and instructional leadership.

28 7. Provide for systematic consultation with regional
29 and state personnel designated to provide technical assistance
30 and evaluation of local professional development programs.

31

1 8. Provide for delivery of professional development by
2 distance learning and other technology-based delivery systems
3 to reach more educators at lower costs.

4 9. Provide for the continuous evaluation of the
5 quality and effectiveness of professional development programs
6 in order to eliminate ineffective programs and strategies and
7 to expand effective ones. Evaluations must consider the impact
8 of such activities on the performance of participating
9 educators and their students' achievement and behavior.

10 (c) Each community college and state university shall
11 assist the department, school districts, and schools in the
12 design, delivery, and evaluation of professional development
13 activities. This assistance must include active participation
14 in state and local activities required by the professional
15 development system.

16 (5)(a) The Department of Education shall provide a
17 system for the recruitment, preparation, and professional
18 development of school administrative personnel. This system
19 shall:

20 1. Identify the knowledge, competencies, and skills
21 necessary for effective school management and instructional
22 leadership that align with student performance standards and
23 accountability measures.

24 2. Include performance evaluation methods.

25 3. Provide for alternate means for preparation of
26 school administrative personnel which may include programs
27 designed by school districts and postsecondary educational
28 institutions pursuant to guidelines developed by the
29 commissioner. Such preparation programs shall be approved by
30 the Department of Education.

31

1 4. Provide for the hiring of qualified out-of-state
2 school administrative personnel.

3 5. Provide advanced educational opportunities for
4 school-based instructional leaders.

5 (b) The Commissioner of Education shall appoint a task
6 force that includes a district school superintendent, a
7 district school board member, a principal, an assistant
8 principal, a teacher, a dean of a college of education, and
9 parents. The task force shall convene periodically to provide
10 recommendations to the department in the areas of recruitment,
11 certification, preparation, professional development, and
12 evaluation of school administrators.

13 (6) Each district school board shall provide funding
14 for the professional development system as required by s.
15 1011.62 and the General Appropriations Act, and shall direct
16 expenditures from other funding sources to strengthen the
17 system and make it uniform and coherent. A school district
18 may coordinate its professional development program with that
19 of another district, with an educational consortium, or with a
20 community college or university, especially in preparing and
21 educating personnel. Each district school board shall make
22 available inservice activities to instructional personnel of
23 nonpublic schools in the district and the state certified
24 teachers who are not employed by the district school board on
25 a fee basis not to exceed the cost of the activity per all
26 participants.

27 (7) An organization of private schools which has no
28 fewer than 10 member schools in this state, which publishes
29 and files with the Department of Education copies of its
30 standards, and the member schools of which comply with the
31 provisions of part II of chapter 1003, relating to compulsory

1 school attendance, may also develop a professional development
2 system that includes a master plan for inservice activities.
3 The system and inservice plan must be submitted to the
4 commissioner for approval pursuant to rules of the State Board
5 of Education.

6 (8) The Department of Education shall design methods
7 by which the state and district school boards may evaluate and
8 improve the professional development system. The evaluation
9 must include an annual assessment of data that indicate
10 progress or lack of progress of all students. If the review of
11 the data indicates progress, the department shall identify the
12 best practices that contributed to the progress. If the review
13 of the data indicates a lack of progress, the department shall
14 investigate the causes of the lack of progress, provide
15 technical assistance, and require the school district to
16 employ a different approach to professional development. The
17 department shall report annually to the State Board of
18 Education and the Legislature any school district that, in the
19 determination of the department, has failed to provide an
20 adequate professional development system. This report must
21 include the results of the department's investigation and of
22 any intervention provided.

23 (9) The State Board of Education may adopt rules
24 pursuant to ss. 120.536(1) and 120.54 to administer this
25 section.

26 (10) This section does not limit or discourage a
27 district school board from contracting with independent
28 entities for professional development services and inservice
29 education if the district school board believes that, through
30 such a contract, a better product can be acquired or its goals
31 for education improvement can be better met.

1 (11) For teachers, managers, and administrative
2 personnel who have been evaluated as less than satisfactory, a
3 district school board shall require participation in specific
4 professional development programs as part of the improvement
5 prescription.

6 Section 790. Section 1012.985, Florida Statutes, is
7 created to read:

8 1012.985 Statewide system for inservice professional
9 development.--The intent of this section is to establish a
10 statewide system of professional development that provides a
11 wide range of targeted inservice training to teachers,
12 managers, and administrative personnel designed to upgrade
13 skills and knowledge needed to reach world class standards in
14 education. The system shall consist of a network of
15 professional development academies in each region of the state
16 that are operated in partnership with area business partners
17 to develop and deliver high-quality training programs
18 purchased by school districts. The academies shall be
19 established to meet the human resource development needs of
20 professional educators, schools, and school districts. Funds
21 appropriated for the initiation of professional development
22 academies shall be allocated by the Commissioner of Education,
23 unless otherwise provided in an appropriations act. To be
24 eligible for startup funds, the academy must:

25 (1) Be established by the collaborative efforts of one
26 or more district school boards, members of the business
27 community, and the postsecondary educational institutions
28 which may award college credits for courses taught at the
29 academy.

30 (2) Demonstrate the capacity to provide effective
31 training to improve teaching skills in the areas of elementary

1 reading and mathematics, the use of instructional technology,
2 high school algebra, and classroom management, and to deliver
3 such training using face-to-face, distance learning, and
4 individualized computer-based delivery systems.

5 (3) Propose a plan for responding in an effective and
6 timely manner to the professional development needs of
7 teachers, managers, administrative personnel, schools, and
8 school districts relating to improving student achievement and
9 meeting state and local education goals.

10 (4) Demonstrate the ability to provide high-quality
11 trainers and training, appropriate followup and coaching for
12 all participants, and support school personnel in positively
13 impacting student performance.

14 (5) Be operated under contract with its public
15 partners and governed by an independent board of directors,
16 which should include at least one district school
17 superintendent and one district school board chair from the
18 participating school districts, the president of the
19 collective bargaining unit that represents the majority of the
20 region's teachers, and at least three individuals who are not
21 employees or elected or appointed officials of the
22 participating school districts. Regional educational consortia
23 as defined in s. 1001.451 satisfy the requirements of this
24 subsection.

25 (6) Be financed during the first year of operation by
26 an equal or greater match from private funding sources and
27 demonstrate the ability to be self-supporting within 1 year
28 after opening through fees for services, grants, or private
29 contributions. Regional educational consortia as defined in s.
30 1001.451 which serve rural areas of critical economic concern
31 are exempt from the funding match required by this subsection.

1 wherever educated, declare that it is the policy of each of
2 them, on the basis of cooperation with one another, to take
3 advantage of the preparation and experience of such persons
4 wherever gained, thereby serving the best interests of
5 society, of education, and of the teaching profession. It is
6 the purpose of this agreement to provide for the development
7 and execution of such programs of cooperation as will
8 facilitate the movement of teachers and other professional
9 educational personnel among the states party to it, and to
10 authorize specific interstate educational personnel contracts
11 to achieve that end.

12 2. The party states find that included in the large
13 movement of population among all sections of the nation are
14 many qualified educational personnel who move for family and
15 other personal reasons but who are hindered in using their
16 professional skill and experience in their new locations.
17 Variations from state to state in requirements for qualifying
18 educational personnel discourage such personnel from taking
19 the steps necessary to qualify in other states. As a
20 consequence, a significant number of professionally prepared
21 and experienced educators is lost to our school systems.
22 Facilitating the employment of qualified educational
23 personnel, without reference to their states of origin, can
24 increase the available educational resources. Participation in
25 this compact can increase the availability of educational
26 personnel.

27
28 ARTICLE II

29
30 DEFINITIONS

31

1 As used in this agreement and contracts made pursuant
2 to it, unless the context clearly requires otherwise:

3 1. "Educational personnel" means persons who must meet
4 requirements pursuant to state law as a condition of
5 employment in educational programs.

6 2. "Designated state official" means the education
7 official of a state selected by that state to negotiate and
8 enter into, on behalf of this state, contracts pursuant to
9 this agreement.

10 3. "Accept," or any variant thereof, means to
11 recognize and give effect to one or more determinations of
12 another state relating to the qualifications of educational
13 personnel in lieu of making or requiring a like determination
14 that would otherwise be required by or pursuant to the laws of
15 a receiving state.

16 4. "State" means a state, territory, or possession of
17 the United States; the district of Columbia; or the
18 Commonwealth of Puerto Rico.

19 5. "Originating state" means a state and the
20 subdivision thereof, if any, whose determination that certain
21 educational personnel are qualified to be employed for
22 specific duties in schools is acceptable in accordance with
23 the terms of a contract made pursuant to Article III.

24 6. "Receiving state" means a state and the
25 subdivisions thereof which accept educational personnel in
26 accordance with the terms of a contract made pursuant to
27 Article III.

28
29 ARTICLE III

30
31 INTERSTATE EDUCATIONAL

1 PERSONNEL CONTRACTS

2 1. The designated state official of a party state may
3 make one or more contracts on behalf of his or her state with
4 one or more other party states providing for the acceptance of
5 educational personnel. Any such contract for the period of
6 its duration shall be applicable to and binding on the states
7 whose designated state officials enter into it, and the
8 subdivisions of those states, with the same force and effect
9 as if incorporated in this agreement. A designated state
10 official may enter into a contract pursuant to this article
11 only with states in which he or she finds that there are
12 programs of education, certification standards or other
13 acceptable qualifications that assure preparation or
14 qualification of educational personnel on a basis sufficiently
15 comparable, even though not identical to that prevailing in
16 his or her own state.

17 2. Any such contract shall provide for:

18 (a) Its duration.

19 (b) The criteria to be applied by an originating state
20 in qualifying educational personnel for acceptance by a
21 receiving state.

22 (c) Such waivers, substitutions, and conditional
23 acceptances as shall aid the practical effectuation of the
24 contract without sacrifice of basic educational standards.

25 (d) Any other necessary matters.

26 3. No contract made pursuant to this agreement shall
27 be for a term longer than five years but any such contract may
28 be renewed for like or lesser periods.

29 4. Any contract dealing with acceptance of educational
30 personnel on the basis of their having completed an
31 educational program shall specify the earliest date or dates

1 on which originating state approval of the program or programs
2 involved can have occurred. No contract made pursuant to this
3 agreement shall require acceptance by a receiving state or any
4 persons qualified because of successful completion of a
5 program prior to January 1, 1954.

6 5. The certification or other acceptance of a person
7 who has been accepted pursuant to the terms of a contract
8 shall not be revoked or otherwise impaired because the
9 contract has expired or been terminated. However, any
10 certificate or other qualifying document may be revoked or
11 suspended on any ground which would be sufficient for
12 revocation or suspension of a certificate or other qualifying
13 document initially granted or approved in the receiving state.

14 6. A contract committee composed of the designated
15 state officials of the contracting states or their
16 representatives shall keep the contract under continuous
17 review, study means of improving its administration, and
18 report no less frequently than once a year to the heads of the
19 appropriate education agencies of the contracting states.

20
21 ARTICLE IV
22

23 APPROVED AND ACCEPTED PROGRAMS

24 1. Nothing in this agreement shall be construed to
25 repeal or otherwise modify any law or regulation of a party
26 state relating to the approval of programs of educational
27 preparation having effect solely on the qualification of
28 educational personnel within that state.

29 2. To the extent that contracts made pursuant to this
30 agreement deal with the educational requirements for the
31 proper qualification of educational personnel, acceptance of a

1 program of educational preparation shall be in accordance with
2 such procedures and requirements as may be provided in the
3 applicable contract.

4
5 ARTICLE V

6
7 INTERSTATE COOPERATION

8 The party states agree that:

9 1. They will, so far as practicable, prefer the making
10 of multilateral contracts pursuant to Article III of this
11 agreement.

12 2. They will facilitate and strengthen cooperation in
13 interstate certification and other elements of educational
14 personnel qualification and for this purpose shall cooperate
15 with agencies, organizations, and associations interested in
16 certification and other elements of educational personnel
17 qualification.

18
19 ARTICLE VI

20
21 AGREEMENT EVALUATION

22 The designated state officials of any party states may
23 meet from time to time as a group to evaluate progress under
24 the agreement, and to formulate recommendations for changes.

25
26 ARTICLE VII

27
28 OTHER ARRANGEMENTS

29 Nothing in this agreement shall be construed to prevent
30 or inhibit other arrangements or practices of any party state

31

1 or states to facilitate the interchange of educational
2 personnel.

4 ARTICLE VIII

6 EFFECT AND WITHDRAWAL

7 1. This agreement shall become effective when enacted
8 into law by two states. Thereafter it shall become effective
9 as to any state upon its enactment of this agreement.

10 2. Any party state may withdraw from this agreement by
11 enacting a statute repealing the same, but no such withdrawal
12 shall take effect until one year after the governor of the
13 withdrawing state has given notice in writing of the
14 withdrawal to the governors of all other party states.

15 3. No withdrawal shall relieve the withdrawing state
16 of any obligation imposed upon it by a contract to which it is
17 a party. The duration of contracts and the methods and
18 conditions of withdrawal therefrom shall be those specified in
19 their terms.

21 ARTICLE IX

23 CONSTRUCTION AND SEVERABILITY

24 This agreement shall be liberally construed so as to
25 effectuate the purposes thereof. The provisions of this
26 agreement shall be severable and if any phrase, clause,
27 sentence or provision of this agreement is declared to be
28 contrary to the constitution of any state or of the United
29 States, or the application thereof to any government, agency,
30 person, or circumstance is held invalid, the validity of the
31 remainder of this agreement and the applicability thereof to

1 any government, agency, person, or circumstance shall not be
2 affected thereby. If this agreement shall be held contrary to
3 the constitution of any state participating therein, the
4 agreement shall remain in full force and effect as to the
5 state affected as to all severable matters.

6 Section 793. Section 1012.991, Florida Statutes, is
7 created to read:

8 1012.991 Commissioner designated official.--For the
9 purposes of the agreement set forth in Article IX, the
10 "designated state official" for this state shall be the
11 Commissioner of Education. The Commissioner of Education shall
12 enter into contracts pursuant to Article III of the agreement
13 only with the approval of the specific texts thereof by the
14 State Board of Education.

15 Section 794. Section 1012.992, Florida Statutes, is
16 created to read:

17 1012.992 Copies of contracts with other states;
18 depository.--Two copies of all contracts made on behalf of
19 this state pursuant to the agreement set forth in Article IX
20 shall be kept on file in the office of the Commissioner of
21 Education and in the office of the Department of State. The
22 Department of Education shall publish all such contracts in
23 convenient form.

24 Section 795. Chapter 1013, Florida Statutes, shall be
25 entitled "Educational Facilities" and shall consist of ss.
26 1013.01-1013.82.

27 Section 796. Part I of chapter 1013, Florida Statutes,
28 shall be entitled "Functions; Department of Education" and
29 shall consist of ss. 1013.01-1013.05.

30 Section 797. Section 1013.01, Florida Statutes, is
31 created to read:

1 1013.01 Definitions.--The following terms shall be
2 defined as follows for the purpose of this chapter:

3 (1) "Ancillary plant" is comprised of the building,
4 site, and site improvements necessary to provide such
5 facilities as vehicle maintenance, warehouses, maintenance, or
6 administrative buildings necessary to provide support services
7 to an educational program.

8 (2) "Auxiliary facility" means the spaces located at
9 educational plants which are not designed for student occupant
10 stations.

11 (3) "Board," unless otherwise specified, means a
12 district school board, a community college board of trustees,
13 a university board of trustees, and the Board of Trustees for
14 the Florida School for the Deaf and the Blind. The term
15 "board" does not include the State Board of Education.

16 (4) "Capital project," for the purpose of s. 9(a)(2),
17 Art. XII of the State Constitution, as amended, means sums of
18 money appropriated from the Public Education Capital Outlay
19 and Debt Service Trust Fund to the state system of public
20 education and other educational agencies as authorized by the
21 Legislature.

22 (5) "Core facilities" means the media center,
23 cafeteria, toilet facilities, and circulation space of an
24 educational plant.

25 (6) "Educational facilities" means the buildings and
26 equipment, structures, and special educational use areas that
27 are built, installed, or established to serve primarily the
28 educational purposes and secondarily the social and
29 recreational purposes of the community and which may lawfully
30 be used as authorized by the Florida Statutes and approved by
31 boards.

1 (7) "Educational plant" comprises the educational
2 facilities, site, and site improvements necessary to
3 accommodate students, faculty, administrators, staff, and the
4 activities of the educational program of each plant.

5 (8) "Educational plant survey" means a systematic
6 study of present educational and ancillary plants and the
7 determination of future needs to provide an appropriate
8 educational program and services for each student based on
9 projected capital outlay FTE's approved by the Department of
10 Education.

11 (9) "Feasibility study" means the examination and
12 analysis of information related to projected educational
13 facilities to determine whether they are reasonable and
14 possible.

15 (10) "Long-range planning" means devising a systematic
16 method based on educational information and needs, carefully
17 analyzed, to provide the facilities to meet the goals and
18 objectives of the educational agency for a period of 5 years.

19 (11) "Low-energy usage features" means engineering
20 features or devices that supplant or minimize the consumption
21 of fossil fuels by heating equipment and cooling equipment.
22 Such features may include, but are not limited to, high
23 efficiency chillers and boilers, thermal storage tanks, solar
24 energy systems, waste heat recovery systems, and facility load
25 management systems.

26 (12) "Maintenance and repair" means the upkeep of
27 educational and ancillary plants, including, but not limited
28 to, roof or roofing replacement short of complete replacement
29 of membrane or structure; repainting of interior or exterior
30 surfaces; resurfacing of floors; repair or replacement of
31 glass; repair of hardware, furniture, equipment, electrical

1 fixtures, and plumbing fixtures; and repair or resurfacing of
2 parking lots, roads, and walkways. The term "maintenance and
3 repair" does not include custodial or groundskeeping
4 functions, or renovation except for the replacement of
5 equipment with new equipment of equal systems meeting current
6 code requirements, provided that the replacement item neither
7 places increased demand upon utilities services or structural
8 supports nor adversely affects the function of safety to life
9 systems.

10 (13) "Need determination" means the identification of
11 types and amounts of educational facilities necessary to
12 accommodate the educational programs, student population,
13 faculty, administrators, staff, and auxiliary and ancillary
14 services of an educational agency.

15 (14) "New construction" means any construction of a
16 building or unit of a building in which the entire work is new
17 or an entirely new addition connected to an existing building
18 or which adds additional square footage to the space
19 inventory.

20 (15) "Passive design elements" means architectural
21 features that minimize heat gain, heat loss, and the use of
22 heating and cooling equipment when ambient conditions are
23 extreme and that permit use of the facility without heating or
24 air-conditioning when ambient conditions are moderate. Such
25 features may include, but are not limited to, building
26 orientation, landscaping, earth bermings, insulation, thermal
27 windows and doors, overhangs, skylights, thermal chimneys, and
28 other design arrangements.

29 (16) "Public education capital outlay (PECO) funded
30 projects" means site acquisition, renovation, remodeling,
31 construction projects, and site improvements necessary to

1 accommodate buildings, equipment, other structures, and
2 special educational use areas that are built, installed, or
3 established to serve primarily the educational instructional
4 program of the district school board, community college board
5 of trustees, or university board of trustees.

6 (17) "Remodeling" means the changing of existing
7 facilities by rearrangement of spaces and their use and
8 includes, but is not limited to, the conversion of two
9 classrooms to a science laboratory or the conversion of a
10 closed plan arrangement to an open plan configuration.

11 (18) "Renovation" means the rejuvenating or upgrading
12 of existing facilities by installation or replacement of
13 materials and equipment and includes, but is not limited to,
14 interior or exterior reconditioning of facilities and spaces;
15 air-conditioning, heating, or ventilating equipment; fire
16 alarm systems; emergency lighting; electrical systems; and
17 complete roofing or roof replacement, including replacement of
18 membrane or structure. As used in this subsection, the term
19 "materials" does not include instructional materials.

20 (19) "Satisfactory educational facility" means a
21 facility that has been recommended for continued use by an
22 educational plant survey or that has been classified as
23 satisfactory in the state inventory of educational facilities.

24 (20) "Site" means a space of ground occupied or to be
25 occupied by an educational facility or program.

26 (21) "Site development" means work that must be
27 performed on an unimproved site in order to make it usable for
28 the desired purpose or work incidental to new construction or
29 to make an addition usable.

30 (22) "Site improvement" means work that must be
31 performed on an existing site to improve its utilization,

1 correct health and safety deficiencies, meet special program
2 needs, or provide additional service areas.

3 (23) "Site improvement incident to construction" means
4 the work that must be performed on a site as an accompaniment
5 to the construction of an educational facility.

6 (24) "Satellite facility" means the buildings and
7 equipment, structures, and special educational use areas that
8 are built, installed, or established by private business or
9 industry in accordance with chapter 6A-2, Florida
10 Administrative Code, to be used exclusively for educational
11 purposes to serve primarily the students of its employees and
12 that are staffed professionally by the district school board.

13 Section 798. Section 1013.02, Florida Statutes, is
14 created to read:

15 1013.02 Purpose; rules.--

16 (1) The purpose of this chapter is to authorize state
17 and local officials to cooperate in establishing and
18 maintaining educational plants that will provide for public
19 educational needs throughout the state.

20 (2) The State Board of Education shall adopt rules
21 pursuant to ss. 120.536(1) and 120.54 to implement the
22 provisions of this chapter.

23 Section 799. Section 1013.03, Florida Statutes, is
24 created to read:

25 1013.03 Functions of the department.--The functions of
26 the Department of Education as it pertains to educational
27 facilities shall include, but not be limited to, the
28 following:

29 (1) Establish recommended minimum and maximum square
30 footage standards for different functions and areas and
31 procedures for determining the gross square footage for each

1 educational facility to be funded in whole or in part by the
 2 state, including public broadcasting stations but excluding
 3 postsecondary special purpose laboratory space. The gross
 4 square footage determination standards may be exceeded when
 5 the core facility space of an educational facility is
 6 constructed or renovated to accommodate the future addition of
 7 classrooms to meet projected increases in student enrollment.
 8 The department shall encourage multiple use of facilities and
 9 spaces in educational plants.

10 (2) Establish, for the purpose of determining need,
 11 equitably uniform utilization standards for all types of like
 12 space, regardless of the level of education. These standards
 13 shall also establish, for postsecondary education classrooms,
 14 a minimum room utilization rate of 40 hours per week and a
 15 minimum station utilization rate of 60 percent. These rates
 16 shall be subject to increase based on national norms for
 17 utilization of postsecondary education classrooms.

18 (3) Require boards to submit other educational plant
 19 inventories data and statistical data or information relevant
 20 to construction, capital improvements, and related costs.

21 (4) Require each board and other appropriate agencies
 22 to submit complete and accurate financial data as to the
 23 amounts of funds from all sources that are available and spent
 24 for construction and capital improvements. The commissioner
 25 shall prescribe the format and the date for the submission of
 26 this data and any other educational facilities data. If any
 27 district does not submit the required educational facilities
 28 fiscal data by the prescribed date, the Commissioner of
 29 Education shall notify the district school board of this fact
 30 and, if appropriate action is not taken to immediately submit
 31 the required report, the district school board shall be

1 directed to proceed pursuant to the provisions of s.
2 1001.42(11)(b). If any community college or university does
3 not submit the required educational facilities fiscal data by
4 the prescribed date, the same policy prescribed in this
5 subsection for school districts shall be implemented.

6 (5) Administer, under the supervision of the
7 Commissioner of Education, the Public Education Capital Outlay
8 and Debt Service Trust Fund and the School District and
9 Community College District Capital Outlay and Debt Service
10 Trust Fund.

11 (6) Develop, review, update, revise, and recommend a
12 mandatory portion of the Florida Building Code for educational
13 facilities construction and capital improvement by community
14 college boards and district school boards.

15 (7) Provide training, technical assistance, and
16 building code interpretation for requirements of the mandatory
17 Florida Building Code for the educational facilities
18 construction and capital improvement programs of the community
19 college boards and district school boards and, upon request,
20 approve phase III construction documents for remodeling,
21 renovation, or new construction of educational plants or
22 ancillary facilities, except that university boards of
23 trustees shall approve specifications and construction
24 documents for their respective institutions. The Department of
25 Management Services may, upon request, provide similar
26 services for the Florida School for the Deaf and the Blind and
27 shall use the Florida Building Code and the Florida Fire
28 Prevention Code.

29 (8) Provide minimum criteria, procedures, and training
30 to boards to conduct educational plant surveys and document
31 the determination of future needs.

1 (9) Make available to boards technical assistance,
2 awareness training, and research and technical publications
3 relating to lifesafety, casualty, sanitation, environmental,
4 maintenance, and custodial issues; and, as needed, technical
5 assistance for survey, planning, design, construction,
6 operation, and evaluation of educational and ancillary
7 facilities and plants, facilities administrative procedures
8 review, and training for new administrators.

9 (10)(a) Review and validate surveys proposed or
10 amended by the boards and recommend to the Commissioner of
11 Education, for approval, surveys that meet the requirements of
12 this chapter.

13 1. The term "validate" as applied to surveys by school
14 districts means to review inventory data as submitted to the
15 department by district school boards; provide for review and
16 inspection, where required, of student stations and aggregate
17 square feet of inventory changed from satisfactory to
18 unsatisfactory or changed from unsatisfactory to satisfactory;
19 compare new school inventory to allocation limits provided by
20 this chapter; review cost projections for conformity with cost
21 limits set by s. 1013.64(6); compare total capital outlay
22 full-time equivalent enrollment projections in the survey with
23 the department's projections; review facilities lists to
24 verify that student station and auxiliary facility space
25 allocations do not exceed the limits provided by this chapter
26 and related rules; review and confirm the application of
27 uniform facility utilization factors, where provided by this
28 chapter or related rules; utilize the documentation of
29 programs offered per site, as submitted by the board, to
30 analyze facility needs; confirm that need projections for
31 career and technical and adult educational programs comply

1 with needs documented by the Office of Workforce and Economic
2 Development; and confirm the assignment of full-time student
3 stations to all space except auxiliary facilities, which, for
4 purposes of exemption from student station assignment, include
5 the following:

6 a. Cafeterias.

7 b. Multipurpose dining areas.

8 c. Media centers.

9 d. Auditoriums.

10 e. Administration.

11 f. Elementary, middle, and high school resource rooms,
12 up to the number of such rooms recommended for the applicable
13 occupant and space design capacity of the educational plant in
14 the State Requirements for Educational Facilities, beyond
15 which student stations must be assigned.

16 g. Elementary school skills labs, up to the number of
17 such rooms recommended for the applicable occupant and space
18 design capacity of the educational plant in the State
19 Requirements for Educational Facilities, beyond which student
20 stations must be assigned.

21 h. Elementary school art and music rooms.

22 2. The term "validate" as applied to surveys by
23 community colleges and universities means to review and
24 document the approval of each new site and official
25 designation, where applicable; review the inventory database
26 as submitted by each board to the department, including
27 noncareer and technical, and total capital outlay full-time
28 equivalent enrollment projections per site and per college;
29 provide for the review and inspection, where required, of
30 student stations and aggregate square feet of space changed
31 from satisfactory to unsatisfactory; utilize and review the

1 documentation of programs offered per site submitted by the
2 boards as accurate for analysis of space requirements and
3 needs; confirm that needs projected for career and technical
4 and adult educational programs comply with needs documented by
5 the Office of Workforce and Economic Development; compare new
6 facility inventory to allocations limits as provided in this
7 chapter; review cost projections for conformity with state
8 averages or limits designated by this chapter; compare student
9 enrollment projections in the survey to the department's
10 projections; review facilities lists to verify that area
11 allocations and space factors for generating space needs do
12 not exceed the limits as provided by this chapter and related
13 rules; confirm the application of facility utilization factors
14 as provided by this chapter and related rules; and review, as
15 submitted, documentation of how survey recommendations will
16 implement the detail of current campus master plans and
17 integrate with local comprehensive plans and development
18 regulations.

19 (b) Recommend priority of projects to be funded for
20 approval by the state board, when required by law.

21 (11) Prepare the commissioner's comprehensive fixed
22 capital outlay legislative budget request and provide annually
23 an estimate of the funds available for developing required
24 3-year priority lists. This amount shall be based upon the
25 average percentage for the 5 prior years of funds appropriated
26 by the Legislature for fixed capital outlay to each level of
27 public education: public schools, community colleges, and
28 universities.

29 (12) Perform any other functions that may be involved
30 in educational facilities construction and capital improvement
31

1 which shall ensure that the intent of the Legislature is
2 implemented.

3 Section 800. Section 1013.04, Florida Statutes, is
4 created to read:

5 1013.04 School district facilities work program
6 performance and productivity standards; development;
7 measurement; application.--

8 (1) The Office of Educational Facilities and SMART
9 Schools Clearinghouse shall develop and adopt measures for
10 evaluating the performance and productivity of school district
11 facilities work programs. The measures may be both
12 quantitative and qualitative and must, to the maximum extent
13 practical, assess those factors that are within the districts'
14 control. The measures must, at a minimum, assess performance
15 in the following areas:

16 (a) Frugal production of high-quality projects.

17 (b) Efficient finance and administration.

18 (c) Optimal school and classroom size and utilization
19 rate.

20 (d) Safety.

21 (e) Core facility space needs and cost-effective
22 capacity improvements that consider demographic projections.

23 (f) Level of district local effort.

24 (2) The office shall establish annual performance
25 objectives and standards that can be used to evaluate district
26 performance and productivity.

27 (3) The office shall conduct ongoing evaluations of
28 district educational facilities program performance and
29 productivity, using the measures adopted under this section.

30 If, using these measures, the office finds that a district
31 failed to perform satisfactorily, the office must recommend to

1 the district school board actions to be taken to improve the
2 district's performance.

3 Section 801. Section 1013.05, Florida Statutes, is
4 created to read:

5 1013.05 Office of Educational Facilities and SMART
6 (Soundly Made, Accountable, Reasonable, and Thrifty) Schools
7 Clearinghouse.--

8 (1) The SMART Schools Clearinghouse is established to
9 assist school districts that seek to access School
10 Infrastructure Thrift (SIT) Program awards pursuant to ss.
11 1013.42 and 1013.72 or effort index grants pursuant to s.
12 1013.73. The office must use expedited procedures in providing
13 such assistance.

14 (2) The office shall prioritize school district SIT
15 Program awards based on a review of the district facilities
16 work programs and proposed construction projects.

17 Section 802. Part II of chapter 1013, Florida
18 Statutes, shall be entitled "Use and Management of Educational
19 Facilities" and shall consist of ss. 1013.10-1013.28.

20 Section 803. Section 1013.10, Florida Statutes, is
21 created to read:

22 1013.10 Use of buildings and grounds.--The board may
23 permit the use of educational facilities and grounds for any
24 legal assembly or for community use centers or may permit the
25 same to be used as voting places in any primary, regular, or
26 special election. The board shall adopt rules or policies and
27 procedures necessary to protect educational facilities and
28 grounds when used for such purposes.

29 Section 804. Section 1013.11, Florida Statutes, is
30 created to read:

31

1 1013.11 Postsecondary institutions assessment of
2 physical plant safety.--The president of each postsecondary
3 institution shall conduct or cause to be conducted an annual
4 assessment of physical plant safety. An annual report shall
5 incorporate the findings obtained through such assessment and
6 recommendations for the improvement of safety on each campus.
7 The annual report shall be submitted to the respective
8 governing or licensing board of jurisdiction no later than
9 January 1 of each year. Each board shall compile the
10 individual institutional reports and convey the aggregate
11 institutional reports to the Commissioner of Education. The
12 Commissioner of Education shall convey these reports and the
13 reports required in s. 1008.48 to the President of the Senate
14 and the Speaker of the House of Representatives no later than
15 March 1 of each year.

16 Section 805. Section 1013.12, Florida Statutes, is
17 created to read:

18 1013.12 Safety and sanitation standards and inspection
19 of property.--The State Board of Education shall adopt and
20 administer rules prescribing standards for the safety and
21 health of occupants of educational and ancillary plants as a
22 part of State Requirements for Educational Facilities or the
23 Florida Building Code for educational facilities construction
24 as provided in s. 1013.37, the provisions of chapter 633 to
25 the contrary notwithstanding. These standards must be used by
26 all public agencies when inspecting public educational and
27 ancillary plants. In accordance with such standards, each
28 board shall prescribe policies and procedures establishing a
29 comprehensive program of safety and sanitation for the
30 protection of occupants of public educational and ancillary
31 plants. Such policies must contain procedures for periodic

1 inspections as prescribed herein and for withdrawal of any
2 educational and ancillary plant, or portion thereof, from use
3 until unsafe or unsanitary conditions are corrected or
4 removed.

5 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6 BOARDS.--

7 (a) Each board shall provide for periodic inspection
8 of each educational and ancillary plant at least once during
9 each fiscal year to determine compliance with standards of
10 sanitation and casualty safety prescribed in the rules of the
11 State Board of Education.

12 (b) Firesafety inspections of each educational and
13 ancillary plant must be made annually by persons certified by
14 the Division of State Fire Marshal to be eligible to conduct
15 firesafety inspections in public educational and ancillary
16 plants.

17 (c) In each firesafety inspection report, the board
18 shall include a plan of action and a schedule for the
19 correction of each deficiency. If immediate life-threatening
20 deficiencies are noted in any inspection, the board shall
21 either take action to promptly correct the deficiencies or
22 withdraw the educational or ancillary plant from use until
23 such time as the deficiencies are corrected.

24 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
25 AGENCIES.--

26 (a) A safety or sanitation inspection of any
27 educational or ancillary plant may be made at any time by the
28 Department of Education or any other state or local agency
29 authorized or required to conduct such inspections by either
30 general or special law. Each agency conducting inspections
31 shall use the standards adopted by the Commissioner of

1 Education in lieu of, and to the exclusion of, any other
2 inspection standards prescribed either by statute or
3 administrative rule, the provisions of chapter 633 to the
4 contrary notwithstanding. The agency shall submit a copy of
5 the inspection report to the board.

6 (b) In addition to district school board inspections,
7 the applicable local fire control authority shall also
8 annually inspect district school board educational facilities
9 within its fire control district, using the standards adopted
10 by the Commissioner of Education. Reports shall be filed with
11 the district school board, and a copy shall be on file with
12 the local site administrator.

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

16 (a) Order that appropriate action be taken to correct
17 all deficiencies in accordance with a schedule determined
18 jointly by the inspecting authority and the board; in
19 developing the schedule, consideration must be given to the
20 seriousness of the deficiencies and the ability of the board
21 to obtain the necessary funds; or

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

25 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
26 FACILITIES.--Firesafety inspections of community college and
27 university facilities shall comply with State Board of
28 Education rules.

29 Section 806. Section 1013.13, Florida Statutes, is
30 created to read:

31

1 1013.13 Coordination of school safety information;
2 construction design documents.--

3 (1) Each district school superintendent must provide
4 to the law enforcement agency and fire department that has
5 jurisdiction over each educational facility a copy of the
6 floor plans and other relevant documents for each educational
7 facility in the district, as defined in s. 1013.01. After the
8 initial submission of the floor plans and other relevant
9 documents, the district superintendent of schools shall
10 submit, by October 1 of each year, revised floor plans and
11 other relevant documents for each educational facility in the
12 district that was modified during the preceding year.

13 (2) Each community college president must provide to
14 the law enforcement agency and fire department that has
15 jurisdiction over the community college a copy of the floor
16 plans and other relevant documents for each educational
17 facility as defined in s. 1013.01. After the initial
18 submission of the floor plans and other relevant documents,
19 the community college president shall submit, by October 1 of
20 each year, revised floor plans and other relevant documents
21 for each educational facility that was modified during the
22 preceding year.

23 Section 807. Section 1013.14, Florida Statutes, is
24 created to read:

25 1013.14 Proposed purchase of real property by a board;
26 confidentiality of records; procedure.--

27 (1)(a) In any case in which a board, pursuant to the
28 provisions of this chapter, seeks to acquire by purchase any
29 real property for educational purposes, every appraisal,
30 offer, or counteroffer must be in writing and is exempt from
31 the provisions of s. 119.07(1) until an option contract is

1 executed or, if no option contract is executed, until 30 days
2 before a contract or agreement for purchase is considered for
3 approval by the board. If a contract or agreement for purchase
4 is not submitted to the board for approval, the exemption from
5 s. 119.07(1) shall expire 30 days after the termination of
6 negotiations. The board shall maintain complete and accurate
7 records of every such appraisal, offer, and counteroffer. For
8 the purposes of this section, the term "option contract" means
9 an agreement by the board to purchase a piece of property,
10 subject to the approval of the board at a public meeting after
11 30 days' public notice.

12 (b) Prior to acquisition of the property, the board
13 shall obtain at least one appraisal by an appraiser approved
14 pursuant to s. 253.025(6)(b) for each purchase in an amount
15 greater than \$100,000 and not more than \$500,000. For each
16 purchase in an amount in excess of \$500,000, the board shall
17 obtain at least two appraisals by appraisers approved pursuant
18 to s. 253.025(6)(b). If the agreed to purchase price exceeds
19 the average appraised value, the board is required to approve
20 the purchase by an extraordinary vote.

21 (2) Nothing in this section shall be interpreted as
22 providing an exemption from, or an exception to, s. 286.011.

23 Section 808. Section 1013.15, Florida Statutes, is
24 created to read:

25 1013.15 Lease, rental, and lease-purchase of
26 educational facilities and sites.--

27 (1) A board may lease any land, facilities, or
28 educational plants owned by it to any person or entity for
29 such term, for such rent, and upon such terms and conditions
30 as the board determines to be in its best interests; any such
31 lease may provide for the optional or binding purchase of the

1 land, facilities, or educational plants by the lessee upon
 2 such terms and conditions as the board determines are in its
 3 best interests. A determination that any such land, facility,
 4 or educational plant so leased is unnecessary for educational
 5 purposes is not a prerequisite to the leasing or
 6 lease-purchase of such land, facility, or educational plant.
 7 Prior to entering into or executing any such lease, a board
 8 shall consider approval of the lease or lease-purchase
 9 agreement at a public meeting, at which a copy of the proposed
 10 agreement in its final form shall be available for inspection
 11 and review by the public, after due notice as required by law.

12 (2)(a) A district school board may rent or lease
 13 educational facilities and sites as defined in s. 1013.01.
 14 Educational facilities and sites rented or leased for 1 year
 15 or less shall be funded through the operations budget or funds
 16 derived from millage proceeds pursuant to s. 1011.71(2). A
 17 lease contract for 1 year or less, when extended or renewed
 18 beyond a year, becomes a multiple-year lease. Operational
 19 funds or funds derived from millage proceeds pursuant to s.
 20 1011.71(2) may be authorized to be expended for multiple-year
 21 leases. All leased facilities and sites must be inspected
 22 prior to occupancy by the authority having jurisdiction.

23 1. All newly leased spaces must be inspected and
 24 brought into compliance with the Florida Building Code
 25 pursuant to chapter 553 and the life safety codes pursuant to
 26 chapter 633, prior to occupancy, using the board's operations
 27 budget or funds derived from millage proceeds pursuant to s.
 28 1011.71(2).

29 2. Plans for renovation or remodeling of leased space
 30 shall conform to the Florida Building Code and the Florida
 31 Fire Prevention Code for educational occupancies or other

1 occupancies, as appropriate and as required in chapters 553
2 and 633, prior to occupancy.

3 3. All leased facilities must be inspected annually
4 for firesafety deficiencies in accordance with the applicable
5 code and have corrections made in accordance with s. 1013.12.
6 Operational funds or funds derived from millage proceeds
7 pursuant to s. 1011.71(2) may be used to correct deficiencies
8 in leased space.

9 4. When the board declares that a public emergency
10 exists, it may take up to 30 days to bring the leased facility
11 into compliance with the requirements of State Board of
12 Education rules.

13 (b) A board is authorized to lease-purchase
14 educational facilities and sites as defined in s. 1013.01. The
15 lease-purchase of educational facilities and sites shall be as
16 required by s. 1013.37, shall be advertised for and receive
17 competitive proposals and be awarded to the best proposer, and
18 shall be funded using current or other funds specifically
19 authorized by law to be used for such purpose.

20 1. A district school board, by itself, or through a
21 direct-support organization formed pursuant to s. 1013.77 or
22 nonprofit educational organization or a consortium of district
23 school boards, may, in developing a lease-purchase of
24 educational facilities and sites provide for separately
25 advertising for and receiving competitive bids or proposals on
26 the construction of facilities and the selection of financing
27 to provide the lowest cost funding available, so long as the
28 board determines that such process would best serve the public
29 interest and the pledged revenues are limited to those
30 authorized in s. 1011.71(2)(e).

31

1 2. All activities and information, including lists of
2 individual participants, associated with agreements made
3 pursuant to this section shall be subject to the provisions of
4 chapter 119 and s. 286.011.

5 (c)1. The term of any lease-purchase agreement,
6 including the initial term and any subsequent renewals, shall
7 not exceed the useful life of the educational facilities and
8 sites for which the agreement is made, or 30 years, whichever
9 is less.

10 2. The initial term or any renewal term of any
11 lease-purchase agreement shall expire on June 30 of each
12 fiscal year, but may be automatically renewed annually,
13 subject to a board making sufficient annual appropriations
14 therefor. Under no circumstances shall the failure of a board
15 to renew a lease-purchase agreement constitute a default or
16 require payment of any penalty or in any way limit the right
17 of a board to purchase or utilize educational facilities and
18 sites similar in function to the educational facilities and
19 sites that are the subject of the said lease-purchase
20 agreement. Educational facilities and sites being acquired
21 pursuant to a lease-purchase agreement shall be exempt from ad
22 valorem taxation.

23 3. No lease-purchase agreement entered into pursuant
24 to this subsection shall constitute a debt, liability, or
25 obligation of the state or a board or shall be a pledge of the
26 faith and credit of the state or a board.

27 4. Any lease-purchase agreement entered into pursuant
28 to this subsection shall stipulate an annual rate which may
29 consist of a principal component and an interest component,
30 provided that the maximum interest rate of any interest
31 component payable under any such lease-purchase agreement, or

1 any participation or certificated portion thereof, shall be
2 calculated in accordance with and be governed by the
3 provisions of s. 215.84.

4 (3) Lease agreements entered into by university boards
5 of trustees shall comply with the provisions of s. 1013.171.

6 (4)(a) A board may rent or lease existing buildings,
7 or space within existing buildings, originally constructed or
8 used for purposes other than education, for conversion to use
9 as educational facilities. Such buildings rented or leased for
10 1 year or less shall be funded through the operations budget
11 or funds derived from millage pursuant to s. 1011.71(2). A
12 rental agreement or lease contract for 1 year or less, when
13 extended or renewed beyond a year, becomes a multiple-year
14 rental or lease. Operational funds or funds derived from
15 millage proceeds pursuant to s. 1011.71(2) may be authorized
16 to be expended for multiple-year rentals or leases.

17 Notwithstanding any other provisions of this section, if a
18 building was constructed in conformance with all applicable
19 building and life safety codes, it shall be deemed to meet the
20 requirements for use and occupancy as an educational facility
21 subject only to the provisions of this subsection.

22 (b) Prior to occupying a rented or a leased existing
23 building, or space within an existing building, pursuant to
24 this subsection, a school board shall, in a public meeting,
25 adopt a resolution certifying that the following circumstances
26 apply to the building proposed for occupancy:

27 1. Growth among the school-age population in the
28 school district has created a need for new educational
29 facilities in a neighborhood where there is little or no
30 vacant land.

31

1 2. There exists a supply of vacant space in existing
2 buildings that meet state minimum building and life safety
3 codes.

4 3. Acquisition and conversion to use as educational
5 facilities of an existing building or buildings is a
6 cost-saving means of providing the needed classroom space as
7 determined by the difference between the cost of new
8 construction, including land acquisition and preparation and,
9 if applicable, demolition of existing structures, and the cost
10 of acquisition through rental or lease and conversion of an
11 existing building or buildings.

12 4. The building has been examined for suitability,
13 safety, and conformance with state minimum building and life
14 safety codes. The building examination shall consist, at a
15 minimum, of a review of existing documents, building site
16 reconnaissance, and analysis of the building conducted by, or
17 under the responsible charge of, a licensed structural
18 engineer.

19 5. A certificate of evaluation has been issued by an
20 appropriately licensed design professional which states that,
21 based on available documents, building site reconnaissance,
22 current knowledge, and design judgment in the professional's
23 opinion, the building meets the requirements of state minimum
24 building and life safety codes, provides safe egress of
25 occupants from the building, provides adequate firesafety, and
26 does not pose a substantial threat to life to persons who
27 would occupy the building for classroom use.

28 6. The plans for conversion of the building were
29 prepared by an appropriate design professional licensed in
30 this state and the work of conversion was performed by
31 contractors licensed in this state.

1 7. The conversion of the building was observed by an
2 appropriate design professional licensed in this state.

3 8. The building has been reviewed, inspected, and
4 granted a certificate of occupancy by the local building
5 department.

6 9. All ceilings, light fixtures, ducts, and registers
7 within the area to be occupied for classroom purposes were
8 constructed or have been reconstructed to meet state minimum
9 requirements.

10 Section 809. Section 1013.16, Florida Statutes, is
11 created to read:

12 1013.16 Construction of facilities on leased property;
13 conditions.--

14 (1) A board may construct or place educational
15 facilities and ancillary facilities on land that is owned by
16 any person after the board has acquired from the owner of the
17 land a long-term lease for the use of this land for a period
18 of not less than 40 years or the life expectancy of the
19 permanent facilities constructed thereon, whichever is longer.

20 (2) A board may enter into a short-term lease for the
21 use of land owned by any person on which temporary or
22 relocatable facilities are to be utilized.

23 Section 810. Section 1013.17, Florida Statutes, is
24 created to read:

25 1013.17 University leasing in affiliated research and
26 development park.--A university is exempt from the
27 requirements of s. 255.25(3), (4), and (8) when leasing
28 educational facilities in a research and development park with
29 which the university is affiliated and when the State Board of
30 Education certifies in writing that the leasing of said
31 educational facilities is in the best interests of the

1 university and that the exemption from competitive bid
2 requirements would not be detrimental to the state.

3 Section 811. Section 1013.171, Florida Statutes, is
4 created to read:

5 1013.171 University lease agreements; land,
6 facilities.--

7 (1) Each university is authorized to negotiate and
8 enter into agreements to lease land under its jurisdiction to
9 for-profit and nonprofit corporations, registered by the
10 Secretary of State to do business in this state, for the
11 purpose of erecting thereon facilities and accommodations
12 necessary and desirable to serve the needs and purposes of the
13 university, as determined by the systemwide strategic plan
14 adopted by the State Board of Education. Such agreement will
15 be for a term not in excess of 99 years or the life expectancy
16 of the permanent facilities constructed thereon, whichever is
17 shorter, and shall include as a part of the consideration
18 provisions for the eventual ownership of the completed
19 facilities by the state. The Board of Trustees of the Internal
20 Improvement Trust Fund upon request of the university shall
21 lease any such property to the university for sublease as
22 heretofore provided.

23 (2) Each university board of trustees is authorized to
24 enter into agreements with for-profit and nonprofit
25 corporations, registered by the Secretary of State to do
26 business in this state, whereby income-producing buildings,
27 improvements, and facilities necessary and desirable to serve
28 the needs and purposes of the university, as determined by the
29 systemwide strategic plan adopted by the State Board of
30 Education, are acquired by purchase or lease-purchase by the
31 university. When such agreements provide for lease-purchase of

1 facilities erected on land that is not under the jurisdiction
 2 of the university, the agreement shall include as a part of
 3 the consideration provisions for the eventual ownership of the
 4 land and facility by the state. Agreements for lease-purchase
 5 shall not exceed 30 years or the life expectancy of the
 6 permanent facility constructed, whichever is shorter.
 7 Notwithstanding the provisions of any other law, the
 8 university board of trustees may enter into an agreement for
 9 the lease-purchase of a facility under this section for a term
 10 greater than 1 year. Each university board of trustees is
 11 authorized to use any auxiliary trust funds, available and not
 12 otherwise obligated, to pay rent to the owner should income
 13 from the facilities not be sufficient in any debt payment
 14 period. The trust funds used for payment of rent shall be
 15 reimbursed as soon as possible to the extent that income from
 16 the facilities exceeds the amount necessary for such debt
 17 payment.

18 (3) Each university board of trustees may:

19 (a) Construct educational facilities on land that is
 20 owned by a direct-support organization, as defined in s.
 21 1004.28, or a governmental agency at the federal, state,
 22 county, or municipal level, if the university has acquired a
 23 long-term lease for the use of the land. The lease must be for
 24 at least 40 years or the expected time the facilities to be
 25 constructed on the land are expected to remain in a condition
 26 acceptable for use, whichever is longer.

27 (b) Acquire a short-term lease from one of the
 28 entities listed in paragraph (a) for the use of land, if
 29 adequate temporary or relocatable facilities are available on
 30 the land.

31

1 (c) Enter into a short-term lease for the use of land
2 and buildings upon which capital improvements may be made.

3
4 If sufficient land is not available from any of the entities
5 listed in paragraph (a), a university may acquire a short-term
6 lease from a private landowner or developer.

7 (4) Agreements as provided in this section shall be
8 entered into with an offeror resulting from publicly announced
9 competitive bids or proposals, except that the university may
10 enter into an agreement with an entity enumerated in paragraph
11 (3)(a) for leasing land or with a direct-support organization
12 as provided in s. 1004.28, which shall enter into subsequent
13 agreements for financing and constructing the project after
14 receiving competitive bids or proposals. Any facility
15 constructed, lease-purchased, or purchased under such
16 agreements, whether erected on land under the jurisdiction of
17 the university or not, shall conform to the construction
18 standards and codes applicable to university facilities. Each
19 university board of trustees shall adopt such rules as are
20 necessary to carry out its duties and responsibilities imposed
21 by this section.

22 (5) Agreements executed by the State Board of
23 Education prior to January 1, 1980, for the purposes listed
24 herein shall be validated, and said board's capacity to act in
25 such cases ratified and confirmed.

26 Section 812. Section 1013.18, Florida Statutes, is
27 created to read:

28 1013.18 Radio and television facilities.--

29 (1) A board may acquire, by purchase, license,
30 permanent easement, or gift, suitable lands and other
31 facilities, either within or without the boundaries of the

1 district, for use in providing educational radio or television
2 transmitting sites and may erect such buildings, antennas,
3 transmission equipment, towers, or other structures as are
4 necessary to accomplish the purposes of this section.

5 (2) Fixed capital outlay budget requests for public
6 broadcasting stations and instructional television and radio
7 facilities shall be submitted pursuant to s. 1013.60. The
8 commissioner may include any recommendations for these
9 purposes in the legislative budget request for fixed capital
10 outlay.

11 Section 813. Section 1013.19, Florida Statutes, is
12 created to read:

13 1013.19 Purchase, conveyance, or encumbrance of
14 property interests above surface of land; joint-occupancy
15 structures.--For the purpose of implementing jointly financed
16 construction project agreements, or for the construction of
17 combined occupancy structures, any board may purchase, own,
18 convey, sell, lease, or encumber airspace or any other
19 interests in property above the surface of the land, provided
20 the lease of airspace for nonpublic use is for such reasonable
21 rent, length of term, and conditions as the board in its
22 discretion may determine. All proceeds from such sale or lease
23 shall be used by the board or boards receiving the proceeds
24 solely for fixed capital outlay purposes. These purposes may
25 include the renovation or remodeling of existing facilities
26 owned by the board or the construction of new facilities;
27 however, for a community college board or university board,
28 such new facility must be authorized by the Legislature. It is
29 declared that the use of such rental by the board for public
30 purposes in accordance with its statutory authority is a
31 public use. Airspace or any other interest in property held by

1 the Board of Trustees of the Internal Improvement Trust Fund
2 or the State Board of Education may not be divested or
3 conveyed without approval of the respective board. Any
4 building, including any building or facility component that is
5 common to both nonpublic and educational portions thereof,
6 constructed in airspace that is sold or leased for nonpublic
7 use pursuant to this section is subject to all applicable
8 state, county, and municipal regulations pertaining to land
9 use, zoning, construction of buildings, fire protection,
10 health, and safety to the same extent and in the same manner
11 as such regulations would be applicable to the construction of
12 a building for nonpublic use on the appurtenant land beneath
13 the subject airspace. Any educational facility constructed or
14 leased as a part of a joint-occupancy facility is subject to
15 all rules and requirements of the respective boards or
16 departments having jurisdiction over educational facilities.

17 Section 814. Effective upon this act becoming a law,
18 section 1013.20, Florida Statutes, is created to read:

19 1013.20 Standards for relocatables used as classroom
20 space; inspections.--

21 (1) The State Board of Education shall adopt rules
22 establishing standards for relocatables intended for long-term
23 use as classroom space at a public elementary school, middle
24 school, or high school. "Long-term use" means the use of
25 relocatables at the same educational plant for a period of 4
26 years or more. Each relocatable acquired by a district school
27 board after the effective date of the rules and intended for
28 long-term use must comply with the standards. District school
29 boards shall submit a plan for the use of existing
30 relocatables within the 5-year work program to be reviewed and
31 approved by the commissioner by January 1, 2003. A progress

1 report shall be provided by the commissioner to the Speaker of
 2 the House of Representatives and the President of the Senate
 3 each January thereafter. Relocatables that fail to meet the
 4 standards after completion of the approved plan may not be
 5 used as classrooms. The standards shall protect the health,
 6 safety, and welfare of occupants by requiring compliance with
 7 the Florida Building Code or the State Requirements for
 8 Educational Facilities for existing relocatables, as
 9 applicable, to ensure the safety and stability of construction
 10 and onsite installation; fire and moisture protection; air
 11 quality and ventilation; appropriate wind resistance; and
 12 compliance with the requirements of the Americans with
 13 Disabilities Act of 1990. If appropriate and where
 14 relocatables are not scheduled for replacement, the standards
 15 must also require relocatables to provide access to the same
 16 technologies available to similar classrooms within the main
 17 school facility and, if appropriate, and where relocatables
 18 are not scheduled for replacement, to be accessible by
 19 adequate covered walkways. A relocatable that is subject to
 20 this section and does not meet the standards shall not be
 21 reported as providing satisfactory student stations in the
 22 Florida Inventory of School Houses.

23 (2) Annual inspections for all satisfactory
 24 relocatables designed for classroom use or being occupied by
 25 students are required for: foundations; tie-downs; structural
 26 integrity; weatherproofing; HVAC; electrical; plumbing, if
 27 applicable; firesafety; and accessibility. Reports shall be
 28 filed with the district school board and posted in each
 29 respective relocatable in order to facilitate corrective
 30 action.

31

1 Section 815. Section 1013.21, Florida Statutes, is
2 created to read:

3 1013.21 Reduction of relocatable facilities in use.--

4 (1)(a) It is a goal of the Legislature that all school
5 districts shall provide a quality educational environment for
6 their students such that, by July 1, 2003, student stations in
7 relocatable facilities exceeding 20 years of age and in use by
8 a district during the 1998-1999 fiscal year shall be removed
9 and the number of all other relocatable student stations at
10 over-capacity schools during that fiscal year shall be
11 decreased by half. The Legislature finds, however, that
12 necessary maintenance of existing facilities and public school
13 enrollment growth impair the ability of some districts to
14 achieve the goal of this section within 5 years. Therefore,
15 the Legislature is increasing its commitment to school funding
16 in this act, in part to help districts reduce the number of
17 temporary, relocatable student stations at over-capacity
18 schools. The Legislature intends that local school districts
19 also increase their investment toward meeting this goal. Each
20 district's progress toward meeting this goal shall be measured
21 annually by comparing district facilities work programs for
22 replacing relocatables with the state capital outlay
23 projections for education prepared by the Office of
24 Educational Facilities and SMART Schools Clearinghouse.
25 District facilities work programs shall be monitored by the
26 SMART Schools Clearinghouse to measure the commitment of local
27 school districts toward this goal.

28 (b) For the purposes of this section, an
29 "over-capacity school" means a school the capital outlay FTE
30 enrollment of which exceeds 100 percent of the space and
31 occupant design capacity of its nonrelocatable facilities.

1 However, if a school's initial design incorporated relocatable
2 or modular instructional space, an "over-capacity school"
3 shall mean a school the capital outlay FTE enrollment of which
4 exceeds 100 percent of the space and occupant design capacity
5 of its core facilities.

6 (2) In accordance with the legislative goal described
7 in subsection (1), any relocatables purchased with money
8 appropriated pursuant to chapter 97-384, Laws of Florida,
9 shall be counted at actual student capacity for purposes of s.
10 1013.31 for the life cycle of the relocatable.

11 Section 816. Section 1013.22, Florida Statutes, is
12 created to read:

13 1013.22 Obscenity on educational buildings or
14 vehicles.--Whoever willfully cuts, paints, pastes, marks, or
15 defaces by writing or in any other manner any educational
16 building, furniture, apparatus, appliance, outbuilding,
17 ground, fence, tree, post, vehicle, or other educational
18 property with an obscene word, image, or device commits a
19 misdemeanor of the second degree, punishable as provided in s.
20 775.082 or s. 775.083. This section shall not apply to any
21 student in grades K-12 subject to the discipline of a district
22 school board.

23 Section 817. Section 1013.23, Florida Statutes, is
24 created to read:

25 1013.23 Energy efficiency contracting.--

26 (1) LEGISLATIVE INTENT.--The Legislature finds that
27 investment in energy conservation measures in educational
28 facilities can reduce the amount of energy consumed and
29 produce immediate and long-term savings. It is the policy of
30 this state to encourage school districts, state community
31 colleges, and state universities to invest in energy

1 conservation measures that reduce energy consumption, produce
2 a cost savings, and improve the quality of indoor air in
3 facilities, and, when economically feasible, to build,
4 operate, maintain, or renovate educational facilities in such
5 a manner so as to minimize energy consumption and maximize
6 energy savings. It is further the policy of this state to
7 encourage school districts, state community colleges, and
8 state universities to reinvest any energy savings resulting
9 from energy conservation measures into additional energy
10 conservation efforts.

11 (2) DEFINITIONS.--For purposes of this section, the
12 term:

13 (a) "Energy conservation measure" means a training
14 program, facility alteration, or equipment to be used in new
15 construction, including an addition to an existing facility,
16 that reduces energy costs, and includes, but is not limited
17 to:

18 1. Insulation of the facility structure and systems
19 within the facility.

20 2. Storm windows and doors, caulking or
21 weatherstripping, multi-glazed windows and doors,
22 heat-absorbing, or heat-reflective, glazed and coated window
23 and door systems, additional glazing, reductions in glass
24 area, and other window and door system modifications that
25 reduce energy consumption.

26 3. Automatic energy control systems.

27 4. Heating, ventilating, or air-conditioning system
28 modifications or replacements.

29 5. Replacement or modifications of lighting fixtures
30 to increase the energy efficiency of the lighting system
31

1 which, at a minimum, shall conform to the Florida Building
2 Code.

3 6. Energy recovery systems.

4 7. Cogeneration systems that produce steam or forms of
5 energy such as heat, as well as electricity, for use primarily
6 within a facility or complex of facilities.

7 8. Energy conservation measures that provide long-term
8 operating cost reductions and significantly reduce Btu
9 consumed.

10 9. Renewable energy systems, such as solar, biomass,
11 and wind.

12 10. Devices which reduce water consumption or sewer
13 charges.

14 (b) "Energy cost savings" means:

15 1. A measured reduction in fuel, energy, or operation
16 and maintenance costs created from the implementation of one
17 or more energy conservation measures when compared with an
18 established baseline for previous fuel, energy, or operation
19 and maintenance costs; or

20 2. For new construction, a projected reduction in
21 fuel, energy, or operation and maintenance costs created from
22 the implementation of one or more energy conservation measures
23 when compared with the projected fuel, energy, or operation
24 and maintenance costs for equipment if the minimum standards
25 of the Florida Building Code for educational facilities
26 construction were implemented and signed and sealed by a
27 registered professional engineer.

28 (c) "Energy performance-based contract" means a
29 contract for the evaluation, recommendation, and
30 implementation of energy conservation measures which includes,
31 at a minimum:

1 1. The design and installation of equipment to
2 implement one or more of such measures, and, if applicable,
3 operation and maintenance of such measures.

4 2. The amount of any actual annual savings. This
5 amount must meet or exceed total annual contract payments made
6 by the school, state community college, or state university
7 for such contract.

8 3. Financing charges to be incurred by the school,
9 state community college, or state university over the life of
10 the contract.

11 (d) "Energy performance contractor" means a person or
12 business licensed pursuant to chapter 471, chapter 481, or
13 chapter 489 and experienced in the analysis, design,
14 implementation, and installation of energy conservation
15 measures through the implementation of energy
16 performance-based contracts.

17 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

18 (a) A school district, state community college, or
19 state university may enter into an energy performance-based
20 contract with an energy performance contractor to
21 significantly reduce energy or operating costs of an
22 educational facility through one or more energy conservation
23 measures.

24 (b) The energy performance contractor shall be
25 selected in compliance with s. 287.055; except that in a case
26 where a school district, state community college, or state
27 university determines that fewer than three firms are
28 qualified to perform the required services, the requirement
29 for agency selection of three firms, as provided in s.
30 287.055(4)(b), shall not apply and the bid requirements of s.
31 287.057 shall not apply.

1 (c) Before entering into a contract pursuant to this
 2 section, the district school board, state community college,
 3 or state university shall provide published notice of the
 4 meeting in which it proposes to award the contract, the names
 5 of the parties to the proposed contract, and the contract's
 6 purpose.

7 (d) Prior to the design and installation of the energy
 8 conservation measure, the school district, state community
 9 college, or state university must obtain from the energy
 10 performance contractor a report that discloses all costs
 11 associated with the energy conservation measure and provides
 12 an estimate of the amount of the energy cost savings. The
 13 report must be reviewed by either the Department of Education
 14 or the Department of Management Services or signed and sealed
 15 by a registered professional engineer.

16 (e) A school district, state community college, or
 17 state university may enter into an energy performance-based
 18 contract with an energy performance contractor if, after
 19 review of the report required by paragraph (d), it finds that
 20 the amount it would spend on the energy conservation measures
 21 recommended in the report will not exceed the amount to be
 22 saved in energy and operation costs over 20 years from the
 23 date of installation, based on life-cycle costing
 24 calculations, if the recommendations in the report were
 25 followed and if the energy performance contractor provides a
 26 written guarantee that the energy or operating cost savings
 27 will meet or exceed the costs of the system. The contract may
 28 provide for payments over a period of time not to exceed 20
 29 years.

30 (f) A school district, state community college, or
 31 state university may enter into an installment payment

1 contract for the purchase and installation of energy
 2 conservation measures. The contract shall provide for
 3 payments of not less than one-twentieth of the price to be
 4 paid within 2 years from the date of the complete installation
 5 and acceptance by the school board, state community college,
 6 or state university, and the remaining costs to be paid at
 7 least quarterly, not to exceed a 20-year term based on
 8 life-cycle costing calculations.

9 (g) Energy performance-based contracts may extend
 10 beyond the fiscal year in which they become effective;
 11 however, the term of any contract shall expire at the end of
 12 each fiscal year and may be automatically renewed annually up
 13 to 20 years, subject to a school board, state community
 14 college, or state university making sufficient annual
 15 appropriations based upon continued realized energy cost
 16 savings. Such contracts shall stipulate that the agreement
 17 does not constitute a debt, liability, or obligation of the
 18 state or a school board, state community college, or state
 19 university, or a pledge of the faith and credit of the state
 20 or a school board, state community college, or state
 21 university.

22 (4) CONTRACT PROVISIONS.--

23 (a) An energy performance-based contract shall include
 24 a guarantee by the energy performance contractor that annual
 25 energy cost savings will meet or exceed the amortized cost of
 26 energy conservation measures.

27 (b) The contract shall provide that all payments,
 28 except obligations on termination of the contract before its
 29 expiration, are to be made over time, but not to exceed 20
 30 years from the date of complete installation and acceptance by
 31 the school board, state community college, or state

1 university, and that the annual savings are guaranteed to the
2 extent necessary to make annual payments to satisfy the
3 contract.

4 (c) The contract must require that the energy
5 performance contractor to whom the contract is awarded provide
6 a 100-percent public construction bond to the school district,
7 state community college, or state university for its faithful
8 performance, as required by s. 255.05.

9 (d) The contract shall require the energy performance
10 contractor to provide to the school district, state community
11 college, or state university an annual reconciliation of the
12 guaranteed energy cost savings. The energy performance
13 contractor shall be liable for any annual savings shortfall
14 which may occur. In the event that such reconciliation reveals
15 an excess in annual energy cost savings, such excess savings
16 shall not be used to cover potential energy cost savings
17 shortages in subsequent contract years.

18 Section 818. Section 1013.24, Florida Statutes, is
19 created to read:

20 1013.24 Right of eminent domain.--There is conferred
21 upon the district school boards in the state the authority and
22 right to take private property for any public school purpose
23 or use when, in the opinion of the school board, such property
24 is needed in the operation of any or all of the public schools
25 within the district, including property needed for any school
26 purpose or use in any school district or districts within the
27 county. The absolute fee simple title to all property so
28 taken and acquired shall vest in the district school board,
29 unless the school board seeks to appropriate a particular
30 right or estate in such property.

31

1 Section 819. Section 1013.25, Florida Statutes, is
2 created to read:

3 1013.25 When university or community college board of
4 trustees may exercise power of eminent domain.--Whenever it
5 becomes necessary for the welfare and convenience of any of
6 its institutions or divisions to acquire private property for
7 the use of such institutions, and this cannot be acquired by
8 agreement satisfactory to a university or community college
9 board of trustees and the parties interested in, or the owners
10 of, the private property, the board of trustees may exercise
11 the power of eminent domain after receiving approval therefor
12 from the State Board of Education and may then proceed to
13 condemn the property in the manner provided by chapter 73 or
14 chapter 74.

15 Section 820. Section 1013.26, Florida Statutes, is
16 created to read:

17 1013.26 Department of Legal Affairs to represent
18 university board in condemnation proceedings.--Any suits or
19 actions brought by a university board of trustees to condemn
20 property, as provided in s. 1013.25, shall be brought in the
21 name of the university board of trustees, and the Department
22 of Legal Affairs shall conduct the proceedings for, and act as
23 the counsel of, the university board of trustees.

24 Section 821. Section 1013.27, Florida Statutes, is
25 created to read:

26 1013.27 Purchase of land by municipality.--Any
27 municipality wherein a community college as defined by s.
28 1004.65 is situated may purchase land with municipal funds and
29 to donate and convey the land or any other land to the
30 community college board of trustees.

31

1 Section 822. Section 1013.28, Florida Statutes, is
2 created to read:

3 1013.28 Disposal of property.--

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

12 (2) TANGIBLE PERSONAL PROPERTY.--Tangible personal
13 property which has been properly classified as surplus by a
14 district school board or community college board of trustees
15 shall be disposed of in accordance with the procedure
16 established by chapter 274 and by a university board of
17 trustees by chapter 273. However, the provisions of chapter
18 274 shall not be applicable to a motor vehicle used in driver
19 education to which title is obtained for a token amount from
20 an automobile dealer or manufacturer. In such cases, the
21 disposal of the vehicle shall be as prescribed in the
22 contractual agreement between the automotive agency or
23 manufacturer and the board.

24 Section 823. Part III of chapter 1013, Florida
25 Statutes, shall be entitled "Planning and Construction of
26 Educational Facilities" and shall consist of ss.
27 1013.30-1013.54.

28 Section 824. Part III.a. of chapter 1013, Florida
29 Statutes, shall be entitled "Campus Master Plans and
30 Educational Plant Surveys" and shall consist of ss.
31 1013.30-1013.365.

1 Section 825. Section 1013.30, Florida Statutes, is
2 created to read:

3 1013.30 University campus master plans and campus
4 development agreements.--

5 (1) This section contains provisions for campus
6 planning and concurrency management that supersede the
7 requirements of part II of chapter 163, except when stated
8 otherwise in this section. These special growth management
9 provisions are adopted in recognition of the unique
10 relationship between university campuses and the local
11 governments in which they are located. While the campuses
12 provide research and educational benefits of statewide and
13 national importance, and further provide substantial
14 educational, economic, and cultural benefits to their host
15 local governments, they may also have an adverse impact on the
16 public facilities and services and natural resources of host
17 governments. On balance, however, universities should be
18 considered as vital public facilities of the state and local
19 governments. The intent of this section is to address this
20 unique relationship by providing for the preparation of campus
21 master plans and associated campus development agreements.

22 (2) As used in this section:

23 (a) "Affected local government" means a unit of local
24 government that provides public services to or is responsible
25 for maintaining facilities within a campus of an institution
26 or is directly affected by development that is proposed for a
27 campus.

28 (b) "Affected person" means a host local government;
29 an affected local government; any state, regional, or federal
30 agency; or a person who resides, owns property, or owns or
31

1 operates a business within the boundaries of a host local
2 government or affected local government.

3 (c) "Host local government" means a local government
4 within the jurisdiction of which all or part of a campus of an
5 institution is located, but does not include a county if no
6 part of an institution is located within its unincorporated
7 area.

8 (d) "Institution" means a university.

9 (3) Each university board of trustees shall prepare
10 and adopt a campus master plan for the university. The master
11 plan must identify general land uses and address the need for
12 and plans for provision of roads, parking, public
13 transportation, solid waste, drainage, sewer, potable water,
14 and recreation and open space during the coming 10 to 20
15 years. The plans must contain elements relating to future land
16 use, intergovernmental coordination, capital improvements,
17 recreation and open space, general infrastructure, housing,
18 and conservation. Each element must address compatibility with
19 the surrounding community. The master plan must identify
20 specific land uses, location of structures, densities and
21 intensities of use, and contain standards for onsite
22 development, site design, environmental management, and the
23 preservation of historic and archaeological resources. The
24 transportation element must address reasonable transportation
25 demand management techniques to minimize offsite impacts where
26 possible. Data and analyses on which the elements are based
27 must include, at a minimum: the characteristics of vacant
28 lands; projected impacts of development on onsite and offsite
29 infrastructure, public services, and natural resources;
30 student enrollment projections; student housing needs; and the
31

1 need for academic and support facilities. Master plans must be
2 updated at least every 5 years.

3 (4) Campus master plans may contain additional
4 elements at the discretion of the State Board of Education;
5 however, such elements are not subject to review under this
6 section. These additional elements may include the academic
7 mission of the institution, academic program, utilities,
8 public safety, architectural design, landscape architectural
9 design, and facilities maintenance.

10 (5) Subject to the right of the university board of
11 trustees to initiate the dispute resolution provisions of
12 subsection (8), a campus master plan must not be in conflict
13 with the comprehensive plan of the host local government and
14 the comprehensive plan of any affected local governments. A
15 campus master plan must be consistent with the state
16 comprehensive plan.

17 (6) Before a campus master plan is adopted, a copy of
18 the draft master plan must be sent for review to the host and
19 any affected local governments, the state land planning
20 agency, the Department of Environmental Protection, the
21 Department of Transportation, the Department of State, the
22 Fish and Wildlife Conservation Commission, and the applicable
23 water management district and regional planning council. These
24 agencies must be given 90 days after receipt of the campus
25 master plans in which to conduct their review and provide
26 comments to the university board of trustees. The commencement
27 of this review period must be advertised in newspapers of
28 general circulation within the host local government and any
29 affected local government to allow for public comment.
30 Following receipt and consideration of all comments, and the
31 holding of at least two public hearings within the host

1 jurisdiction, the university board of trustees shall adopt the
 2 campus master plan. It is the intent of the Legislature that
 3 the university board of trustees comply with the notice
 4 requirements set forth in s. 163.3184(15) to ensure full
 5 public participation in this planning process. Campus master
 6 plans developed under this section are not rules and are not
 7 subject to chapter 120 except as otherwise provided in this
 8 section.

9 (7) Notice that the campus master plan has been
 10 adopted must be forwarded within 45 days after its adoption to
 11 any affected person that submitted comments on the draft
 12 campus master plan. The notice must state how and where a copy
 13 of the master plan may be obtained or inspected. Within 30
 14 days after receipt of the notice of adoption of the campus
 15 master plan, or 30 days after the date the adopted plan is
 16 available for review, whichever is later, an affected person
 17 who submitted comments on the draft master plan may petition
 18 the university board of trustees, challenging the campus
 19 master plan as not being in compliance with this section or
 20 any rule adopted under this section. The petition must state
 21 each objection, identify its source, and provide a recommended
 22 action. A petition filed by an affected local government may
 23 raise only those issues directly pertaining to the public
 24 facilities or services that the affected local government
 25 provides to or maintains within the campus or to the direct
 26 impact that campus development would have on the affected
 27 local government.

28 (8) Following receipt of a petition, the petitioning
 29 party or parties and the university board of trustees shall
 30 mediate the issues in dispute as follows:

31

1 (a) The parties have 60 days to resolve the issues in
 2 dispute. Other affected parties that submitted comments on the
 3 draft campus master plan must be given the opportunity to
 4 participate in these and subsequent proceedings.

5 (b) If resolution of the matter cannot be achieved
 6 within 60 days, the issues must be submitted to the state land
 7 planning agency. The state land planning agency has 60 days to
 8 hold informal hearings, if necessary, identify the issues
 9 remaining in dispute, prepare a record of the proceedings, and
 10 submit the matter to the Administration Commission for final
 11 action. The report to the Administration Commission must list
 12 each issue in dispute, describe the nature and basis for each
 13 dispute, identify alternative resolutions of the dispute, and
 14 make recommendations.

15 (c) After receiving the report from the state land
 16 planning agency, the Administration Commission shall take
 17 action to resolve the issues in dispute. In deciding upon a
 18 proper resolution, the Administration Commission shall
 19 consider the nature of the issues in dispute, the compliance
 20 of the parties with this section, the extent of the conflict
 21 between the parties, the comparative hardships, and the public
 22 interest involved. If the Administration Commission
 23 incorporates in its final order a term or condition that
 24 specifically requires the university board of trustees or a
 25 local government to amend or modify its plan, the university
 26 board of trustees shall have a reasonable period of time to
 27 amend or modify its plan, and a local government shall
 28 initiate the required plan amendment, which shall be exempt
 29 from the requirements of s. 163.3187(1). Any required
 30 amendment to a local government comprehensive plan must be
 31 limited in scope so as to only relate to specific impacts

1 attributable to the campus development. The final order of the
2 Administration Commission is subject to judicial review as
3 provided in s. 120.68.

4 (9) An amendment to a campus master plan must be
5 reviewed and adopted under subsections (6)-(8) if such
6 amendment, alone or in conjunction with other amendments,
7 would:

8 (a) Increase density or intensity of use of land on
9 the campus by more than 10 percent;

10 (b) Decrease the amount of natural areas, open space,
11 or buffers on the campus by more than 10 percent; or

12 (c) Rearrange land uses in a manner that will increase
13 the impact of any proposed campus development by more than 10
14 percent on a road or on another public facility or service
15 provided or maintained by the state, the county, the host
16 local government, or any affected local government.

17 (10) Upon adoption of a campus master plan, the
18 university board of trustees shall draft a proposed campus
19 development agreement for each local government and send it to
20 the local government within 270 days after the adoption of the
21 relevant campus master plan.

22 (11) At a minimum, each campus development agreement:

23 (a) Must identify the geographic area of the campus
24 and local government covered by the campus development
25 agreement.

26 (b) Must establish its duration, which must be at
27 least 5 years and not more than 10 years.

28 (c) Must address public facilities and services
29 including roads, sanitary sewer, solid waste, drainage,
30 potable water, parks and recreation, and public
31 transportation.

1 (d) Must, for each of the facilities and services
2 listed in paragraph (c), identify the level-of-service
3 standard established by the applicable local government,
4 identify the entity that will provide the service to the
5 campus, and describe any financial arrangements between the
6 State Board of Education and other entities relating to the
7 provision of the facility or service.

8 (e) Must, for each of the facilities and services
9 listed in paragraph (c), determine the impact of existing and
10 proposed campus development reasonably expected over the term
11 of the campus development agreement on each service or
12 facility and any deficiencies in such service or facility
13 which the proposed campus development will create or to which
14 it will contribute.

15 (f) May, if proposed by the university board of
16 trustees, address the issues prescribed in paragraphs (d) and
17 (e) with regard to additional facilities and services,
18 including, but not limited to, electricity, nonpotable water,
19 law enforcement, fire and emergency rescue, gas, and
20 telephone.

21 (g) Must, to the extent it addresses issues addressed
22 in the campus master plan and host local government
23 comprehensive plan, be consistent with the adopted campus
24 master plan and host local government comprehensive plan.

25 (12)(a) Each proposed campus development agreement
26 must clearly identify the lands to which the university board
27 of trustees intends the campus development agreement to apply.

28 (b) Such land may include:

29 1. Land to be purchased by the university board of
30 trustees and if purchased with state appropriated funds titled
31 in the name of the board of trustees of the Internal

1 Improvement Trust Fund for use by an institution over the life
2 of the campus development agreement.

3 2. Land not owned by the board of trustees of the
4 Internal Improvement Trust Fund if the university board of
5 trustees intends to undertake development activities on the
6 land during the term of the campus development agreement.

7 (c) Land owned by the Board of Trustees of the
8 Internal Improvement Trust Fund for lease to the State Board
9 of Education acting on behalf of the institution may be
10 excluded, but any development activity undertaken on excluded
11 land is subject to part II of chapter 163.

12 (13) With regard to the impact of campus development
13 on the facilities and services listed in paragraph (11)(c),
14 the following applies:

15 (a) All improvements to facilities or services which
16 are necessary to eliminate the deficiencies identified in
17 paragraph (11)(e) must be specifically listed in the campus
18 development agreement.

19 (b) The university board of trustees' fair share of
20 the cost of the measures identified in paragraph (a) must be
21 stated in the campus development agreement. In determining the
22 fair share, the effect of any demand management techniques,
23 which may include such techniques as flexible work hours and
24 carpooling, that are used by the State Board of Education to
25 minimize the offsite impacts shall be considered.

26 (c) The university board of trustees is responsible
27 for paying the fair share identified in paragraph (b), and it
28 may do so by:

29 1. Paying a fair share of each of the improvements
30 identified in paragraph (a); or
31

1 2. Taking on full responsibility for the improvements,
2 selected from the list of improvements identified in paragraph
3 (a), and agreed to between the host local government and the
4 State Board of Education, the total cost of which equals the
5 contribution identified in paragraph (b).

6 (d) All concurrency management responsibilities of the
7 university board of trustees are fulfilled if the university
8 board of trustees expends the total amount of funds identified
9 in paragraph (b) notwithstanding that the university board of
10 trustees may not have undertaken or made contributions to some
11 of the measures identified in paragraph (a).

12 (e) Capital projects included in the campus
13 development agreement may be used by the local government for
14 the concurrency management purposes.

15 (f) Funds provided by universities in accordance with
16 campus development agreements are subject to appropriation by
17 the Legislature. A development authorized by a campus
18 development agreement may not be built until the funds to be
19 provided pursuant to paragraph (b) are appropriated by the
20 Legislature.

21 (14) A campus development agreement may not address or
22 include any standards or requirements for onsite development,
23 including environmental management requirements or
24 requirements for site preparation.

25 (15) Once the university board of trustees and host
26 local government agree on the provisions of the campus
27 development agreement, the campus development agreement shall
28 be executed by the university board of trustees and the host
29 local government in a manner consistent with the requirements
30 of s. 163.3225. Once the campus development agreement is
31 executed, it is binding upon the university board of trustees

1 and host local government. A copy of the executed campus
2 development agreement must be sent to the state land planning
3 agency within 14 days after the date of execution.

4 (16) If, within 180 days following the host local
5 government's receipt of the proposed campus development
6 agreement, the university board of trustees and host local
7 government cannot reach agreement on the provisions of the
8 campus development agreement, the following procedures for
9 resolving the matter must be followed:

10 (a) The matter must be submitted to the state land
11 planning agency, which has 60 days to hold informal hearings,
12 if necessary, and identify the issues remaining in dispute,
13 prepare a record of the proceedings, and submit the matter to
14 the Administration Commission for final action. The report to
15 the Administration Commission must list each issue in dispute,
16 describe the nature and basis for each dispute, identify
17 alternative resolutions of each dispute, and make
18 recommendations.

19 (b) After receiving the report from the state land
20 planning agency, the Administration Commission shall take
21 action to resolve the issues in dispute. In deciding upon a
22 proper resolution, the Administration Commission shall
23 consider the nature of the issues in dispute, the compliance
24 of the parties with this section, the extent of the conflict
25 between the parties, the comparative hardships, and the public
26 interest involved. In resolving the matter, the Administration
27 Commission may prescribe, by order, the contents of the campus
28 development agreement.

29 (17) Disputes that arise in the implementation of an
30 executed campus development agreement must be resolved as
31 follows:

1 (a) Each party shall select one mediator and notify
2 the other in writing of the selection. Thereafter, within 15
3 days after their selection, the two mediators selected by the
4 parties shall select a neutral, third mediator to complete the
5 mediation panel.

6 (b) Each party is responsible for all costs and fees
7 payable to the mediator selected by it and shall equally bear
8 responsibility for the costs and fees payable to the third
9 mediator for services rendered and costs expended in
10 connection with resolving disputes pursuant to the campus
11 development agreement.

12 (c) Within 10 days after the selection of the
13 mediation panel, proceedings must be convened by the panel to
14 resolve the issues in dispute.

15 (d) Within 60 days after the convening of the panel,
16 the panel shall issue a report containing a recommended
17 resolution of the issues in dispute.

18 (e) If either the university board of trustees or
19 local government rejects the recommended resolution of the
20 issues in dispute, the disputed issues must be resolved
21 pursuant to the procedures provided by subsection (16).

22 (18) Once the campus development agreement is
23 executed, all campus development may proceed without further
24 review by the host local government if it is consistent with
25 the adopted campus master plan and associated campus
26 development agreement.

27 (19) A campus development agreement may be amended
28 under subsections (10)-(16):

29 (a) In conjunction with any amendment to the campus
30 master plan subject to the requirements in subsection (9).

31

1 (b) If either party delays by more than 12 months the
2 construction of a capital improvement identified in the
3 agreement.

4 (20) Any party to a campus development agreement or
5 aggrieved or adversely affected person, as defined in s.
6 163.3215(2), may file an action for injunctive relief in the
7 circuit court where the host local government is located to
8 enforce the terms of a campus development agreement or to
9 challenge compliance of the agreement with this section. This
10 action shall be the sole and exclusive remedy of an adversely
11 affected person other than a party to the agreement to enforce
12 any rights or obligations arising from a development
13 agreement.

14 (21) State and regional environmental program
15 requirements remain applicable, except that this section
16 supersedes all other sections of part II of chapter 163 and s.
17 380.06 except as provided in this section.

18 (22) In consultation with the state land planning
19 agency, the State Board of Education shall adopt rules
20 implementing subsections (3)-(6). The rules must set specific
21 schedules and procedures for the development and adoption of
22 campus master plans.

23 (23) Until the campus master plan and campus
24 development agreement for an institution have been finalized,
25 any dispute between the university board of trustees and a
26 local government relating to campus development for that
27 institution shall be resolved by the process established in
28 subsection (8).

29 Section 826. Section 1013.31, Florida Statutes, is
30 created to read:

31

1 1013.31 Educational plant survey; localized need
2 assessment; PECO project funding.--

3 (1) At least every 5 years, each board shall arrange
4 for an educational plant survey, to aid in formulating plans
5 for housing the educational program and student population,
6 faculty, administrators, staff, and auxiliary and ancillary
7 services of the district or campus, including consideration of
8 the local comprehensive plan. The Office of Workforce and
9 Economic Development shall document the need for additional
10 career and adult education programs and the continuation of
11 existing programs before facility construction or renovation
12 related to career or adult education may be included in the
13 educational plant survey of a school district or community
14 college that delivers career or adult education programs.
15 Information used by the Office of Workforce and Economic
16 Development to establish facility needs must include, but need
17 not be limited to, labor market data, needs analysis, and
18 information submitted by the school district or community
19 college.

20 (a) Survey preparation and required data.--Each survey
21 shall be conducted by the board or an agency employed by the
22 board. Surveys shall be reviewed and approved by the board,
23 and a file copy shall be submitted to the commissioner. The
24 survey report shall include at least an inventory of existing
25 educational and ancillary plants; recommendations for existing
26 educational and ancillary plants; recommendations for new
27 educational or ancillary plants, including the general
28 location of each in coordination with the land use plan;
29 campus master plan update and detail for community colleges;
30 the utilization of school plants based on an extended school
31 day or year-round operation; and such other information as may

1 be required by the rules of the State Board of Education. This
 2 report may be amended, if conditions warrant, at the request
 3 of the board or commissioner.

4 (b) Required need assessment criteria for district,
 5 community college, and state university plant surveys.--Each
 6 educational plant survey completed must use uniform data
 7 sources and criteria specified in this paragraph. Each revised
 8 educational plant survey and each new educational plant survey
 9 supersedes previous surveys.

10 1. Each school district's educational plant survey
 11 must reflect the capacity of existing satisfactory facilities
 12 as reported in the Florida Inventory of School Houses.
 13 Projections of facility space needs may not exceed the norm
 14 space and occupant design criteria established by the State
 15 Requirements for Educational Facilities. Existing and
 16 projected capital outlay full-time equivalent student
 17 enrollment must be consistent with data prepared by the
 18 department and must include all enrollment used in the
 19 calculation of the distribution formula in s. 1013.64(3). To
 20 insure that the data reported to the Department of Education
 21 as required by this section is correct, the department shall
 22 annually conduct an onsite review of 5 percent of the
 23 facilities reported for each school district completing a new
 24 survey that year. If the department's review finds the data
 25 reported by a district is less than 95 percent accurate,
 26 within one year from the time of notification by the
 27 department the district must submit revised reports correcting
 28 its data. If a district fails to correct its reports, the
 29 commissioner may direct that future fixed capital outlay funds
 30 be withheld until such time as the district has corrected its
 31 reports so that they are not less than 95 percent accurate.

1 All satisfactory relocatable classrooms, including those
2 owned, lease-purchased, or leased by the school district,
3 shall be included in the school district inventory of gross
4 capacity of facilities and must be counted at actual student
5 capacity for purposes of the inventory. For future needs
6 determination, student capacity shall not be assigned to any
7 relocatable classroom that is scheduled for elimination or
8 replacement with a permanent educational facility in the
9 adopted 5-year educational plant survey and in the district
10 facilities work program adopted under s. 1013.35. Those
11 relocatables clearly identified and scheduled for replacement
12 in a school board adopted financially feasible 5-year district
13 facilities work program shall be counted at zero capacity at
14 the time the work program is adopted and approved by the
15 school board. However, if the district facilities work program
16 is changed or altered and the relocatables are not replaced as
17 scheduled in the work program, they must then be reentered
18 into the system for counting at actual capacity. Relocatables
19 may not be perpetually added to the work program and
20 continually extended for purposes of circumventing the intent
21 of this section. All remaining relocatable classrooms,
22 including those owned, lease-purchased, or leased by the
23 school district, shall be counted at actual student capacity.
24 The educational plant survey shall identify the number of
25 relocatable student stations scheduled for replacement during
26 the 5-year survey period and the total dollar amount needed
27 for that replacement. All district educational plant surveys
28 shall include information on leased space used for conducting
29 the district's instructional program, in accordance with the
30 recommendations of the department's report authorized in s.
31

1 1013.15. A definition of satisfactory relocatable classrooms
2 shall be established by rule of the State Board of Education.

3 2. Each survey of a special facility, joint-use
4 facility, or cooperative career and technical education
5 facility must be based on capital outlay full-time equivalent
6 student enrollment data prepared by the department for school
7 districts, community colleges, and universities. A survey of
8 space needs of a joint-use facility shall be based upon the
9 respective space needs of the school districts, community
10 colleges, and universities, as appropriate. Projections of a
11 school district's facility space needs may not exceed the norm
12 space and occupant design criteria established by the State
13 Requirements for Educational Facilities.

14 3. Each community college's survey must reflect the
15 capacity of existing facilities as specified in the inventory
16 maintained by the Department of Education. Projections of
17 facility space needs must comply with standards for
18 determining space needs as specified by rule of the State
19 Board of Education. The 5-year projection of capital outlay
20 student enrollment must be consistent with the annual report
21 of capital outlay full-time student enrollment prepared by the
22 Department of Education.

23 4. Each state university's survey must reflect the
24 capacity of existing facilities as specified in the inventory
25 maintained and validated by the Department of Education.
26 Projections of facility space needs must be consistent with
27 standards for determining space needs approved by the
28 Department of Education. The projected capital outlay
29 full-time equivalent student enrollment must be consistent
30 with the 5-year planned enrollment cycle for the State
31 University System approved by the Department of Education.

1 5. The educational plant survey of a school district,
 2 community college, or state university may include space needs
 3 that deviate from approved standards for determining space
 4 needs if the deviation is justified by the district or
 5 institution and approved by the department as necessary for
 6 the delivery of an approved educational program.

7 (c) Review and validation.--The department shall
 8 review and validate the surveys of school districts, community
 9 colleges, and universities, and any amendments thereto for
 10 compliance with the requirements of this chapter and, when
 11 required by the State Constitution, shall recommend those in
 12 compliance for approval by the State Board of Education.

13 Annually, the department shall perform an in-depth analysis of
 14 a representative sample of each survey of recommended needs
 15 for five districts selected by the commissioner from among
 16 districts with the largest need-to-revenue ratio. For the
 17 purpose of this subsection, the need-to-revenue ratio is
 18 determined by dividing the total 5-year cost of projects
 19 listed on the district survey by the total 5-year fixed
 20 capital outlay revenue projections from state and local
 21 sources as determined by the department. The commissioner may
 22 direct fixed capital outlay funds to be withheld from
 23 districts until such time as the survey accurately projects
 24 facilities needs.

25 (2) Only the district school superintendent, community
 26 college president, or university president shall certify to
 27 the department a project's compliance with the requirements
 28 for expenditure of PECO funds prior to release of funds.

29 (a) Upon request for release of PECO funds for
 30 planning purposes, certification must be made to the
 31 department that the need and location of the facility are in

1 compliance with the board-approved survey recommendations and
2 that the project meets the definition of a PECO project and
3 the limiting criteria for expenditures of PECO funding.

4 (b) Upon request for release of construction funds,
5 certification must be made to the department that the need and
6 location of the facility are in compliance with the
7 board-approved survey recommendations, that the project meets
8 the definition of a PECO project and the limiting criteria for
9 expenditures of PECO funding, and that the construction
10 documents meet the requirements of the Florida Building Code
11 for educational facilities construction or other applicable
12 codes as authorized in this chapter.

13 Section 827. Section 1013.32, Florida Statutes, is
14 created to read:

15 1013.32 Exception to recommendations in educational
16 plant survey.--An exception to the recommendations in the
17 educational plant survey may be allowed if a board considers
18 that it will be advantageous to the welfare of the educational
19 system or that it will make possible a substantial saving of
20 funds. A board, upon determining that an exception is
21 warranted, must present a full statement, in writing, setting
22 forth all the facts to the Commissioner of Education.

23 Section 828. Section 1013.33, Florida Statutes, is
24 created to read:

25 1013.33 Coordination of planning with local governing
26 bodies.--

27 (1) It is the policy of this state to require the
28 coordination of planning between boards and local governing
29 bodies to ensure that plans for the construction and opening
30 of public educational facilities are facilitated and
31 coordinated in time and place with plans for residential

1 development, concurrently with other necessary services. Such
 2 planning shall include the integration of the educational
 3 plant survey and applicable policies and procedures of a board
 4 with the local comprehensive plan and land development
 5 regulations of local governing bodies. The planning must
 6 include the consideration of allowing students to attend the
 7 school located nearest their homes when a new housing
 8 development is constructed near a county boundary and it is
 9 more feasible to transport the students a short distance to an
 10 existing facility in an adjacent county than to construct a
 11 new facility or transport students longer distances in their
 12 county of residence. The planning must also consider the
 13 effects of the location of public education facilities,
 14 including the feasibility of keeping central city facilities
 15 viable, in order to encourage central city redevelopment and
 16 the efficient use of infrastructure and to discourage
 17 uncontrolled urban sprawl.

18 (2) A board and the local governing body must share
 19 and coordinate information related to existing and planned
 20 school facilities; proposals for development, redevelopment,
 21 or additional development; and infrastructure required to
 22 support the school facilities, concurrent with proposed
 23 development. A school board shall use Department of Education
 24 enrollment projections when preparing the 5-year district
 25 facilities work program pursuant to s. 1013.35, and a school
 26 board shall affirmatively demonstrate in the educational
 27 facilities report consideration of local governments'
 28 population projections to ensure that the 5-year work program
 29 not only reflects enrollment projections but also considers
 30 applicable municipal and county growth and development
 31 projections. A school board is precluded from siting a new

1 school in a jurisdiction where the school board has failed to
2 provide the annual educational facilities report for the prior
3 year required pursuant to s. 1013.34 unless the failure is
4 corrected.

5 (3) The location of educational facilities shall be
6 consistent with the comprehensive plan of the appropriate
7 local governing body developed under part II of chapter 163
8 and the plan's implementing land development regulations, to
9 the extent that the regulations are not in conflict with or
10 the subject regulated is not specifically addressed by this
11 chapter or the state requirements for educational facilities,
12 unless mutually agreed by the local government and the board.

13 (4) To improve coordination relative to potential
14 educational facility sites, a board shall provide written
15 notice to the local government that has regulatory authority
16 over the use of the land at least 60 days prior to acquiring
17 or leasing property that may be used for a new public
18 educational facility. The local government, upon receipt of
19 this notice, shall notify the board within 45 days if the site
20 proposed for acquisition or lease is consistent with the land
21 use categories and policies of the local government's
22 comprehensive plan. This preliminary notice does not
23 constitute the local government's determination of consistency
24 pursuant to subsection (5).

25 (5) As early in the design phase as feasible, but at
26 least before commencing construction of a new public
27 educational facility, the local governing body that regulates
28 the use of land shall determine, in writing within 90 days
29 after receiving the necessary information and a school board's
30 request for a determination, whether a proposed educational
31 facility is consistent with the local comprehensive plan and

1 local land development regulations, to the extent that the
 2 regulations are not in conflict with or the subject regulated
 3 is not specifically addressed by this chapter or the Florida
 4 Building Code for educational facilities and construction,
 5 unless mutually agreed. If the determination is affirmative,
 6 school construction may proceed and further local government
 7 approvals are not required, except as provided in this
 8 section. Failure of the local governing body to make a
 9 determination in writing within 90 days after a district
 10 school board's request for a determination of consistency
 11 shall be considered an approval of the district school board's
 12 application. Campus master plans and development agreements
 13 must comply with the provisions of ss. 1013.30 and 1013.63.

14 (6) A local governing body may not deny the site
 15 applicant based on adequacy of the site plan as it relates
 16 solely to the needs of the school. If the site is consistent
 17 with the comprehensive plan's future land use policies and
 18 categories in which public schools are identified as allowable
 19 uses, the local government may not deny the application but it
 20 may impose reasonable development standards and conditions in
 21 accordance with s. 1013.51(1) and consider the site plan and
 22 its adequacy as it relates to environmental concerns, health,
 23 safety and welfare, and effects on adjacent property.
 24 Standards and conditions may not be imposed which conflict
 25 with those established in this chapter or the State Uniform
 26 Building Code, unless mutually agreed.

27 (7) This section does not prohibit a local governing
 28 body and district school board from agreeing and establishing
 29 an alternative process for reviewing a proposed educational
 30 facility and site plan, and offsite impacts.

31

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 829. 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 830. 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

1 g. Plans for the closure of any school, including
2 plans for disposition of the facility or usage of facility
3 space, and anticipated revenues.

4 3. The projected cost for each project identified in
5 the tentative district facilities work program. For proposed
6 projects for new student stations, a schedule shall be
7 prepared comparing the planned cost and square footage for
8 each new student station, by elementary, middle, and high
9 school levels, to the low, average, and high cost of
10 facilities constructed throughout the state during the most
11 recent fiscal year for which data is available from the
12 Department of Education.

13 4. A schedule of estimated capital outlay revenues
14 from each currently approved source which is estimated to be
15 available for expenditure on the projects included in the
16 tentative district facilities work program.

17 5. A schedule indicating which projects included in
18 the tentative district facilities work program will be funded
19 from current revenues projected in subparagraph 4.

20 6. A schedule of options for the generation of
21 additional revenues by the district for expenditure on
22 projects identified in the tentative district facilities work
23 program which are not funded under subparagraph 5. Additional
24 anticipated revenues may include effort index grants, SIT
25 Program awards, and Classrooms First funds.

26 (b) To the extent available, the tentative district
27 facilities work program shall be based on information produced
28 by the demographic, revenue, and education estimating
29 conferences pursuant to s. 216.136.

30 (c) Provision shall be made for public comment
31 concerning the tentative district facilities work program.

1 (3) ADOPTED DISTRICT FACILITIES WORK
2 PROGRAM.--Annually, the district school board shall consider
3 and adopt the tentative district facilities work program
4 completed pursuant to subsection (2). Upon giving proper
5 public notice and opportunity for public comment, the district
6 school board may amend the program to revise the priority of
7 projects, to add or delete projects, to reflect the impact of
8 change orders, or to reflect the approval of new revenue
9 sources which may become available. The adopted district
10 facilities work program shall:
11 (a) Be a complete, balanced capital outlay financial
12 plan for the district.
13 (b) Set forth the proposed commitments and planned
14 expenditures of the district to address the educational
15 facilities needs of its students and to adequately provide for
16 the maintenance of the educational plant and ancillary
17 facilities.
18 (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK
19 PROGRAM.--The first year of the adopted district facilities
20 work program shall constitute the capital outlay budget
21 required in s. 1013.61. The adopted district facilities work
22 program shall include the information required in
23 subparagraphs (2)(a)1., 2., and 3., based upon projects
24 actually funded in the program.
25 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
26 the adopted district facilities work program covering the
27 5-year work program, the district school board shall adopt
28 annually a 10-year and a 20-year work program which include
29 the information set forth in subsection (2), but based upon
30 enrollment projections and facility needs for the 10-year and
31 20-year periods. It is recognized that the projections in the

1 10-year and 20-year timeframes are tentative and should be
2 used only for general planning purposes.

3 Section 831. Section 1013.355, Florida Statutes, is
4 created to read:

5 1013.355 Abandonment or disposal of satisfactory
6 educational facilities prohibited.--District school boards are
7 prohibited from abandoning or disposing of existing
8 satisfactory educational facilities constructed with Public
9 Education Capital Outlay funds if the school district does not
10 have excess student stations to serve the projected student
11 enrollment in its required 5-year work program.

12 Section 832. Section 1013.36, Florida Statutes, is
13 created to read:

14 1013.36 Site planning and selection.--

15 (1) Before acquiring property for sites, each district
16 school board and community college board of trustees shall
17 determine the location of proposed educational centers or
18 campuses. In making this determination, the board shall
19 consider existing and anticipated site needs and the most
20 economical and practicable locations of sites. The board shall
21 coordinate with the long-range or comprehensive plans of
22 local, regional, and state governmental agencies to assure the
23 compatibility of such plans with site planning. Boards are
24 encouraged to locate educational facilities proximate to urban
25 residential areas to the extent possible, and shall seek to
26 collocate educational facilities with other public facilities,
27 such as parks, libraries, and community centers, to the extent
28 possible.

29 (2) Each new site selected must be adequate in size to
30 meet the educational needs of the students to be served on
31 that site by the original educational facility or future

1 expansions of the facility through renovation or the addition
 2 of relocatables. The State Board of Education shall prescribe
 3 by rule recommended sizes for new sites according to
 4 categories of students to be housed and other appropriate
 5 factors determined by the state board. Less-than-recommended
 6 site sizes are allowed if the board recommends such a site and
 7 finds that it can provide an appropriate and equitable
 8 educational program on the site.

9 (3) Sites recommended for purchase or purchased must
 10 meet standards prescribed in law and such supplementary
 11 standards as the State Board of Education prescribes to
 12 promote the educational interests of the students. Each site
 13 must be well drained and suitable for outdoor educational
 14 purposes as appropriate for the educational program. As
 15 provided in s. 333.03, the site must not be located within any
 16 path of flight approach of any airport. Insofar as is
 17 practicable, the site must not adjoin a right-of-way of any
 18 railroad or through highway and must not be adjacent to any
 19 factory or other property from which noise, odors, or other
 20 disturbances, or at which conditions, would be likely to
 21 interfere with the educational program.

22 (4) It shall be the responsibility of the board to
 23 provide adequate notice to appropriate municipal, county,
 24 regional, and state governmental agencies for requested
 25 traffic control and safety devices so they can be installed
 26 and operating prior to the first day of classes or to satisfy
 27 itself that every reasonable effort has been made in
 28 sufficient time to secure the installation and operation of
 29 such necessary devices prior to the first day of classes. It
 30 shall also be the responsibility of the board to review

1 annually traffic control and safety device needs and to
 2 request all necessary changes indicated by such review.
 3 (5) Each board may request county and municipal
 4 governments to construct and maintain sidewalks and bicycle
 5 trails within a 2-mile radius of each educational facility
 6 within the jurisdiction of the local government. When a board
 7 discovers or is aware of an existing hazard on or near a
 8 public sidewalk, street, or highway within a 2-mile radius of
 9 a school site and the hazard endangers the life or threatens
 10 the health or safety of students who walk, ride bicycles, or
 11 are transported regularly between their homes and the school
 12 in which they are enrolled, the board shall, within 24 hours
 13 after discovering or becoming aware of the hazard, excluding
 14 Saturdays, Sundays, and legal holidays, report such hazard to
 15 the governmental entity within the jurisdiction of which the
 16 hazard is located. Within 5 days after receiving notification
 17 by the board, excluding Saturdays, Sundays, and legal
 18 holidays, the governmental entity shall investigate the
 19 hazardous condition and either correct it or provide such
 20 precautions as are practicable to safeguard students until the
 21 hazard can be permanently corrected. However, if the
 22 governmental entity that has jurisdiction determines upon
 23 investigation that it is impracticable to correct the hazard,
 24 or if the entity determines that the reported condition does
 25 not endanger the life or threaten the health or safety of
 26 students, the entity shall, within 5 days after notification
 27 by the board, excluding Saturdays, Sundays, and legal
 28 holidays, inform the board in writing of its reasons for not
 29 correcting the condition. The governmental entity, to the
 30 extent allowed by law, shall indemnify the board from any
 31

1 liability with respect to accidents or injuries, if any,
2 arising out of the hazardous condition.

3 Section 833. Section 1013.365, Florida Statutes, is
4 created to read:

5 1013.365 Schools on contaminated site prohibited.--

6 (1) DEFINITIONS.--For purposes of this section, the
7 following terms shall have the same meaning as provided in the
8 definitions in s. 376.301: "contaminant," "contaminated
9 site," "discharge," "engineering controls," "hazardous
10 substances," "institutional controls," "pollutants," and "site
11 rehabilitation."

12 (2) LEGISLATIVE INTENT.--The Legislature finds:

13 (a) Steps should be taken to eliminate or reduce the
14 risk to student health posed by attendance at K-12 schools
15 located on or adjacent to a contaminated site.

16 (b) District school boards have a duty and a
17 responsibility to ensure the safety of school children while
18 attending K-12 schools and engaging in extracurricular
19 activities on school properties.

20 (c) Ensuring student safety includes preventing,
21 eliminating, or reducing exposure to contaminants that may
22 exist at or adjacent to K-12 school properties.

23 (3) K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.--No
24 K-12 school shall be built on or adjacent to a known
25 contaminated site unless steps have been taken to ensure that
26 children attending the school or playing on school property
27 will not be exposed to contaminants in the air, water, or soil
28 at levels that present a threat to human health or the
29 environment.

30 (4) DUTIES OF DISTRICT SCHOOL BOARD.--Before taking
31 title to real property upon which a K-12 school may be built

1 or initiating action to locate a K-12 school on real property
 2 already owned by the school district, the district school
 3 board shall conduct appropriate due diligence including all
 4 appropriate inquiry into the previous ownership and use of the
 5 property consistent with good commercial or customary practice
 6 in an effort to determine the existence of any potential air,
 7 water, or soil contamination that may exist on or adjacent to
 8 the proposed K-12 school site. The district school board is
 9 encouraged to contact the Department of Environmental
 10 Protection to obtain any information about contaminated sites
 11 on or adjacent to a proposed K-12 school site. Any evidence
 12 of a discharge of pollutants or hazardous substances on or
 13 adjacent to a proposed K-12 school site shall prompt the
 14 district school board to conduct further investigation using
 15 at least a Phase II Environmental Audit, in accordance with
 16 standards established by the American Society for Testing and
 17 Materials (ASTM), that includes air, water, and soil sampling.
 18 If the results of the environmental audit confirm the presence
 19 of contaminants or pollution on or adjacent to the proposed
 20 K-12 school site at concentrations that pose a threat to human
 21 health or the environment, then the district school board
 22 shall conduct appropriate site rehabilitation in accordance
 23 with the provisions of subsection (5) before initiating K-12
 24 school construction at the site.

25 (5) CORRECTIVE ACTION.--The Department of
 26 Environmental Protection may use risk-based corrective action
 27 cleanup criteria as described in ss. 376.3071, 376.3078, and
 28 376.81, and in Chapter 62-777, F.A.C., in reviewing and
 29 approving site rehabilitation conducted by district school
 30 boards pursuant to this section.

31

1 Section 834. Part III.b. of chapter 1013, Florida
2 Statutes, shall be entitled "Building Codes and Construction
3 for Educational Facilities" and shall consist of ss.
4 1013.37-1013.45.

5 Section 835. Section 1013.37, Florida Statutes, is
6 created to read:

7 1013.37 State uniform building code for public
8 educational facilities construction.--

9 (1) UNIFORM BUILDING CODE.--A uniform statewide
10 building code for the planning and construction of public
11 educational and ancillary plants by district school boards and
12 community college district boards of trustees shall be adopted
13 by the Florida Building Commission within the Florida Building
14 Code, pursuant to s. 553.73. Included in this code must be
15 flood plain management criteria in compliance with the rules
16 and regulations in 44 C.F.R. parts 59 and 60, and subsequent
17 revisions thereto which are adopted by the Federal Emergency
18 Management Agency. It is also the responsibility of the
19 department to develop, as a part of the uniform building code,
20 standards relating to:

21 (a) Prefabricated facilities or factory-built
22 facilities that are designed to be portable, relocatable,
23 demountable, or reconstructible; are used primarily as
24 classrooms; and do not fall under the provisions of ss.
25 320.822-320.862. Such standards must permit boards to contract
26 with the Department of Community Affairs for factory
27 inspections by certified building code inspectors to certify
28 conformance with applicable law and rules. The standards must
29 comply with the requirements of s. 1013.20 for relocatable
30 facilities intended for long-term use as classroom space, and
31 the relocatable facilities shall be designed subject to

1 missile impact criteria of s. 423(24)(d)(1) of the Florida
2 Building Code when located in the windborne debris region.

3 (b) The sanitation of educational and ancillary plants
4 and the health of occupants of educational and ancillary
5 plants.

6 (c) The safety of occupants of educational and
7 ancillary plants as provided in s. 1013.12, except that the
8 firesafety criteria shall be established by the State Fire
9 Marshal in cooperation with the Florida Building Commission
10 and the department and such firesafety requirements must be
11 incorporated into the Florida Fire Prevention Code.

12 (d) Accessibility for children, notwithstanding the
13 provisions of s. 553.512.

14 (e) The performance of life-cycle cost analyses on
15 alternative architectural and engineering designs to evaluate
16 their energy efficiencies.

17 1. The life-cycle cost analysis must consist of the
18 sum of:

19 a. The reasonably expected fuel costs over the life of
20 the building which are required to maintain illumination,
21 water heating, temperature, humidity, ventilation, and all
22 other energy-consuming equipment in a facility; and

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

25 2. For computation of the life-cycle costs, the
26 department shall develop standards that must include, but need
27 not be limited to:

28 a. The orientation and integration of the facility
29 with respect to its physical site.

30 b. The amount and type of glass employed in the
31 facility and the directions of exposure.

1 c. The effect of insulation incorporated into the
2 facility design and the effect on solar utilization of the
3 properties of external surfaces.

4 d. The variable occupancy and operating conditions of
5 the facility and subportions of the facility.

6 e. An energy-consumption analysis of the major
7 equipment of the facility's heating, ventilating, and cooling
8 system; lighting system; and hot water system and all other
9 major energy-consuming equipment and systems as appropriate.

10 3. Life-cycle cost criteria published by the
11 Department of Education for use in evaluating projects.

12 4. Standards for construction materials and systems
13 based on life-cycle costs that consider initial costs,
14 maintenance costs, custodial costs, operating costs, and life
15 expectancy. The standards may include multiple acceptable
16 materials. It is the intent of the Legislature to require
17 district school boards to comply with these standards when
18 expending funds from the Public Education Capital Outlay and
19 Debt Service Trust Fund or the School District and Community
20 College District Capital Outlay and Debt Service Trust Fund
21 and to prohibit district school boards from expending local
22 capital outlay revenues for any project that includes
23 materials or systems that do not comply with these standards,
24 unless the district school board submits evidence that
25 alternative materials or systems meet or exceed standards
26 developed by the department.

27
28 It is not a purpose of the Florida Building Code to inhibit
29 the use of new materials or innovative techniques; nor may it
30 specify or prohibit materials by brand names. The code must be
31 flexible enough to cover all phases of construction so as to

1 afford reasonable protection for the public safety, health,
2 and general welfare. The department may secure the service of
3 other state agencies or such other assistance as it finds
4 desirable in recommending to the Florida Building Commission
5 revisions to the code.

6 (2) APPROVAL.--

7 (a) Before a contract has been let for the
8 construction, the department, the district school board, the
9 community college board, or its authorized review agent must
10 approve the phase III construction documents. A district
11 school board or a community college board may reuse prototype
12 plans on another site, provided the facilities list and phase
13 III construction documents have been updated for the new site
14 and for compliance with the Florida Building Code and the
15 Florida Fire Prevention Code and any laws relating to
16 firesafety, health and sanitation, casualty safety, and
17 requirements for the physically handicapped which are in
18 effect at the time a construction contract is to be awarded.

19 (b) In reviewing plans for approval, the department,
20 the district school board, the community college board, or its
21 review agent as authorized in s. 1013.38, shall take into
22 consideration:

- 23 1. The need for the new facility.
- 24 2. The educational and ancillary plant planning.
- 25 3. The architectural and engineering planning.
- 26 4. The location on the site.
- 27 5. Plans for future expansion.
- 28 6. The type of construction.
- 29 7. Sanitary provisions.
- 30 8. Conformity to Florida Building Code standards.

31

1 9. The structural design and strength of materials
2 proposed to be used.

3 10. The mechanical design of any heating,
4 air-conditioning, plumbing, or ventilating system. Typical
5 heating, ventilating, and air-conditioning systems preapproved
6 by the department for specific applications may be used in the
7 design of educational facilities.

8 11. The electrical design of educational plants.

9 12. The energy efficiency and conservation of the
10 design.

11 13. Life-cycle cost considerations.

12 14. The design to accommodate physically handicapped
13 persons.

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

15 16. The proposed construction cost per gross square
16 foot.

17 17. Conformity with the Florida Fire Prevention Code.

18 (c) The district school board or the community college
19 board may not occupy a facility until the project has been
20 inspected to verify compliance with statutes, rules, and codes
21 affecting the health and safety of the occupants. Verification
22 of compliance with rules, statutes, and codes for nonoccupancy
23 projects such as roofing, paving, site improvements, or
24 replacement of equipment may be certified by the architect or
25 engineer of record and verification of compliance for other
26 projects may be made by an inspector certified by the
27 department or certified pursuant to chapter 468 who is not the
28 architect or engineer of record. The board shall maintain a
29 record of the project's completion and permanent archive of
30 phase III construction documents, including any addenda and
31 change orders to the project. The boards shall provide project

1 data to the department, as requested, for purposes and reports
2 needed by the Legislature.

3 (3) REVIEW PROCEDURE.--The Commissioner of Education
4 shall cooperate with the Florida Building Commission in
5 addressing all questions, disputes, or interpretations
6 involving the provisions of the Florida Building Code which
7 govern the construction of public educational and ancillary
8 facilities, and any objections to decisions made by the
9 inspectors or the department must be submitted in writing.

10 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
11 department shall biennially review and recommend to the
12 Florida Building Commission updates and revisions to the
13 provisions of the Florida Building Code which govern the
14 construction of public educational and ancillary facilities.
15 The department shall publish and make available to each board
16 at no cost copies of the state requirements for educational
17 facilities and each amendment and revision thereto. The
18 department shall make additional copies available to all
19 interested persons at a price sufficient to recover costs.

20 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,
21 1985, pursuant to s. 11(a)(21), Art. III of the State
22 Constitution, there shall not be enacted any special act or
23 general law of local application which proposes to amend,
24 alter, or contravene any provisions of the State Building Code
25 adopted under the authority of this section.

26 Section 836. Section 1013.371, Florida Statutes, is
27 created to read:

28 1013.371 Conformity to codes.--

29 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA
30 FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

31

1 (a) Except as otherwise provided in paragraph (b), all
 2 public educational and ancillary plants constructed by a board
 3 must conform to the Florida Building Code and the Florida Fire
 4 Prevention Code, and the plants are exempt from all other
 5 state building codes; county, municipal, or other local
 6 amendments to the Florida Building Code and local amendments
 7 to the Florida Fire Prevention Code; building permits, and
 8 assessments of fees for building permits, except as provided
 9 in s. 553.80; ordinances; road closures; and impact fees or
 10 service availability fees. Any inspection by local or state
 11 government must be based on the Florida Building Code and the
 12 Florida Fire Prevention Code. Each board shall provide for
 13 periodic inspection of the proposed educational plant during
 14 each phase of construction to determine compliance with the
 15 state requirements for educational facilities.

16 (b) A board may comply with the Florida Building Code
 17 and the Florida Fire Prevention Code and the administration of
 18 the codes when constructing ancillary plants that are not
 19 attached to educational facilities, if those plants conform to
 20 the space size requirements established in the codes.

21 (c) A board may not approve any plans for the
 22 construction, renovation, remodeling, or demolition of any
 23 educational or ancillary plants unless these plans conform to
 24 the requirements of the Florida Building Code and the Florida
 25 Fire Prevention Code. Each board may adopt policies for
 26 delegating to the district school superintendent, community
 27 college president, or university president authority for
 28 submitting documents to the department and for awarding
 29 contracts subsequent to and consistent with board approval of
 30 the scope, timeframes, funding source, and budget of a
 31 survey-recommended project.

1 (2) ENFORCEMENT BY BOARD.--It is the responsibility of
 2 each board to ensure that all plans and educational and
 3 ancillary plants meet the standards of the Florida Building
 4 Code and the Florida Fire Prevention Code and to provide for
 5 the enforcement of these codes in the areas of its
 6 jurisdiction. Each board shall provide for the proper
 7 supervision and inspection of the work. Each board may employ
 8 a chief building official or inspector and such other
 9 inspectors, who have been certified pursuant to chapter 468,
 10 and such personnel as are necessary to administer and enforce
 11 the provisions of this code. Boards may also use local
 12 building department inspectors who are certified by the
 13 department to enforce this code. Plans or facilities that fail
 14 to meet the standards of the Florida Building Code or the
 15 Florida Fire Prevention Code may not be approved. When
 16 planning for and constructing an educational, auxiliary, or
 17 ancillary facility, a board must use construction materials
 18 and systems that meet standards adopted pursuant to s.
 19 1013.37(1)(e)3. and 4. If the planned or actual construction
 20 of a facility deviates from the adopted standards, the board
 21 must, at a public hearing, quantify and compare the costs of
 22 constructing the facility with the proposed deviations and in
 23 compliance with the adopted standards and the Florida Building
 24 Code. The board must explain the reason for the proposed
 25 deviations and compare how the total construction costs and
 26 projected life-cycle costs of the facility or component system
 27 of the facility would be affected by implementing the proposed
 28 deviations rather than using materials and systems that meet
 29 the adopted standards.

30 (3) ENFORCEMENT BY DEPARTMENT.--As a further means of
 31 ensuring that all educational and ancillary facilities

1 constructed or materially altered or added to conform to the
2 Florida Building Code standards or Florida Fire Prevention
3 Code standards, each board that undertakes the construction,
4 renovation, remodeling, purchasing, or lease-purchase of any
5 educational plant or ancillary facility, the cost of which
6 exceeds \$200,000, may submit plans to the department for
7 approval.

8 Section 837. Section 1013.372, Florida Statutes, is
9 created to read:

10 1013.372 Education facilities as emergency shelters.--

11 (1) The Department of Education shall, in consultation
12 with boards and county and state emergency management offices,
13 include within the standards to be developed under this
14 subsection public shelter design criteria to be incorporated
15 into the Florida Building Code. The new criteria must be
16 designed to ensure that appropriate new educational facilities
17 can serve as public shelters for emergency-management
18 purposes. A facility, or an appropriate area within a
19 facility, for which a design contract is entered into after
20 the effective date of the inclusion of the public shelter
21 criteria in the code must be built in compliance with the
22 amended code unless the facility or a part of it is exempted
23 from using the new shelter criteria due to its location, size,
24 or other characteristics by the applicable board with the
25 concurrence of the applicable local emergency management
26 agency or the Department of Community Affairs. Any educational
27 facility located or proposed to be located in an identified
28 category 1, 2, or 3 evacuation zone is not subject to the
29 requirements of this subsection. If the regional planning
30 council region in which the county is located does not have a
31 hurricane evacuation shelter deficit, as determined by the

1 Department of Community Affairs, educational facilities within
2 the planning council region are not required to incorporate
3 the public shelter criteria.

4 (2) By January 31 of each even-numbered year, the
5 Department of Community Affairs shall prepare and submit a
6 statewide emergency shelter plan to the Governor and the
7 Cabinet for approval. The plan must identify the general
8 location and square footage of existing shelters, by regional
9 planning council region, and the general location and square
10 footage of needed shelters, by regional planning council
11 region, during the next 5 years. The plan must identify the
12 types of public facilities that should be constructed to
13 comply with emergency-shelter criteria and must recommend an
14 appropriate and available source of funding for the additional
15 cost of constructing emergency shelters within these public
16 facilities. After the approval of the plan, a board may not be
17 required to build more emergency-shelter space than identified
18 as needed in the plan, and decisions pertaining to exemptions
19 pursuant to subsection (1) must be guided by the plan.

20 (3) The provisions of s. 1013.74 apply to university
21 facilities as emergency shelters.

22 Section 838. Section 1013.38, Florida Statutes, is
23 created to read:

24 1013.38 Boards to ensure that facilities comply with
25 building codes and life safety codes.--

26 (1) Boards shall ensure that all new construction,
27 renovation, remodeling, day labor, and maintenance projects
28 conform to the appropriate sections of the Florida Building
29 Code, Florida Fire Prevention Code, or, where applicable as
30 authorized in other sections of law, other building codes, and
31 life safety codes.

1 (2) Boards may provide compliance as follows:

2 (a) Boards or consortia may individually or
3 cooperatively provide review services under the insurance risk
4 management oversight through the use of board employees or
5 consortia employees, registered pursuant to chapter 471,
6 chapter 481, or part XII of chapter 468.

7 (b) Boards may elect to review construction documents
8 using their own employees registered pursuant to chapter 471,
9 chapter 481, or part XII of chapter 468.

10 (c) Boards may submit phase III construction documents
11 for review to the department.

12 (d) Boards or consortia may contract for plan review
13 services directly with engineers and architects registered
14 pursuant to chapter 471 or chapter 481.

15 (3) The Department of Management Services may, upon
16 request, provide facilities services for the Florida School
17 for the Deaf and the Blind, the Division of Blind Services,
18 and Public Broadcasting. As used in this section, the term
19 "facilities services" means project management, code and
20 design plan review, and code compliance inspection for
21 projects as defined in s. 287.017(1)(e).

22 Section 839. Section 1013.39, Florida Statutes, is
23 created to read:

24 1013.39 Building construction standards;
25 exemptions.--Universities are exempt from local amendments to
26 the Florida Building Code and the Florida Fire Prevention
27 Code.

28 Section 840. Section 1013.40, Florida Statutes, is
29 created to read:

30 1013.40 Planning and construction of community college
31 facilities; property acquisition.--

1 (1) The need for community college facilities shall be
2 established by a survey conducted pursuant to this chapter.
3 The facilities recommended by such survey must be approved by
4 the State Board of Education and the projects must be
5 constructed according to the provisions of this chapter and
6 State Board of Education rules.

7 (2) No community college may expend public funds for
8 the acquisition of additional property without the specific
9 approval of the Legislature.

10 (3) No facility may be acquired or constructed by a
11 community college or its direct-support organization if such
12 facility requires general revenue funds for operation or
13 maintenance upon project completion or in subsequent years of
14 operation, unless prior approval is received from the
15 Legislature.

16 Section 841. Section 1013.41, Florida Statutes, is
17 created to read:

18 1013.41 SMART schools; Classrooms First; legislative
19 purpose.--

20 (1) SMART SCHOOLS.--"SMART schools" are schools that
21 are soundly made, accountable, reasonable, and thrifty. It is
22 the purpose of the Legislature to provide a balanced and
23 principle-based plan for a functional, safe, adequate, and
24 thrifty learning environment for Florida's K-12 students
25 through SMART schools. The plan must be balanced in serving
26 all school districts and must also be balanced between the
27 operating and capital sides of the budget. The principles upon
28 which the plan is based are less government, lower taxes,
29 increased responsibility of school districts, increased
30 freedom through local control, and family and community
31 empowerment.

1 (2) CLASSROOMS FIRST.--It is the purpose of the
2 Legislature to substantially increase the state's investment
3 in school construction in an equitable, fair, and reasonable
4 way.

5 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is
6 the purpose of the Legislature to create s. 1013.35, requiring
7 each school district annually to adopt a district facilities
8 5-year work program. The purpose of the district facilities
9 work program is to keep the district school board and the
10 public fully informed as to whether the district is using
11 sound policies and practices that meet the essential needs of
12 students and that warrant public confidence in district
13 operations. The district facilities work program will be
14 monitored by the Office of Educational Facilities and SMART
15 Schools Clearinghouse, which will also apply performance
16 standards pursuant to s. 1013.04.

17 (4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS
18 CLEARINGHOUSE.--It is the purpose of the Legislature to create
19 s. 1013.05, establishing the Office of Educational Facilities
20 and SMART Schools Clearinghouse to assist the school districts
21 in building SMART schools utilizing functional and frugal
22 practices. The Office of Educational Facilities and SMART
23 Schools Clearinghouse must review district facilities work
24 programs and projects and identify districts qualified for
25 incentive funding available through School Infrastructure
26 Thrift Program awards; identify opportunities to maximize
27 design and construction savings; develop school district
28 facilities work program performance standards; and provide for
29 review and recommendations to the Governor, the Legislature,
30 and the State Board of Education.

31

1 (5) EFFORT INDEX GRANTS.--It is the purpose of the
2 Legislature to create s. 1013.73, in order to provide grants
3 from state funds to assist school districts that have provided
4 a specified level of local effort funding.

5 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM
6 AWARDS.--It is the purpose of the Legislature to convert the
7 SIT Program established in ss. 1013.42 and 1013.72 to an
8 incentive award program to encourage functional, frugal
9 facilities and practices.

10 Section 842. Section 1013.42, Florida Statutes, is
11 created to read:

12 1013.42 School Infrastructure Thrift (SIT) Program
13 Act.--

14 (1) This section and s. 1013.72 may be cited as the
15 "School Infrastructure Thrift Program Act."

16 (2) The School Infrastructure Thrift (SIT) Program is
17 established within the Department of Education, and the State
18 Board of Education may adopt rules as necessary to operate the
19 program. To facilitate the program's purposes, the department
20 shall aggressively seek the elimination or revision of
21 obsolete, excessively restrictive, or unnecessary laws, rules,
22 and regulations for the purpose of reducing the cost of
23 constructing educational facilities and related costs without
24 sacrificing safety or quality of construction. Such efforts
25 must include, but are not limited to, the elimination of
26 duplicate or overlapping inspections; the relaxation of
27 requirements relating to the life cycle of buildings,
28 landscaping, operable glazing, operable windows, radon
29 testing, and firesafety when lawful, safe, and
30 cost-beneficial; and other cost savings identified as lawful,
31 safe, and cost-beneficial.

1 (3) The SIT Program is designed as:

2 (a) An incentive program to reward districts for
3 savings realized through functional, frugal construction.

4 (b) A recognition program to provide an annual SMART
5 school of the year recognition award to the district that
6 builds the highest quality functional, frugal school.

7 (4) Funds shall be appropriated to the SIT Program on
8 an annual basis as determined by the Legislature.

9 Notwithstanding the provisions of s. 216.301 and pursuant to
10 s. 216.351, undisbursed balances of appropriations to the SIT
11 Program shall not revert. It is the intent of the Legislature
12 to continue funding the SIT Program with funds available
13 through frugal government operation and agency savings.

14 (5) Participating school districts may seek SIT
15 Program awards beginning July 1, 1997, for projects commenced
16 after or for projects underway at that time, if the projects
17 comply with s. 1013.72.

18 (6)(a) Each school district may submit to the Office
19 of Educational Facilities and SMART Schools Clearinghouse,
20 with supporting data, its request, based on eligibility
21 pursuant to s. 1013.72 for an award of SIT Program dollars.

22 (b) The Office of Educational Facilities and SMART
23 Schools Clearinghouse shall examine the supporting data from
24 each school district and shall report to the commissioner each
25 district's eligibility pursuant to s. 1013.72. Based on the
26 office's report and pursuant to ss. 1013.04 and 1013.05, the
27 office shall make recommendations, ranked in order of
28 priority, for SIT Program awards.

29 (c) The criteria for SIT Program evaluation and
30 recommendation for awards must be based on the school
31

1 district's eligibility pursuant to s. 1013.72 and the balance
2 of dollars in the SIT Program.

3 (7) Awards from the SIT Program shall be made by the
4 commissioner from funds appropriated by the Legislature. An
5 award funded by an appropriation from the General Revenue Fund
6 may be used for any lawful capital outlay expenditure. An
7 award funded by an appropriation of the proceeds of bonds
8 issued pursuant to s. 1013.70 may be used only for bondable
9 capital outlay projects.

10 Section 843. Section 1013.43, Florida Statutes, is
11 created to read:

12 1013.43 Small school requirement.--

13 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

14 (a) Florida's schools are among the largest in the
15 nation.

16 (b) Smaller schools provide benefits of reduced
17 discipline problems and crime, reduced truancy and gang
18 participation, reduced dropout rates, improved teacher and
19 student attitudes, improved student self-perception, student
20 academic achievement equal to or superior to that of students
21 at larger schools, and increased parental involvement.

22 (c) Smaller schools can provide these benefits while
23 not increasing administrative and construction costs.

24 (2) DEFINITION.--As used in this section, "small
25 school" means:

26 (a) An elementary school with a student population of
27 not more than 500 students.

28 (b) A middle school with a student population of not
29 more than 700 students.

30 (c) A high school with a student population of not
31 more than 900 students.

1 (d) A school serving kindergarten through grade 8 with
2 a student population of not more than 700 students.

3 (e) A school serving kindergarten through grade 12
4 with a student population of not more than 900 students.

5
6 A school on a single campus which operates as a
7 school-within-a-school, as defined by s. 1003.02(4), shall be
8 considered a small school if each smaller unit located on the
9 single campus meets the requirements of this subsection.

10 (3) REQUIREMENTS.--

11 (a) Beginning July 1, 2003, all plans for new
12 educational facilities to be constructed within a school
13 district and reflected in the 5-year school district
14 facilities work plan shall be plans for small schools in order
15 to promote increased learning and more effective use of school
16 facilities.

17 (b) Small schools shall comply with all laws, rules,
18 and court orders relating to racial balance.

19 (4) EXCEPTIONS.--This section does not apply to plans
20 for new educational facilities already under architectural
21 contract on July 1, 2003.

22 Section 844. Section 1013.44, Florida Statutes, is
23 created to read:

24 1013.44 Low-energy use design; solar energy systems;
25 swimming pool heaters.--

26 (1)(a) Passive design elements and low-energy usage
27 features shall be included in the design and construction of
28 new educational facilities. Operable glazing consisting of at
29 least 5 percent of the floor area shall be placed in each
30 classroom located on the perimeter of the building. For a
31 relocatable classroom, the area of operable glazing and the

1 area of exterior doors, together, shall consist of at least 5
 2 percent of the floor area. Operable glazing is not required in
 3 community colleges, auxiliary facilities, music rooms, gyms,
 4 locker and shower rooms, special laboratories requiring
 5 special climate control, and large group instruction areas
 6 having a capacity of more than 100 persons.

7 (b) In the remodeling and renovation of educational
 8 facilities which have existing natural ventilation, adequate
 9 sources of natural ventilation shall be retained, or a
 10 combination of natural and low-energy usage mechanical
 11 equipment shall be provided that will permit the use of the
 12 facility without air-conditioning or heat when ambient
 13 conditions are moderate. However, the Commissioner of
 14 Education is authorized to waive this requirement when
 15 environmental conditions, particularly noise and pollution
 16 factors, preclude the effective use of natural ventilation.

17 (2) Each new educational facility for which the
 18 projected demand for hot water exceeds 1,000 gallons a day
 19 shall be constructed, whenever economically and physically
 20 feasible, with a solar energy system as the primary energy
 21 source for the domestic hot water system of the facility. The
 22 solar energy system shall be sized so as to provide at least
 23 65 percent of the estimated needs of the facility. Sizing
 24 shall be determined by generally recognized simulation models,
 25 such as F-chart and SOLCOST, or by sizing tables generated by
 26 the Florida Solar Energy Center.

27 (3) If swimming and wading pools constructed as an
 28 integral part of an educational facility or plant are heated,
 29 such pools shall, whenever feasible, be heated by either a
 30 waste heat recovery system or a solar energy system.

31

1 Section 845. Section 1013.45, Florida Statutes, is
2 created to read:

3 1013.45 Educational facilities contracting and
4 construction techniques.--

5 (1) Boards may employ procedures to contract for
6 construction of new facilities, or major additions to existing
7 facilities, that will include, but not be limited to:

8 (a) Competitive bids.

9 (b) Design-build pursuant to s. 287.055.

10 (c) Selecting a construction management entity,
11 pursuant to the process provided by s. 287.055, that would be
12 responsible for all scheduling and coordination in both design
13 and construction phases and is generally responsible for the
14 successful, timely, and economical completion of the
15 construction project. The construction management entity must
16 consist of or contract with licensed or registered
17 professionals for the specific fields or areas of construction
18 to be performed, as required by law. At the option of the
19 board, the construction management entity, after having been
20 selected, may be required to offer a guaranteed maximum price
21 or a guaranteed completion date; in which case, the
22 construction management entity must secure an appropriate
23 surety bond pursuant to s. 255.05 and must hold construction
24 subcontracts. The criteria for selecting a construction
25 management entity shall not unfairly penalize an entity that
26 has relevant experience in the delivery of construction
27 projects of similar size and complexity by methods of delivery
28 other than construction management.

29 (d) Selecting a program management entity, pursuant to
30 the process provided by s. 287.055, that would act as the
31 agent of the board and would be responsible for schedule

1 control, cost control, and coordination in providing or
 2 procuring planning, design, and construction services. The
 3 program management entity must consist of or contract with
 4 licensed or registered professionals for the specific areas of
 5 design or construction to be performed as required by law. The
 6 program management entity may retain necessary design
 7 professionals selected under the process provided in s.
 8 287.055. At the option of the board, the program management
 9 entity, after having been selected, may be required to offer a
 10 guaranteed maximum price or a guaranteed completion date, in
 11 which case, the program management entity must secure an
 12 appropriate surety bond pursuant to s. 255.05 and must hold
 13 design and construction subcontracts. The criteria for
 14 selecting a program management entity shall not unfairly
 15 penalize an entity that has relevant experience in the
 16 delivery of construction programs of similar size and
 17 complexity by methods of delivery other than program
 18 management.

19 (e) Day-labor contracts not exceeding \$200,000 for
 20 construction, renovation, remodeling, or maintenance of
 21 existing facilities.

22 (2) For the purposes of this section, "day-labor
 23 contract" means a project constructed using persons employed
 24 directly by a board or by contracted labor.

25 (3) Contractors, design-build firms, contract
 26 management entities, program management entities, or any other
 27 person under contract to construct facilities or major
 28 additions to facilities may use any construction techniques
 29 allowed by contract and not prohibited by law, including, but
 30 not limited to, those techniques known as fast-track
 31

1 construction scheduling, use of components, and systems
 2 building process.

3 (4) Except as otherwise provided in this section and
 4 s. 481.229, the services of a registered architect must be
 5 used for the development of plans for the erection,
 6 enlargement, or alteration of any educational facility. The
 7 services of a registered architect are not required for a
 8 minor renovation project for which the construction cost is
 9 less than \$50,000 or for the placement or hookup of
 10 relocatable educational facilities that conform with standards
 11 adopted under s. 1013.37. However, boards must provide
 12 compliance with building code requirements and ensure that
 13 these structures are adequately anchored for wind resistance
 14 as required by law. Boards are encouraged to consider the
 15 reuse of existing construction documents or design criteria
 16 packages where such reuse is feasible and practical.

17 Notwithstanding s. 287.055, a board may purchase the
 18 architectural services for the design of educational or
 19 ancillary facilities under an existing contract agreement for
 20 professional services held by a district school board in the
 21 State of Florida, provided that the purchase is to the
 22 economic advantage of the purchasing board, the services
 23 conform to the standards prescribed by rules of the State
 24 Board of Education, and such reuse is not without notice to,
 25 and permission from, the architect of record whose plans or
 26 design criteria are being reused. Plans shall be reviewed for
 27 compliance with the state requirements for educational
 28 facilities. Rules adopted under this section must establish
 29 uniform prequalification, selection, bidding, and negotiation
 30 procedures applicable to construction management contracts and
 31 the design-build process. This section does not supersede any

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

8 Section 846. Part III.c. of chapter 1013, Florida
9 Statutes, shall be entitled "Contracting for Educational
10 Facilities" and shall consist of ss. 1013.46-1013.51.

11 Section 847. Section 1013.46, Florida Statutes, is
12 created to read:

13 1013.46 Advertising and awarding contracts;
14 prequalification of contractor.--

15 (1)(a) As soon as practicable after any bond issue has
16 been voted upon and authorized or funds have been made
17 available for the construction, remodeling, renovation,
18 demolition, or otherwise for the improvement, of any
19 educational or ancillary plant, and after plans for the work
20 have been approved, the board, if competitively bidding the
21 project pursuant to s. 1013.45, after advertising the same in
22 the manner prescribed by law or rule, shall award the contract
23 for the building or improvements to the lowest responsible
24 bidder. However, if after taking all deductive alternates, the
25 bid of the lowest responsible bidder exceeds the construction
26 budget for the project established at the phase III submittal,
27 the board may declare an emergency. After stating the reasons
28 why an emergency exists, the board may negotiate the
29 construction contract or modify the contract, including the
30 specifications, with the lowest responsible bidder and, if the
31 contract is modified, shall resubmit the documents to the

1 authorized review authority for review to confirm that the
2 project remains in compliance with building and fire codes.
3 The board may reject all bids received and may readvertise,
4 calling for new bids.

5 (b) Each board may declare an emergency pursuant to
6 this subsection. A situation created by fire, storm, or other
7 providential cause resulting in:

- 8 1. Imminent danger to life or safety; or
- 9 2. Overcrowding of students

10
11 constitutes an emergency.

12 (c) As an option, any county, municipality, or board
13 may set aside up to 10 percent of the total amount of funds
14 allocated for the purpose of entering into construction
15 capital project contracts with minority business enterprises,
16 as defined in s. 287.094. Such contracts shall be
17 competitively bid only among minority business enterprises.
18 The set-aside shall be used to redress present effects of past
19 discriminatory practices and shall be subject to periodic
20 reassessment to account for changing needs and circumstances.

21 (2) Boards shall prequalify bidders for construction
22 contracts according to rules prescribed by the State Board of
23 Education which require the prequalification of bidders of
24 educational facilities construction. Boards shall require that
25 all construction or capital improvement bids be accompanied by
26 evidence that the bidder holds an appropriate certificate or
27 license or that the prime contractor has a current valid
28 license.

29 Section 848. Section 1013.47, Florida Statutes, is
30 created to read:

31

1 1013.47 Substance of contract; contractors to give
2 bond; penalties.--Each board shall develop contracts
3 consistent with this chapter and statutes governing public
4 facilities. Such a contract must contain the drawings and
5 specifications of the work to be done and the material to be
6 furnished, the time limit in which the construction is to be
7 completed, the time and method by which payments are to be
8 made upon the contract, and the penalty to be paid by the
9 contractor for any failure to comply with the terms of the
10 contract. The board may require the contractor to pay a
11 penalty for any failure to comply with the terms of the
12 contract and may provide an incentive for early completion.
13 Upon accepting a satisfactory bid, the board shall enter into
14 a contract with the party or parties whose bid has been
15 accepted. The contractor shall furnish the board with a
16 performance and payment bond as set forth in s. 255.05. A
17 board or other public entity may not require a contractor to
18 secure a surety bond under s. 255.05 from a specific agent or
19 bonding company. Notwithstanding any other provision of this
20 section, if 25 percent or more of the costs of any
21 construction project is paid out of a trust fund established
22 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
23 employed by contractors or subcontractors on such construction
24 will be paid wages not less than those prevailing on similar
25 construction projects in the locality, as determined by the
26 Secretary of Labor in accordance with the Davis-Bacon Act, as
27 amended. A person, firm, or corporation that constructs any
28 part of any educational plant, or addition thereto, on the
29 basis of any unapproved plans or in violation of any plans
30 approved in accordance with the provisions of this chapter and
31 rules of the State Board of Education relating to building

1 standards or specifications is subject to forfeiture of bond
2 and unpaid compensation in an amount sufficient to reimburse
3 the board for any costs that will need to be incurred in
4 making any changes necessary to assure that all requirements
5 are met and is also guilty of a misdemeanor of the second
6 degree, punishable as provided in s. 775.082 or s. 775.083,
7 for each separate violation.

8 Section 849. Section 1013.48, Florida Statutes, is
9 created to read:

10 1013.48 Changes in construction requirements after
11 award of contract.--The board may, at its option and by
12 written policy duly adopted and entered in its official
13 minutes, authorize the superintendent or president or other
14 designated individual to approve change orders in the name of
15 the board for preestablished amounts. Approvals shall be for
16 the purpose of expediting the work in progress and shall be
17 reported to the board and entered in its official minutes. For
18 accountability, the school district shall monitor and report
19 the impact of change orders on its district facilities work
20 program pursuant to s. 1013.35.

21 Section 850. Section 1013.49, Florida Statutes, is
22 created to read:

23 1013.49 Toxic substances in construction, repair, or
24 maintenance of educational facilities.--

25 (1) All toxic substances enumerated in the Florida
26 Substance List established pursuant to s. 442.103 that are to
27 be used in the construction, repair, or maintenance of
28 educational facilities have restricted usage provisions.

29 (2) Before any such substance may be used, the
30 contractor shall notify the district school superintendent or
31 public postsecondary institution president in writing at least

1 three working days prior to using the substance. The
2 notification shall contain:

- 3 (a) The name of the substance to be used;
4 (b) Where the substance is to be used; and
5 (c) When the substance is to be used.

6
7 A copy of a material safety data sheet as defined in s.
8 442.102 shall be attached to the notification for each such
9 substance.

10 Section 851. Section 1013.50, Florida Statutes, is
11 created to read:

12 1013.50 Final payment to contractor.--

13 (1) The final payment to the contractor shall not be
14 made until the construction project has been inspected by the
15 architect or other person designated by the board for that
16 purpose and until he or she has issued a written certificate
17 that the project has been constructed in accordance with the
18 approved plans and specifications and approved change orders
19 and until the board, acting on these recommendations, has
20 accepted the project. After acceptance by the board, a
21 duplicate copy of this written certificate, duly certified as
22 having been accepted by the board, as well as other related
23 data on contract costs and total costs per student station,
24 space inventory update, and other related building information
25 must be filed with the department for budget and cost
26 reporting purposes.

27 (2) Boards shall have full authority and
28 responsibility for all decisions regarding educational and
29 ancillary plant construction contracts, change orders, and
30 payments.

31

1 Section 852. Section 1013.51, Florida Statutes, is
2 created to read:

3 1013.51 Expenditures authorized for certain
4 infrastructure.--

5 (1)(a) Subject to exemption from the assessment of
6 fees pursuant to s. 1013.37(1), education boards, boards of
7 county commissioners, municipal boards, and other agencies and
8 boards of the state may expend funds, separately or
9 collectively, by contract or agreement, for the placement,
10 paving, or maintaining of any road, byway, or sidewalk if the
11 road, byway, or sidewalk is contiguous to or runs through the
12 property of any educational plant or for the maintenance or
13 improvement of the property of any educational plant or of any
14 facility on such property. Expenditures may also be made for
15 sanitary sewer, water, stormwater, and utility improvements
16 upon, or contiguous to, and for the installation, operation,
17 and maintenance of traffic control and safety devices upon, or
18 contiguous to, any existing or proposed educational plant.

19 (b) A board may pay its proportionate share of the
20 cost of onsite and offsite system improvements necessitated by
21 the educational facility development, but a board is not
22 required to pay for or install any improvements that exceed
23 those required to meet the onsite and offsite needs of a new
24 public educational facility or an expanded site. Development
25 exactions assessed against school boards or community college
26 districts may not exceed the proportionate share of the cost
27 of system improvements necessitated by the educational
28 facility development and may not address existing facility or
29 service backlogs or deficits.

30 (c) The boards of county commissioners, municipal
31 boards, and other agencies and boards of the state may plant

1 or maintain trees, flowers, shrubbery, and beautifying plants
2 upon the grounds of any educational plant, upon approval of
3 the superintendent or president or the designee of either of
4 them. Payment by a board for any improvement set forth in this
5 section shall be authorized in any amounts agreed to by the
6 board. Any payments so authorized to be made are not mandatory
7 unless the specific improvement and costs have been agreed to
8 prior to the improvement's being made.

9 (2) The provisions of any law, municipal ordinance, or
10 county ordinance to the contrary notwithstanding, the
11 provisions of this section regulate the levying of assessments
12 for special benefits on school or community college districts
13 and the directing of the payment thereof. Any municipal
14 ordinance or county ordinance making provision to the contrary
15 is void.

16 (3) Notwithstanding any other law, if a board agrees
17 to construct or upgrade water or sewer facilities, or
18 otherwise provide, construct, upgrade, or maintain offsite
19 infrastructure beyond its proportionate share of
20 responsibility, the local government that issues development
21 approvals shall assure that the board is reimbursed for the
22 additional costs incurred, to the extent that other
23 development occurs which demands use of such infrastructure.

24 (4) Expenditure for infrastructure for universities
25 shall be as authorized in s. 1013.30.

26 Section 853. Part III.d. of chapter 1013, Florida
27 Statutes, shall be entitled "Cooperative Development of
28 Educational Facilities" and shall consist of ss.
29 1013.52-1013.54.

30 Section 854. Section 1013.52, Florida Statutes, is
31 created to read:

1 1013.52 Cooperative development and joint use of
2 facilities by two or more boards.--

3 (1) Two or more boards, including district school
4 boards, community college boards of trustees, the Board of
5 Trustees for the Florida School for the Deaf and the Blind,
6 and university boards of trustees, desiring to cooperatively
7 establish a common educational facility to accommodate
8 students shall:

9 (a) Jointly request a formal assessment by the
10 Commissioner of Education of the academic program need and the
11 need to build new joint-use facilities to house approved
12 programs. Completion of the assessment and approval of the
13 project by the State Board of Education or the Commissioner of
14 Education, as appropriate, should be done prior to conducting
15 an educational facilities survey.

16 (b) Demonstrate the need for construction of new
17 joint-use facilities involving postsecondary institutions by
18 those institutions presenting evidence of the presence of
19 sufficient actual full-time equivalent enrollments in the
20 locale in leased, rented, or borrowed spaces to justify the
21 requested facility for the programs identified in the formal
22 assessment rather than using projected or anticipated future
23 full-time equivalent enrollments as justification. If the
24 decision is made to construct new facilities to meet this
25 demonstrated need, then building plans should consider
26 full-time equivalent enrollment growth facilitated by this new
27 construction and subsequent new program offerings made
28 possible by the existence of the new facilities.

29 (c) Adopt and submit to the commissioner a joint
30 resolution of the participating boards indicating their
31 commitment to the utilization of the requested facility and

1 designating the locale of the proposed facility. The joint
 2 resolution shall contain a statement of determination by the
 3 participating boards that alternate options, including the use
 4 of leased, rented, or borrowed space, were considered and
 5 found less appropriate than construction of the proposed
 6 facility. The joint resolution shall contain assurance that
 7 the development of the proposed facility has been examined in
 8 conjunction with the programs offered by neighboring public
 9 educational facilities offering instruction at the same level.
 10 The joint resolution also shall contain assurance that each
 11 participating board shall provide for continuity of
 12 educational progression. All joint resolutions shall be
 13 submitted to the commissioner by August 1 for consideration of
 14 funding by the subsequent Legislature.

15 (d) Submit requests for funding of joint-use
 16 facilities projects involving state universities and community
 17 colleges for approval by the Commissioner of Education. The
 18 Commissioner of Education shall determine the priority for
 19 funding these projects in relation to the priority of all
 20 other capital outlay projects under their consideration. To be
 21 eligible for funding from the Public Education Capital Outlay
 22 and Debt Service Trust Fund under the provisions of this
 23 section, projects involving both state universities and
 24 community colleges shall appear on the 3-year capital outlay
 25 priority lists of community colleges and of universities
 26 required by s. 1013.64. Projects involving a state university,
 27 community college, and a public school, and in which the
 28 larger share of the proposed facility is for the use of the
 29 state university or the community college, shall appear on the
 30 3-year capital outlay priority lists of the community colleges
 31 or of the universities, as applicable.

1 (e) Include in their joint resolution for the
 2 joint-use facilities, comprehensive plans for the operation
 3 and management of the facility upon completion. Institutional
 4 responsibilities for specific functions shall be identified,
 5 including designation of one participating board as sole owner
 6 of the facility. Operational funding arrangements shall be
 7 clearly defined.

8 (2) An educational plant survey must be conducted
 9 within 90 days after submission of the joint resolution and
 10 substantiating data describing the benefits to be obtained,
 11 the programs to be offered, and the estimated cost of the
 12 proposed project. Upon completion of the educational plant
 13 survey, the participating boards may include the recommended
 14 projects in their plan as provided in s. 1013.31. Upon
 15 approval of the project by the commissioner, 25 percent of the
 16 total cost of the project, or the pro rata share based on
 17 space utilization of 25 percent of the cost, must be included
 18 in the department's legislative capital outlay budget request
 19 as provided in s. 1013.60 for educational plants. The
 20 participating boards must include in their joint resolution a
 21 commitment to finance the remaining funds necessary to
 22 complete the planning, construction, and equipping of the
 23 facility. Funds from the Public Education Capital Outlay and
 24 Debt Service Trust Fund may not be expended on any project
 25 unless specifically authorized by the Legislature.

26 (3) Included in all proposals for joint-use facilities
 27 must be documentation that the proposed new campus or new
 28 joint-use facility has been reviewed by the State Board of
 29 Education and has been formally requested for authorization by
 30 the Legislature.

1 (4) No district school board, community college, or
2 state university shall receive funding for more than one
3 approved joint-use facility per campus in any 3-year period.

4 Section 855. Section 1013.53, Florida Statutes, is
5 created to read:

6 1013.53 Cooperative development of educational
7 facilities in juvenile justice programs.--

8 (1) The Department of Juvenile Justice shall provide
9 early notice to school districts regarding the siting of new
10 juvenile justice facilities. School districts shall include
11 the projected number of students in the districts' annual
12 estimates. School districts must be consulted regarding the
13 types of students expected to be assigned to commitment
14 facilities for education planning and budgeting purposes.

15 (2) The Department of Juvenile Justice shall notify,
16 in writing, the Department of Education when a request for
17 proposals is issued for the construction or operation of a
18 commitment or detention facility anywhere in the state. The
19 Department of Juvenile Justice shall notify, in writing, the
20 appropriate school district when a request for proposals is
21 issued for the construction or operation of a commitment or
22 detention facility when a county or site is specifically
23 identified.

24 (3) The Department of Juvenile Justice shall also
25 notify the district school superintendent within 30 days
26 after:

27 (a) The award of a contract for the construction or
28 operation of a commitment or detention facility within that
29 school district.

30 (b) Obtaining a permit to begin construction of a new
31 detention or commitment facility within that school district.

1 Section 856. Section 1013.54, Florida Statutes, is
2 created to read:

3 1013.54 Cooperative development and use of satellite
4 facilities by private industry and district school boards.--

5 (1) Each district school board may submit, prior to
6 August 1 of each year, a request to the commissioner for funds
7 from the Public Education Capital Outlay and Debt Service
8 Trust Fund to construct, remodel, or renovate an educational
9 facility within the industrial environment. No district school
10 board may apply for more than one facility per year. Such
11 request shall contain the following provisions:

12 (a) A detailed description of the satellite site, the
13 site development necessary for new construction, remodeling,
14 or renovation for the accomplishment of the project, and the
15 facility to be constructed. The facility shall be located on a
16 site owned by the business and leased to the district school
17 board at no cost. However, the minimum agreement shall be for
18 a period of at least 5 years. The amounts provided by the
19 state and the district school board shall be considered full
20 consideration for the lease. If the lease agreement is
21 terminated early, the business shall reimburse the district
22 school board an amount determined by multiplying the amounts
23 contributed by the district school board and the state by a
24 fraction the numerator of which is the number of months
25 remaining in the original agreement and the denominator of
26 which is the total number of months of the agreement.

27 (b) A detailed description and analysis of the
28 educational programs to be offered and the benefits that will
29 accrue to the students through the instructional programs upon
30 completion of the facility.

31

1 (c) The estimated number of full-time students whose
2 regularly scheduled daily instructional program will utilize
3 the facility.

4 (d) The estimated cost of the facility and site
5 development not to exceed the department's average cost of new
6 construction adjusted to the respective county cost index. If
7 a site must be acquired, the estimated cost of the site shall
8 be provided.

9 (e) A resolution or other appropriate indication of
10 intent to participate in the funding and utilization of the
11 educational facility from private industry. Such indication
12 shall include a commitment by private industry to provide at
13 least one-half of the cost of the facility. The district
14 school board shall provide one-fourth of the cost of the
15 facility and, if approved, the state shall provide one-fourth
16 of the cost of the facility. Funds from the Public Education
17 Capital Outlay and Debt Service Trust Fund may not be expended
18 on any project unless specifically authorized by the
19 Legislature.

20 (f) The designation as to which agency is to assume
21 responsibility for the operation, maintenance, and control of
22 the proposed facility.

23 (g) Documentation by the district school board that a
24 long-term lease for the use of the educational facility for a
25 period of not less than 40 years or the life expectancy of the
26 permanent facility constructed thereon, whichever is longer,
27 has been obtained from private industry.

28 (2) The commissioner shall appoint a review committee
29 to make recommendations and prioritize requests. If the
30 project is approved by the commissioner, the commissioner
31 shall include up to one-fourth of the cost of the project in

1 the legislative capital outlay budget request, as provided in
2 s. 1013.60, for the funding of capital outlay projects
3 involving both educational and private industry. The
4 commissioner shall prioritize any such projects for each
5 fiscal year and, notwithstanding the provisions of s.
6 1013.64(3)(c), limit the recommended state funding amount not
7 to exceed 5 percent off the top of the total funds recommended
8 pursuant to s. 1013.64(2) and (3).

9 (3) Facilities funded pursuant to this section and all
10 existing satellite facilities shall be exempt from ad valorem
11 taxes as long as the facility is used exclusively for public
12 educational purposes.

13 Section 857. Part IV of chapter 1013, Florida
14 Statutes, shall be entitled "Funding for Educational
15 Facilities" and shall consist of ss. 1013.60-1013.82.

16 Section 858. Section 1013.60, Florida Statutes, is
17 created to read:

18 1013.60 Legislative capital outlay budget request.--

19 (1) The Commissioner of Education shall develop a
20 procedure deemed appropriate in arriving at the amounts
21 required to fund projects as reflected in the integrated,
22 comprehensive budget request required by this section. The
23 official estimates for funds accruing to the Public Education
24 Capital Outlay and Debt Service Trust Fund made by the revenue
25 estimating conference shall be used in determining the budget
26 request pursuant to this section. The commissioner, in
27 consultation with the appropriations committees of the
28 Legislature, shall provide annually an estimate of funds that
29 shall be utilized by community colleges and universities in
30 developing their required 3-year priority lists pursuant to s.
31 1013.64.

1 (2) The commissioner shall submit to the Governor and
2 to the Legislature an integrated, comprehensive budget request
3 for educational facilities construction and fixed capital
4 outlay needs for school districts, community colleges, and
5 universities, pursuant to the provisions of s. 1013.64 and
6 applicable provisions of chapter 216. Each community college
7 board of trustees and each university board of trustees shall
8 submit to the commissioner a 3-year plan and data required in
9 the development of the annual capital outlay budget. No
10 further disbursements shall be made from the Public Education
11 Capital Outlay and Debt Service Trust Fund to a board of
12 trustees that fails to timely submit the required data until
13 such board of trustees submits the data.

14 (3) The commissioner shall submit an integrated,
15 comprehensive budget request to the Executive Office of the
16 Governor and to the Legislature each fiscal year by the
17 submission date specified in s. 216.023(1). Notwithstanding
18 the provisions of s. 216.043, the integrated, comprehensive
19 budget request shall include:

20 (a) Recommendations for the priority of expenditure of
21 funds in the state system of public education, with reasons
22 for the recommended priorities, and other recommendations
23 which relate to the effectiveness of the educational
24 facilities construction program.

25 (b) All items in s. 1013.64.

26 Section 859. Section 1013.61, Florida Statutes, is
27 created to read:

28 1013.61 Annual capital outlay budget.--Each board
29 shall, each year, adopt a capital outlay budget for the
30 ensuing year in order that the capital outlay needs of the
31 board for the entire year may be well understood by the

1 public. This capital outlay budget shall be a part of the
2 annual budget and shall be based upon and in harmony with the
3 board's capital outlay 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. Each
7 district school board must prepare its tentative district
8 facilities work program as required by s. 1013.35 before
9 adopting the capital outlay budget.

10 Section 860. Section 1013.62, Florida Statutes, is
11 created to read:

12 1013.62 Charter schools capital outlay funding.--

13 (1) In each year in which funds are appropriated for
14 charter school capital outlay purposes, the Commissioner of
15 Education shall allocate the funds among eligible charter
16 schools. To be eligible for a funding allocation, a charter
17 school must meet the provisions of subsection (6), must have
18 received final approval from its sponsor pursuant to s.
19 1002.33 for operation during that fiscal year, and must serve
20 students in facilities that are not provided by the charter
21 school's sponsor. Prior to the release of capital outlay funds
22 to a school district on behalf of the charter school, the
23 Department of Education shall ensure that the district school
24 board and the charter school governing board enter into a
25 written agreement that includes provisions for the reversion
26 of any unencumbered funds and all equipment and property
27 purchased with public education funds to the ownership of the
28 district school board, as provided for in subsection (3), in
29 the event that the school terminates operations. Any funds
30 recovered by the state shall be deposited in the General
31 Revenue Fund. A charter school is not eligible for a funding

1 allocation if it was created by the conversion of a public
 2 school and operates in facilities provided by the charter
 3 school's sponsor for a nominal fee or at no charge or if it is
 4 directly or indirectly operated by the school district. Unless
 5 otherwise provided in the General Appropriations Act, the
 6 funding allocation for each eligible charter school shall be
 7 determined by multiplying the school's projected student
 8 enrollment by one-fifteenth of the cost-per-student station
 9 specified in s. 1013.64(6)(b) for an elementary, middle, or
 10 high school, as appropriate. If the funds appropriated are not
 11 sufficient, the commissioner shall prorate the available funds
 12 among eligible charter schools. Funds shall be distributed on
 13 the basis of the capital outlay full-time equivalent
 14 membership by grade level, which shall be calculated by
 15 averaging the results of the second and third enrollment
 16 surveys. The Department of Education shall distribute capital
 17 outlay funds monthly, beginning in the first quarter of the
 18 fiscal year, based on one-twelfth of the amount the department
 19 reasonably expects the charter school to receive during that
 20 fiscal year. The commissioner shall adjust subsequent
 21 distributions as necessary to reflect each charter school's
 22 actual student enrollment as reflected in the second and third
 23 enrollment surveys. The commissioner shall establish the
 24 intervals and procedures for determining the projected and
 25 actual student enrollment of eligible charter schools.

26 (2) A charter school's governing body may use charter
 27 school capital outlay funds for any capital outlay purpose
 28 that is directly related to the functioning of the charter
 29 school, including the:

30 (a) Purchase of real property.
 31

1 (b) Construction, renovation, repair, and maintenance
2 of school facilities.

3 (c) Purchase, lease-purchase, or lease of permanent or
4 relocatable school facilities.

5 (d) Purchase of vehicles to transport students to and
6 from the charter school.

7 (3) When a charter school is nonrenewed or terminated,
8 any unencumbered funds and all equipment and property
9 purchased with district public funds shall revert to the
10 ownership of the district school board, as provided for in s.
11 1002.33(8)(e) and (f). In the case of a charter lab school,
12 any unencumbered funds and all equipment and property
13 purchased with university public funds shall revert to the
14 ownership of the state university that issued the charter. The
15 reversion of such equipment, property, and furnishings shall
16 focus on recoverable assets, but not on intangible or
17 irrecoverable costs such as rental or leasing fees, normal
18 maintenance, and limited renovations. The reversion of all
19 property secured with public funds is subject to the complete
20 satisfaction of all lawful liens or encumbrances. If there are
21 additional local issues such as the shared use of facilities
22 or partial ownership of facilities or property, these issues
23 shall be agreed to in the charter contract prior to the
24 expenditure of funds.

25 (4) The Commissioner of Education shall specify
26 procedures for submitting and approving requests for funding
27 under this section and procedures for documenting
28 expenditures.

29 (5) The annual legislative budget request of the
30 Department of Education shall include a request for capital
31 outlay funding for charter schools. The request shall be based

1 on the projected number of students to be served in charter
2 schools who meet the eligibility requirements of this section.

3 (6) Unless authorized otherwise by the Legislature,
4 allocation and proration of charter school capital outlay
5 funds shall be made to eligible charter schools by the
6 Commissioner of Education in an amount and in a manner
7 authorized by subsection (1).

8 Section 861. Section 1013.63, Florida Statutes, is
9 created to read:

10 1013.63 University Concurrency Trust
11 Fund.--Notwithstanding any other provision of law, the general
12 revenue service charge deducted pursuant to s. 215.20 on
13 revenues raised by any local option motor fuel tax levied
14 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
15 Laws of Florida, shall be deposited in the University
16 Concurrency Trust Fund, which is administered by the State
17 Board of Education. Moneys in such trust fund shall be for the
18 purpose of funding university offsite improvements required to
19 meet concurrency standards adopted under part II of chapter
20 163. In addition, in any year in which campus master plans are
21 updated pursuant to s. 1013.30, but no more frequently than
22 once every 5 years, up to 25 percent of the balance in the
23 trust fund for that year may be used to defray the costs
24 incurred in updating those campus master plans.

25 Section 862. Section 1013.64, Florida Statutes, is
26 created to read:

27 1013.64 Funds for comprehensive educational plant
28 needs; construction cost maximums for school district capital
29 projects.--Allocations from the Public Education Capital
30 Outlay and Debt Service Trust Fund to the various boards for
31 capital outlay projects shall be determined as follows:

1 (1)(a) Funds for remodeling, renovation, maintenance,
2 repairs, and site improvement for existing satisfactory
3 facilities shall be given priority consideration by the
4 Legislature for appropriations allocated to the boards from
5 the total amount of the Public Education Capital Outlay and
6 Debt Service Trust Fund appropriated. These funds shall be
7 calculated pursuant to the following basic formula: the
8 building value times the building age over the sum of the
9 years' digits assuming a 50-year building life. For
10 relocatable facilities, a 20-year life shall be used.
11 "Building value" is calculated by multiplying each building's
12 total assignable square feet times the appropriate
13 net-to-gross conversion rate found in state board rules and
14 that product times the current average new construction cost.
15 "Building age" is calculated by multiplying the prior year's
16 building age times 1 minus the prior year's sum received from
17 this subsection divided by the prior year's building value. To
18 the net result shall be added the number 1. Each board shall
19 receive the percentage generated by the preceding formula of
20 the total amount appropriated for the purposes of this
21 section.
22 (b) Each board is prohibited from using the funds
23 received pursuant to this section to supplant funds in the
24 current fiscal year approved operating budget, and all
25 budgeted funds shall be expended at a rate not less than would
26 have been expended had the funds under this section not been
27 received.
28 (c) Each remodeling, renovation, maintenance, repair,
29 or site improvement project will expand or upgrade current
30 educational plants to prolong the useful life of the plant.
31

1 (d) Each board shall maintain fund accounting in a
2 manner which will permit a detailed audit of the funds
3 expended in this program.

4 (e) Remodeling projects shall be based on the
5 recommendations of a survey pursuant to s. 1013.31.

6 (f) At least one-tenth of a board's annual allocation
7 provided under this section shall be spent to correct unsafe,
8 unhealthy, or unsanitary conditions in its educational
9 facilities, as required by s. 1013.12, or a lesser amount
10 sufficient to correct all deficiencies cited in its annual
11 comprehensive safety inspection reports. This paragraph shall
12 not be construed to limit the amount a board may expend to
13 correct such deficiencies.

14 (g) When an existing educational plant is determined
15 to be unsatisfactory pursuant to the survey conducted under s.
16 1013.31, the board may, by resolution, designate the plant as
17 a historic educational facility and may use funds generated
18 for renovation and remodeling pursuant to this section to
19 restore the facility for use by the board. The board shall
20 agree to pay renovation and remodeling costs in excess of
21 funds which such facility would have generated through the
22 depreciation formula in paragraph (a) had the facility been
23 determined to be satisfactory. The board shall further agree
24 that the plant shall continue to house students. The board may
25 designate a plant as a historic educational facility only if
26 the Division of Historical Resources of the Department of
27 State or the appropriate historic preservation board under
28 chapter 266 certifies that:

29 1. The plant is listed or determined eligible for
30 listing in the National Register of Historic Places pursuant
31

1 to the National Historic Preservation Act of 1966, as amended,
2 16 U.S.C. s. 470;

3 2. The plant is designated historic within a certified
4 local district pursuant to s. 48(9)(3)(B)(ii) of the Internal
5 Revenue Code; or

6 3. The division or historic preservation board
7 otherwise finds that the plant is historically significant.

8 (h) University boards of trustees may utilize funds
9 appropriated pursuant to this section for replacement of minor
10 facilities provided that such projects do not exceed \$1
11 million in cost or 10,000 gross square feet in size. Minor
12 facilities may not be replaced from funds provided pursuant to
13 this section unless the board determines that the cost of
14 repair or renovation is greater than or equal to the cost of
15 replacement.

16 (2)(a) The department shall establish, as a part of
17 the Public Education Capital Outlay and Debt Service Trust
18 Fund, a separate account, in an amount determined by the
19 Legislature, to be known as the "Special Facility Construction
20 Account." The Special Facility Construction Account shall be
21 used to provide necessary construction funds to school
22 districts which have urgent construction needs but which lack
23 sufficient resources at present, and cannot reasonably
24 anticipate sufficient resources within the period of the next
25 3 years, for these purposes from currently authorized sources
26 of capital outlay revenue. A school district requesting
27 funding from the Special Facility Construction Account shall
28 submit one specific construction project, not to exceed one
29 complete educational plant, to the Special Facility
30 Construction Committee. No district shall receive funding for
31 more than one approved project in any 3-year period. The first

1 year of the 3-year period shall be the first year a district
2 receives an appropriation. The department shall encourage a
3 construction program that reduces the average size of schools
4 in the district. The request must meet the following criteria
5 to be considered by the committee:

6 1. The project must be deemed a critical need and must
7 be recommended for funding by the Special Facility
8 Construction Committee. Prior to developing plans for the
9 proposed facility, the district school board must request a
10 preapplication review by the Special Facility Construction
11 Committee or a project review subcommittee convened by the
12 committee to include two representatives of the department and
13 two staff from school districts not eligible to participate in
14 the program. Within 60 days after receiving the preapplication
15 review request, the committee or subcommittee must meet in the
16 school district to review the project proposal and existing
17 facilities. To determine whether the proposed project is a
18 critical need, the committee or subcommittee shall consider,
19 at a minimum, the capacity of all existing facilities within
20 the district as determined by the Florida Inventory of School
21 Houses; the district's pattern of student growth; the
22 district's existing and projected capital outlay full-time
23 equivalent student enrollment as determined by the department;
24 the district's existing satisfactory student stations; the use
25 of all existing district property and facilities; grade level
26 configurations; and any other information that may affect the
27 need for the proposed project.

28 2. The construction project must be recommended in the
29 most recent survey or surveys by the district under the rules
30 of the State Board of Education.

31

1 3. The construction project must appear on the
2 district's approved project priority list under the rules of
3 the State Board of Education.

4 4. The district must have selected and had approved a
5 site for the construction project in compliance with s.
6 1013.36 and the rules of the State Board of Education.

7 5. The district shall have developed a district school
8 board adopted list of facilities that do not exceed the norm
9 for net square feet occupancy requirements under the State
10 Requirements for Educational Facilities, using all possible
11 programmatic combinations for multiple use of space to obtain
12 maximum daily use of all spaces within the facility under
13 consideration.

14 6. Upon construction, the total cost per student
15 station, including change orders, must not exceed the cost per
16 student station as provided in subsection (6).

17 7. There shall be an agreement signed by the district
18 school board stating that it will advertise for bids within 30
19 days of receipt of its encumbrance authorization from the
20 department.

21 8. The district shall, at the time of the request and
22 for a continuing period of 3 years, levy the maximum millage
23 against their nonexempt assessed property value as allowed in
24 s. 1011.71(2) or shall raise an equivalent amount of revenue
25 from the school capital outlay surtax authorized under s.
26 212.055(6). Any district with a new or active project, funded
27 under the provisions of this subsection, shall be required to
28 budget no more than the value of 1.5 mills per year to the
29 project to satisfy the annual participation requirement in the
30 Special Facility Construction Account.

31

1 9. If a contract has not been signed 90 days after the
2 advertising of bids, the funding for the specific project
3 shall revert to the Special Facility New Construction Account
4 to be reallocated to other projects on the list. However, an
5 additional 90 days may be granted by the commissioner.

6 10. The department shall certify the inability of the
7 district to fund the survey-recommended project over a
8 continuous 3-year period using projected capital outlay
9 revenue derived from s. 9(d), Art. XII of the State
10 Constitution, as amended, paragraph (3)(a) of this section,
11 and s. 1011.71(2).

12 11. The district shall have on file with the
13 department an adopted resolution acknowledging its 3-year
14 commitment of all unencumbered and future revenue acquired
15 from s. 9(d), Art. XII of the State Constitution, as amended,
16 paragraph (3)(a) of this section, and s. 1011.71(2).

17 12. Final phase III plans must be certified by the
18 board as complete and in compliance with the building and life
19 safety codes prior to August 1.

20 (b) The Special Facility Construction Committee shall
21 be composed of the following: two representatives of the
22 Department of Education, a representative from the Governor's
23 office, a representative selected annually by the district
24 school boards, and a representative selected annually by the
25 superintendents.

26 (c) The committee shall review the requests submitted
27 from the districts, evaluate the ability of the project to
28 relieve critical needs, and rank the requests in priority
29 order. This statewide priority list for special facilities
30 construction shall be submitted to the Legislature in the
31

1 commissioner's annual capital outlay legislative budget
2 request at least 45 days prior to the legislative session.

3 (3)(a) Each district school board shall receive an
4 amount from the Public Education Capital Outlay and Debt
5 Service Trust Fund to be calculated by computing the capital
6 outlay full-time equivalent membership as determined by the
7 department. Such membership must include, but is not limited
8 to:

9 1. K-12 students, except hospital and homebound
10 part-time students; and

11 2. Students who are career and technical education
12 students, and adult disabled students and who are enrolled in
13 school district technical centers. The capital outlay
14 full-time equivalent membership shall be determined for
15 kindergarten through the 12th grade and for technical centers
16 by averaging the unweighted full-time equivalent student
17 membership for the second and third surveys and comparing the
18 results on a school-by-school basis with the Florida Inventory
19 for School Houses. The capital outlay full-time equivalent
20 membership by grade level organization shall be used in making
21 the following calculations: The capital outlay full-time
22 equivalent membership by grade level organization for the 4th
23 prior year must be used to compute the base-year allocation.
24 The capital outlay full-time equivalent membership by
25 grade-level organization for the prior year must be used to
26 compute the growth over the highest of the 3 years preceding
27 the prior year. From the total amount appropriated by the
28 Legislature pursuant to this subsection, 40 percent shall be
29 allocated among the base capital outlay full-time equivalent
30 membership and 60 percent among the growth capital outlay
31 full-time equivalent membership. The allocation within each of

1 these groups shall be prorated to the districts based upon
 2 each district's percentage of base and growth capital outlay
 3 full-time membership. The most recent 4-year capital outlay
 4 full-time equivalent membership data shall be used in each
 5 subsequent year's calculation for the allocation of funds
 6 pursuant to this subsection. If a change, correction, or
 7 recomputation of data during any year results in a reduction
 8 or increase of the calculated amount previously allocated to a
 9 district, the allocation to that district shall be adjusted
 10 correspondingly. If such recomputation results in an increase
 11 or decrease of the calculated amount, such additional or
 12 reduced amounts shall be added to or reduced from the
 13 district's future appropriations. However, no change,
 14 correction, or recomputation of data shall be made subsequent
 15 to 2 years following the initial annual allocation.

16 (b) Funds accruing to a district school board from the
 17 provisions of this section shall be expended on needed
 18 projects as shown by survey or surveys under the rules of the
 19 State Board of Education.

20 (c) A district school board may lease relocatable
 21 educational facilities for up to 3 years using nonbonded PECO
 22 funds and for any time period using local capital outlay
 23 millage.

24 (d) Funds distributed to the district school boards
 25 shall be allocated solely based on the provisions of
 26 paragraphs (1)(a) and (2)(a) and paragraph (a) of this
 27 subsection. No individual school district projects shall be
 28 funded off the top of funds allocated to district school
 29 boards.

30 (4)(a) Community college boards of trustees and
 31 university boards of trustees shall receive funds for projects

1 based on a 3-year priority list, to be updated annually, which
2 is submitted to the Legislature in the legislative budget
3 request at least 90 days prior to the legislative session. The
4 State Board of Education shall submit a 3-year priority list
5 for community colleges and a 3-year priority list for
6 universities. The lists shall reflect decisions by the State
7 Board of Education concerning program priorities that
8 implement the statewide plan for program growth and quality
9 improvement in education. No remodeling or renovation project
10 shall be included on the 3-year priority list unless the
11 project has been recommended pursuant to s. 1013.31 or is for
12 the purpose of correcting health and safety deficiencies. No
13 new construction project shall be included on the first year
14 of the 3-year priority list unless the educational
15 specifications have been approved by the commissioner for a
16 community college or university project, as applicable. The
17 funds requested for a new construction project in the first
18 year of the 3-year priority list shall be in conformance with
19 the scope of the project as defined in the educational
20 specifications. Any new construction project requested in the
21 first year of the 3-year priority list which is not funded by
22 the Legislature shall be carried forward to be listed first in
23 developing the updated 3-year priority list for the subsequent
24 year's capital outlay budget. Should the order of the priority
25 of the projects change from year to year, a justification for
26 such change shall be included with the updated priority list.

27 (b) Community college boards of trustees and
28 university boards of trustees may lease relocatable
29 educational facilities for up to 3 years using nonbonded PECO
30 funds.

31

1 (c) Community college boards of trustees and
2 university boards of trustees shall receive funds for
3 remodeling, renovation, maintenance and repairs, and site
4 improvement for existing satisfactory facilities pursuant to
5 subsection (1).

6 (5) District school boards shall identify each fund
7 source and the use of each proportionate to the project cost,
8 as identified in the bid document, to assure compliance with
9 this section. The data shall be submitted to the department,
10 which shall track this information as submitted by the boards.
11 PECO funds shall not be expended as indicated in the
12 following:

13 (a) District school boards shall provide landscaping
14 by local funding sources or initiatives. District school
15 boards are exempt from local landscape ordinances but may
16 comply with the local requirements if such compliance is less
17 costly than compliance with the landscape requirements of the
18 State Uniform Building Code for Public Educational Facilities.

19 (b) PECO funds shall not be used for the construction
20 of football fields, bleachers, site lighting for athletic
21 facilities, tennis courts, stadiums, racquetball courts, or
22 any other competition-type facilities not required for
23 physical education curriculum. Regional or intradistrict
24 football stadiums may be constructed with these funds provided
25 a minimum of two high schools and two middle schools are
26 assigned to the facility and the stadiums are survey
27 recommended. Sophisticated auditoria shall be limited to
28 magnet performing arts schools, with all other schools using
29 basic lighting and sound systems as determined by rule. Local
30 funds shall be used for enhancement of athletic and performing
31 arts facilities.

1 (6)(a) Each district school board must meet all
 2 educational plant space needs of its elementary, middle, and
 3 high schools before spending funds from the Public Education
 4 Capital Outlay and Debt Service Trust Fund or the School
 5 District and Community College District Capital Outlay and
 6 Debt Service Trust Fund for any ancillary plant or any other
 7 new construction, renovation, or remodeling of ancillary
 8 space. Expenditures to meet such space needs may include
 9 expenditures for site acquisition; new construction of
 10 educational plants; renovation, remodeling, and maintenance
 11 and repair of existing educational plants, including auxiliary
 12 facilities; and the directly related costs of such services of
 13 school district personnel. It is not the intent of the
 14 Legislature to preclude the use of capital outlay funding for
 15 the labor costs necessary to accomplish the authorized uses
 16 for the capital outlay funding. Day-labor contracts or any
 17 other educational facilities contracting and construction
 18 techniques pursuant to s. 1013.45 are authorized.
 19 Additionally, if a school district has salaried maintenance
 20 staff whose duties consist solely of performing the labor
 21 necessary to accomplish the authorized uses for the capital
 22 outlay funding, such funding may be used for those salaries;
 23 however, if a school district has salaried staff whose duties
 24 consist partially of performing the labor necessary to
 25 accomplish the authorized uses for the capital outlay funding,
 26 the district shall prorate the portion of salary of each such
 27 employee that is based on labor for authorized capital outlay
 28 funding, and such funding may be used to pay that portion.

29 (b)1. A district school board must not use funds from
 30 the Public Education Capital Outlay and Debt Service Trust
 31 Fund or the School District and Community College District

1 Capital Outlay and Debt Service Trust Fund for any new
2 construction of educational plant space with a total cost per
3 student station, including change orders, that equals more
4 than:

5 a. \$11,600 for an elementary school,

6 b. \$13,300 for a middle school, or

7 c. \$17,600 for a high school,

8

9 (1997) as adjusted annually by the Consumer Price Index.

10 2. A district school board must not use funds from the
11 Public Education Capital Outlay and Debt Service Trust Fund or
12 the School District and Community College District Capital
13 Outlay and Debt Service Trust Fund for any new construction of
14 an ancillary plant that exceeds 70 percent of the average cost
15 per square foot of new construction for all schools.

16 (c) Except as otherwise provided, new construction
17 initiated by a district school board after June 30, 1997, must
18 not exceed the cost per student station as provided in
19 paragraph (b).

20 (d) The department shall compute for each calendar
21 year the statewide average construction costs for facilities
22 servicing each instructional level, for relocatable educational
23 facilities, for administrative facilities, and for other
24 ancillary and auxiliary facilities. The department shall
25 compute the statewide average costs per student station for
26 each instructional level. Cost per student station includes
27 contract costs, legal and administrative costs, fees of
28 architects and engineers, furniture and equipment, and site
29 improvement costs. Cost per student station does not include
30 the cost of purchasing or leasing the site for the
31 construction or the cost of related offsite improvements.

1 (e) The restrictions of this subsection on the cost
2 per student station of new construction do not apply to a
3 project funded entirely from proceeds received by districts
4 through provisions of ss. 212.055 and 1011.73 and s. 9, Art.
5 VII of the State Constitution, if the school board approves
6 the project by majority vote.

7 Section 863. Section 1013.65, Florida Statutes, is
8 created to read:

9 1013.65 Educational and ancillary plant construction
10 funds; Public Education Capital Outlay and Debt Service Trust
11 Fund; allocation of funds.--

12 (1) The commissioner, through the department, shall
13 administer the Public Education Capital Outlay and Debt
14 Service Trust Fund. The commissioner shall allocate or
15 reallocate funds as authorized by the Legislature. Copies of
16 each allocation or reallocation shall be provided to members
17 of the State Board of Education and to the chairs of the House
18 of Representatives and Senate appropriations committees. The
19 commissioner shall provide for timely encumbrances of funds
20 for duly authorized projects. Encumbrances may include
21 proceeds to be received under a resolution approved by the
22 State Board of Education authorizing the issuance of public
23 education capital outlay bonds pursuant to s. 9(a)(2), Art.
24 XII of the State Constitution, s. 215.61, and other applicable
25 law. The commissioner shall provide for the timely
26 disbursement of moneys necessary to meet the encumbrance
27 authorizations of the boards. Records shall be maintained by
28 the department to identify legislative appropriations,
29 allocations, encumbrance authorizations, disbursements,
30 transfers, investments, sinking funds, and revenue receipts by
31 source. The Department of Education shall pay the

1 administrative costs of the Public Education Capital Outlay
2 and Debt Service Trust Fund from the funds which comprise the
3 trust fund.

4 (2)(a) The Public Education Capital Outlay and Debt
5 Service Trust Fund shall be comprised of the following
6 sources, which are hereby appropriated to the trust fund:

7 1. Proceeds, premiums, and accrued interest from the
8 sale of public education bonds and that portion of the
9 revenues accruing from the gross receipts tax as provided by
10 s. 9(a)(2), Art. XII of the State Constitution, as amended,
11 interest on investments, and federal interest subsidies.

12 2. General revenue funds appropriated to the fund for
13 educational capital outlay purposes.

14 3. All capital outlay funds previously appropriated
15 and certified forward pursuant to s. 216.301.

16 (b) Any funds required by law to be segregated or
17 maintained in separate accounts shall be segregated or
18 maintained in such manner that the relationship between
19 program and revenue source is retained. Nothing in this
20 subsection shall be construed so as to limit the use by the
21 Public Education Capital Outlay and Debt Service Trust Fund of
22 the resources of funds so segregated or maintained.

23 (3) Upon the request of each board, the department
24 shall distribute to the board an amount sufficient to cover
25 capital outlay disbursements anticipated from encumbrance
26 authorizations for the following month. For projects costing
27 in excess of \$50,000, contracts shall be approved and signed
28 before any disbursements are authorized.

29 (4) The department may authorize each board to enter
30 into contracts for a period exceeding 1 year, within amounts
31 appropriated and budgeted for fixed capital outlay needs; but

1 any contract so made shall be executory only for the value of
2 the services to be rendered, or agreed to be paid for, in
3 succeeding fiscal years. This subsection shall be incorporated
4 verbatim in all executory contracts of a board.

5 (5) No board shall, during any fiscal year, expend any
6 money, incur any liability, or enter into any contract which,
7 by its terms, involves expenditure of money in excess of the
8 amounts appropriated and budgeted or in excess of the cash
9 that will be available to meet the disbursement requirements.
10 Prior to entering into an executory, or any other, contract, a
11 board shall obtain certification from the department that
12 moneys will be available to meet the disbursement
13 requirements. Any contract, verbal or written, made in
14 violation of this subsection shall be null and void, and no
15 payment shall be made thereon.

16 (6) The State Board of Administration is authorized to
17 invest the trust funds of any state-supported retirement
18 system, and any other state funds available for loans, to the
19 trust fund at a rate of interest that is no less favorable
20 than would have been received had such moneys been invested in
21 accordance with authorized practices.

22 (7) Boards and entities authorized to participate in
23 the trust fund are district school boards, the community
24 college boards of trustees, the Trustees of the Florida School
25 for the Deaf and the Blind, and university boards of trustees
26 and other units of the state system of public education, and
27 other educational entities defined in s. 228.041 for which
28 funds are authorized by the Legislature.

29 (8) The department shall make a monthly report, by
30 project, of requests for encumbrance authorization from each
31 agency. Each project shall be tracked in the following manner:

1 (a) The date the request is received;
2 (b) The anticipated encumbrance date requested by the
3 agency;
4 (c) The date the project is eligible for encumbrance
5 authorization; and
6 (d) The date the encumbrance authorization is issued.
7 (9) The department shall make a monthly report:
8 (a) Showing the amount of cash disbursed to the agency
9 from each appropriated allocation and the amount of cash
10 disbursed by the agency to vendors or contractors from each
11 appropriated allocation, by month.
12 (b) Showing updated adjustments to the budget fiscal
13 year forecast for appropriations, encumbrances, disbursements,
14 and cash available for encumbrance status.
15 Section 864. Section 1013.66, Florida Statutes, is
16 created to read:
17 1013.66 Financing of approved capital projects.--
18 (1) Capital projects are to be financed in accordance
19 with s. 9(a)(2), Art. XII of the State Constitution, as
20 amended, or from other legally available state funds or
21 grants, donations, or matching funds, or by a combination of
22 such funds.
23 (2) The sum designated annually by the Legislature is
24 the maximum sum to be expended from funds accruing under s.
25 9(a)(2), Art. XII of the State Constitution, as amended, and
26 from funds accruing under s. 1013.65(2). However, funds
27 appropriated from this source and remaining unexpended from
28 previously authorized capital projects, along with grants,
29 donations, and matching funds from other sources, may be added
30 to such maximum sums for any item or category.
31

1 (3) No transfers between appropriations shall be made
2 without prior approval under the provisions of chapter 216.

3 (4) To the extent that appropriations authority for
4 entitlements from previous years was used for advanced
5 funding, that authority is hereby restored to the projects for
6 which appropriations were made by the Legislature in those
7 previous years.

8 Section 865. Section 1013.67, Florida Statutes, is
9 created to read:

10 1013.67 Commissioner to provide for encumbrances of
11 funds.--The Commissioner of Education shall provide for timely
12 encumbrances of funds for duly authorized projects.
13 Encumbrances may include proceeds to be received under a
14 resolution approved by the State Board of Education
15 authorizing the issuance of 1997 school capital outlay bonds
16 pursuant to s. 11(d), Art. VII of the State Constitution, s.
17 1013.70, and other applicable law.

18 Section 866. Section 1013.68, Florida Statutes, is
19 created to read:

20 1013.68 Classrooms First Program; uses.--

21 (1) The Commissioner of Education shall allocate funds
22 appropriated for the Classrooms First Program among the
23 district school boards. It is the intent of the Legislature
24 that this program be administered as nearly as practicable in
25 the same manner as the capital outlay program authorized under
26 s. 9(d), Art. XII of the State Constitution. Each district
27 school board's share of the annual appropriation for the
28 Classrooms First Program must be calculated according to the
29 following formula, but the share of each district shall, at a
30 minimum, be at least equal to the amount required for all
31

1 payments of the district relating to bonds issued by the state
2 on its behalf:

3 (a) Twenty-five percent of the appropriation shall be
4 prorated to the districts based on each district's percentage
5 of base capital outlay full-time equivalent membership; and 65
6 percent shall be based on each district's percentage of growth
7 capital outlay full-time equivalent membership as specified
8 for the allocation of funds from the Public Education Capital
9 Outlay and Debt Service Trust Fund by s. 1013.64(3).

10 (b) Ten percent of the appropriation must be allocated
11 among district school boards according to the allocation
12 formula in s. 1013.64(1)(a).

13 (2) A district school board shall expend the funds
14 received pursuant to this section only to:

15 (a) Construct, renovate, remodel, repair, or maintain
16 educational facilities; or

17 (b) Pay debt service on bonds issued pursuant to this
18 section, the proceeds of which must be expended for new
19 construction, remodeling, renovation, and major repairs. Bond
20 proceeds shall be expended first for providing permanent
21 classroom facilities. Bond proceeds shall not be expended for
22 any other facilities until all unmet needs for permanent
23 classrooms and auxiliary facilities as defined in s. 1013.01
24 have been satisfied.

25
26 However, if more than 9 percent of a district's total square
27 feet is more than 50 years old, the district must spend at
28 least 25 percent of its allocation on the renovation, major
29 repair, or remodeling of existing schools, except that
30 districts with fewer than 10,000 full-time equivalent students
31 are exempt from this requirement.

1 (3) Each district school board that pledges moneys
 2 under paragraph (2)(b) shall notify the Department of
 3 Education of its election at a time set by the department. The
 4 Department of Education shall review the proposal of each
 5 district school board for compliance with this section and
 6 shall forward all approved proposals to the Division of Bond
 7 Finance with a request to issue bonds on behalf of the
 8 approved school districts. The Division of Bond Finance shall
 9 pool the pledges from all school districts making the election
 10 in that year and shall issue the bonds on behalf of the
 11 districts for a period not to exceed the distributions to be
 12 received under s. 24.121(2). The bonds must be issued in
 13 accordance with s. 11(d), Art. VII of the State Constitution,
 14 and each project to be constructed with the proceeds of bonds
 15 is hereby approved as provided in s. 11(f), Art. VII of the
 16 State Constitution. The bonds shall be issued pursuant to the
 17 State Bond Act to the extent not inconsistent with this
 18 section.

19 (4) Bonds issued under this section must be validated
 20 as prescribed by chapter 75. The complaint for the validation
 21 must be filed in the circuit court of the county where the
 22 seat of state government is situated; the notice required to
 23 be published by s. 75.06 must be published only in the county
 24 where the complaint is filed; and the complaint and order of
 25 the circuit court must be served only on the state attorney of
 26 the circuit in which the action is pending. The state
 27 covenants with holders of bonds issued under this section that
 28 it will not take any action that will materially and adversely
 29 affect the rights of such holders so long as such bonds are
 30 outstanding. The state does hereby additionally authorize the
 31 establishment of a covenant in connection with the bonds which

1 provides that any additional funds received by the state from
2 new or enhanced lottery programs, video gaming, or other
3 similar activities will first be available for payments
4 relating to bonds pledging revenues available pursuant to s.
5 24.121(2), prior to use for any other purpose.

6 (5) A school district may only receive a distribution
7 for use pursuant to paragraph (2)(a) if the district school
8 board certifies to the Commissioner of Education that the
9 district has no unmet need for permanent classroom facilities
10 in its 5-year capital outlay work plan. If the work plan
11 contains such unmet needs, the district must use its
12 distribution for the payment of bonds pursuant to paragraph
13 (2)(b). If the district does not require its full bonded
14 distribution to eliminate such unmet need, it may bond only
15 that portion of its allocation necessary to meet the needs.

16 Section 867. Section 1013.69, Florida Statutes, is
17 created to read:

18 1013.69 Full bonding required to participate in
19 programs.--Any district with unused bonding capacity in its
20 Capital Outlay and Debt Service Trust Fund allocation that
21 certifies in its district facilities work program that it will
22 not be able to meet all of its need for new student stations
23 within existing revenues must fully bond its Capital Outlay
24 and Debt Service Trust Fund allocation before it may
25 participate in Classrooms First, the School Infrastructure
26 Thrift (SIT) Program, or the Effort Index Grants Program.

27 Section 868. Section 1013.70, Florida Statutes, is
28 created to read:

29 1013.70 The 1997 School Capital Outlay Bond
30 Program.--There is hereby established the 1997 School Capital
31 Outlay Bond Program.

1 (1) The issuance of revenue bonds payable from the
2 first lottery revenues transferred to the Educational
3 Enhancement Trust Fund each fiscal year, as provided by s.
4 24.121(2), is authorized to finance or refinance the
5 construction, acquisition, reconstruction, or renovation of
6 educational facilities. Such bonds shall be issued pursuant to
7 and in compliance with the provisions of s. 11(d), Art. VII of
8 the State Constitution, the provisions of the State Bond Act,
9 ss. 215.57-215.83, as amended, and the provisions of this
10 section. The state does hereby covenant with the holders of
11 such revenue bonds that it will not take any action which will
12 materially and adversely affect the rights of such holders so
13 long as bonds authorized by this section are outstanding. The
14 state does hereby additionally authorize the establishment of
15 a covenant in connection with the bonds which provides that
16 any additional funds received by the state from new or
17 enhanced lottery programs, video gaming, or other similar
18 activities will first be available for payments relating to
19 bonds pledging revenues available pursuant to s. 24.121(2),
20 prior to use for any other purpose.

21 (2) The bonds shall be issued by the Division of Bond
22 Finance of the State Board of Administration on behalf of the
23 Department of Education in such amount as shall be requested
24 by resolution of the State Board of Education. However, debt
25 service and other amounts payable with respect to the bonds
26 issued pursuant to this section shall not exceed \$35 million
27 in any state fiscal year.

28 (3) Proceeds available from bond sales shall be
29 deposited in the Educational Enhancement Trust Fund within the
30 Department of Education.

31

1 (4) The facilities to be financed with the proceeds of
2 such bonds are designated as state fixed capital outlay
3 projects for purposes of s. 11(d), Art. VII of the State
4 Constitution and the specific facilities to be financed shall
5 be determined by the Department of Education in accordance
6 with state law and appropriations from the Educational
7 Enhancement Trust Fund. Each educational facility to be
8 financed with the proceeds of the bonds issued pursuant to
9 this section is hereby approved as required by s. 11(f), Art.
10 VII of the State Constitution.

11 (5) Bonds issued pursuant to this section shall be
12 validated in the manner provided by chapter 75. The complaint
13 for such validation shall be filed in the circuit court of the
14 county where the seat of state government is situated, the
15 notice required to be published by s. 75.06 shall be published
16 only in the county where the complaint is filed, and the
17 complaint and order of the circuit court shall be served only
18 on the state attorney of the circuit in which the action is
19 pending.

20 Section 869. Section 1013.71, Florida Statutes, is
21 created to read:

22 1013.71 Lottery Capital Outlay and Debt Service Trust
23 Fund.--

24 (1)(a) The Lottery Capital Outlay and Debt Service
25 Trust Fund is hereby created, to be administered by the
26 Department of Education. Funds shall be credited to the trust
27 fund from legislative appropriations and interest earnings.
28 The purpose of the trust fund is to maintain and account for
29 lottery funds appropriated for fixed capital outlay and debt
30 service separately from lottery funds appropriated for current
31 operations.

1 **(b) Notwithstanding the provisions of s. 216.301 and**
2 **pursuant to s. 216.351, any balance in the trust fund at the**
3 **end of any fiscal year shall remain in the trust fund and**
4 **shall be available for carrying out the purposes of the trust**
5 **fund.**

6 **(2) Lottery funds appropriated for fixed capital**
7 **outlay and debt service, along with any interest earned**
8 **thereon, shall be transferred from the Educational Enhancement**
9 **Trust Fund to the Lottery Capital Outlay and Debt Service**
10 **Trust Fund.**

11 **(3) Pursuant to the provisions of s. 19(f)(3), Art.**
12 **III of the State Constitution, the trust fund is not subject**
13 **to termination under s. 19(f)(2), Art. III of the State**
14 **Constitution.**

15 Section 870. Section 1013.72, Florida Statutes, is
16 created to read:

17 **1013.72 SIT Program award eligibility; maximum cost**
18 **per student station of educational facilities; frugality**
19 **incentives; recognition awards.--**

20 **(1) It is the intent of the Legislature that district**
21 **school boards that seek awards of SIT Program funds use due**
22 **diligence and sound business practices in the design,**
23 **construction, and use of educational facilities.**

24 **(2) A school district may seek an award from the SIT**
25 **Program, pursuant to this section and s. 1013.42, based on the**
26 **district's new construction of educational facilities if the**
27 **cost per student station is less than:**

28 **(a) \$11,600 for an elementary school,**

29 **(b) \$13,300 for a middle school, or**

30 **(c) \$17,600 for a high school,**

31

1 (1997) as adjusted annually by the Consumer Price Index. The
2 award shall be up to 50 percent of such savings, as
3 recommended by the Office of Educational Facilities and SMART
4 Schools Clearinghouse.

5 (3) A school district may seek a SMART school of the
6 year recognition award for building the highest quality
7 functional, frugal school. The commissioner may present a
8 trophy or plaque and a cash award to the school recommended by
9 the Office of Educational Facilities and SMART Schools
10 Clearinghouse for a SMART school of the year recognition
11 award.

12 Section 871. Section 1013.73, Florida Statutes, is
13 created to read:

14 1013.73 Effort index grants for school district
15 facilities.--

16 (1) The Legislature hereby allocates for effort index
17 grants the sum of \$300 million from the funds appropriated
18 from the Educational Enhancement Trust Fund by s. 46, chapter
19 97-384, Laws of Florida, contingent upon the sale of school
20 capital outlay bonds. From these funds, the Commissioner of
21 Education shall allocate to the four school districts deemed
22 eligible for an effort index grant by the SMART Schools
23 Clearinghouse the sums of \$7,442,890 to the Clay County School
24 District, \$62,755,920 to the Dade County School District,
25 \$1,628,590 to the Hendry County School District, and \$414,950
26 to the Madison County School District. The remaining funds
27 shall be allocated among the remaining district school boards
28 that qualify for an effort index grant by meeting the local
29 capital outlay effort criteria in paragraph (a) or paragraph
30 (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

1 (a) Twenty-five percent of the appropriation shall be
2 prorated to the districts based on each district's percentage
3 of base capital outlay full-time-equivalent membership; and 65
4 percent shall be based on each district's percentage of growth
5 capital outlay full-time-equivalent membership as specified
6 for the allocation of funds from the Public Education Capital
7 Outlay and Debt Service Trust Fund by s. 1013.64(3).

8 (b) Ten percent of the appropriation must be allocated
9 among district school boards according to the allocation
10 formula in s. 1013.64(1)(a).

11 (3) A district school board shall expend the funds
12 received under this section only to:

13 (a) Construct, renovate, remodel, repair, or maintain
14 educational facilities; or

15 (b) Pay debt service on bonds issued under this
16 section, the proceeds of which must be expended for new
17 construction, remodeling, renovation, and major repairs. Bond
18 proceeds shall be expended first for providing permanent
19 classroom facilities and related auxiliary facilities. Bond
20 proceeds may not be expended for any other facilities until
21 all unmet needs for permanent classrooms and auxiliary
22 facilities as defined in s. 1013.01 have been satisfied.

23
24 However, if more than 9 percent of a district's total square
25 feet is more than 50 years old, the district must spend at
26 least 25 percent of its allocation on the renovation, major
27 repair, or remodeling of existing schools, except that
28 districts having fewer than 10,000 full-time equivalent
29 students are exempt from this requirement.

30 (4) Each district school board that pledges moneys
31 under paragraph (3)(b) shall notify the Department of

1 Education of its election at a time set by the department. The
2 Department of Education shall review the proposal of each
3 district school board for compliance with this section and
4 shall forward all approved proposals to the Division of Bond
5 Finance with a request to issue bonds on behalf of the
6 approved school districts.

7 (5) A district school board that chooses to pledge
8 allocations from the Classrooms First Program for the issuance
9 of bonds must encumber those bond proceeds before pledging
10 funds for the payment of debt service on bonds issued pursuant
11 to this section.

12 (6) A school district may receive a distribution for
13 use pursuant to paragraph (3)(a) only if the district school
14 board certifies to the Commissioner of Education that the
15 district has no unmet need for permanent classroom facilities
16 in its 5-year capital outlay work plan. If the work plan
17 contains such unmet needs, the district must use its
18 distribution for the payment of bonds under paragraph (2)(b).
19 If the district does not require its full bonded distribution
20 to eliminate such unmet needs, it may bond only that portion
21 of its allocation necessary to meet the needs.

22 Section 872. Section 1013.74, Florida Statutes, is
23 created to read:

24 1013.74 University authorization for fixed capital
25 outlay projects.--

26 (1) Notwithstanding the provisions of chapter 216,
27 including s. 216.351, a university may accomplish fixed
28 capital outlay projects consistent with the provisions of this
29 section. Projects authorized by this section shall not require
30 educational plant survey approval as prescribed in chapter
31 235.

1 (2) The following types of projects may be
2 accomplished pursuant to this section:

3 (a) Construction of any new buildings, or remodeling
4 of existing buildings, when funded from nonstate sources such
5 as federal grant funds, private gifts, grants, or lease
6 arrangements if such grants or gifts are given for the
7 specific purpose of construction;

8 (b) The replacement of any buildings destroyed by fire
9 or other calamity;

10 (c) Construction of projects financed as provided in
11 ss. 1010.60-1010.619 or 1013.71;

12 (d) Construction of new facilities or remodeling of
13 existing facilities to meet needs for research, provided that
14 such projects are financed pursuant to s. 1004.22; or

15 (e) Construction of facilities or remodeling of
16 existing facilities to meet needs as determined by the
17 university, provided that the amount of funds for any such
18 project does not exceed \$1 million, and the trust funds, other
19 than the funds used to accomplish projects contemplated in
20 this subsection, are authorized and available for such
21 purposes.

22 (3) Other than those projects currently authorized, no
23 project proposed by a university which is to be funded from
24 Capital Improvement Trust Fund fees or building fees shall be
25 submitted to the State Board of Education for approval without
26 prior consultation with the student government association of
27 that university. The State Board of Education shall promulgate
28 rules which are consistent with this requirement.

29 (4) The university board of trustees shall, in
30 consultation with local and state emergency management
31 agencies, assess existing facilities to identify the extent to

1 which each campus has public hurricane evacuation shelter
 2 space. The board shall submit to the Governor and the
 3 Legislature by August 1 of each year a 5-year capital
 4 improvements program that identifies new or retrofitted
 5 facilities that will incorporate enhanced hurricane resistance
 6 standards and that can be used as public hurricane evacuation
 7 shelters. Enhanced hurricane resistance standards include
 8 fixed passive protection for window and door applications to
 9 provide mitigation protection, security protection with
 10 egress, and energy efficiencies that meet standards required
 11 in the 130-mile-per-hour wind zone areas. The board must also
 12 submit proposed facility retrofit projects to the Department
 13 of Community Affairs for assessment and inclusion in the
 14 annual report prepared in accordance with s. 252.385(3). Until
 15 a regional planning council region in which a campus is
 16 located has sufficient public hurricane evacuation shelter
 17 space, any campus building for which a design contract is
 18 entered into subsequent to July 1, 2001, and which has been
 19 identified by the board, with the concurrence of the local
 20 emergency management agency or the Department of Community
 21 Affairs, to be appropriate for use as a public hurricane
 22 evacuation shelter, must be constructed in accordance with
 23 public shelter standards.

24 Section 873. Section 1013.75, Florida Statutes, is
 25 created to read:

26 1013.75 Cooperative funding of career and technical
 27 educational facilities.--

28 (1) Each district school board operating a designated
 29 technical center may submit, prior to August 1 of each year, a
 30 request to the commissioner for funds from the Public
 31 Education Capital Outlay and Debt Service Trust Fund to plan,

1 construct, and equip a career and technical educational
2 facility identified as being critical to the economic
3 development and the workforce needs of the school district.
4 Prior to submitting a request, each school district shall:

5 (a) Adopt and submit to the commissioner a resolution
6 indicating its commitment to fund the planning, construction,
7 and equipping of the proposed facility at 40 percent of the
8 requested project amount. The resolution shall also designate
9 the locale of the proposed facility. If funds from a private
10 or noneducational public entity are to be committed to the
11 project, then a joint resolution shall be required.

12 (b) Except as provided in paragraph (5)(b), levy the
13 maximum millage against the nonexempt assessed property value
14 as provided in s. 1011.71(2).

15 (c) Certify to the Office of Workforce and Economic
16 Development that the project has been survey recommended.

17 (d) Certify to the Office of Workforce and Economic
18 Development that final phase III construction documents comply
19 with applicable building codes and life safety codes.

20 (e) Sign an agreement that the district school board
21 shall advertise for bids within 90 days of receiving an
22 encumbrance authorization from the department.

23 (f) If a construction contract has not been signed 90
24 days after the advertising of bids, certify to the Office of
25 Workforce and Economic Development and the department the
26 cause for delay. Upon request, an additional 90 days may be
27 granted by the commissioner.

28 (2) The Office of Workforce and Economic Development
29 shall establish the need for additional career and technical
30 education programs and the continuation of existing programs
31 before facility construction or renovation related to career

1 and technical education can be included in the educational
2 plant survey. Information used by the Office of Workforce and
3 Economic Development to establish facility needs shall
4 include, but not be limited to, labor market needs analysis
5 and information submitted by the school districts.

6 (3) The total cost of the proposed facility shall be
7 determined by the district school board using established
8 state board averages for determining new construction cost.

9 (4)(a) A career and technical education construction
10 committee shall be composed of the following: three
11 representatives from the Department of Education and one
12 representative from the Executive Office of the Governor.

13 (b) The committee shall review and evaluate the
14 requests submitted from the school districts and rank the
15 requests in priority order in accordance with statewide
16 critical needs. This statewide priority list shall be
17 submitted to the commissioner.

18 (c) The commissioner's legislative capital outlay
19 budget request may include up to 2 percent of the new
20 construction allocation to public schools for career and
21 technical capital outlay projects recommended by the career
22 and technical education construction committee.

23 (5)(a) Upon approval of a project, the commissioner
24 shall include up to 60 percent of the total cost of the
25 project in the legislative capital outlay budget request as
26 provided in s. 1013.60 for educational plants. The
27 participating district school board shall provide 40 percent
28 of the total cost of the project. When practical, the district
29 school board shall solicit and encourage a private or
30 noneducational public entity to commit to finance a portion of
31 the funds to complete the planning, construction, and

1 equipping of the facility. If a site does not exist, the
 2 purchase price or, if donated, the assessed value of a site
 3 may be included in meeting the funding requirements of the
 4 district school board, a private or noneducational public
 5 entity, or the educational agency. The value of existing
 6 sites, intended to satisfy any portion of the funding
 7 requirement of a private or noneducational public entity,
 8 shall be determined by an independent appraiser under contract
 9 with the board. The size of the site to adequately provide for
 10 the implementation of the proposed educational programs shall
 11 be determined by the board. Funds from the Public Education
 12 Capital Outlay and Debt Service Trust Fund may not be expended
 13 on any project unless specifically authorized by the
 14 Legislature.

15 (b) In the event that a school district is not levying
 16 the maximum millage against the nonexempt assessed property
 17 value pursuant to paragraph (1)(b), state and school district
 18 funding pursuant to paragraph (a) shall be reduced by the same
 19 proportion as the millage actually being levied bears to the
 20 maximum allowable millage.

21 Section 874. Section 1013.76, Florida Statutes, is
 22 created to read:

23 1013.76 Multiyear capital improvement contracts.--Any
 24 provision of chapters 1010 and 1011 to the contrary
 25 notwithstanding, school districts are authorized to award
 26 capital improvement contracts involving expenditures to be
 27 incurred for a period of more than 1 year on the basis of
 28 voter-authorized and unissued general obligation bonding
 29 authority, provided that sufficient funds are available to,
 30 and budgeted by, the school district to pay actual
 31 disbursements during any fiscal year.

1 Section 875. Section 1013.77, Florida Statutes, is
2 created to read:

3 1013.77 Direct-support organization; use of property;
4 board of directors; audit.--

5 (1) DEFINITIONS.--For the purposes of this section,
6 the term:

7 (a) "District school board direct-support
8 organization" means an organization that:

- 9 1. Is approved by the district school board;
10 2. Is a Florida corporation not for profit,
11 incorporated under the provisions of chapter 617 and approved
12 by the Department of State; and
13 3. Is organized and operated exclusively to receive,
14 hold, invest, and administer property and to make expenditures
15 to or for the benefit of public prekindergarten through 12th
16 grade education and adult career and technical and community
17 education programs in this state.

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

20 (2) USE OF PROPERTY.--A district school board:

21 (a) Is authorized to permit the use of property,
22 facilities, and personal services of the district by a
23 direct-support organization, subject to the provisions of this
24 section.

25 (b) Shall prescribe by rule conditions with which a
26 district school board direct-support organization must comply
27 in order to use property, facilities, or personal services of
28 the district. Adoption of such rules shall be coordinated with
29 the Department of Education. The rules shall provide for
30 budget and audit review and oversight by the district school
31 board and the department.

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

6 (3) BOARD OF DIRECTORS.--The board of directors of the
7 district school board direct-support organization shall be
8 approved by the district school board.

9 (4) ANNUAL AUDIT.--Each direct-support organization
10 shall provide for an annual financial audit of its accounts
11 and records, to be conducted by an independent certified
12 public accountant in accordance with rules adopted by the
13 Auditor General pursuant to s. 11.45(8) and the Commissioner
14 of Education. The annual audit report shall be submitted
15 within 9 months after the fiscal year's end to the district
16 school board and the Auditor General. The Commissioner of
17 Education, the Auditor General, and the Office of Program
18 Policy Analysis and Government Accountability have the
19 authority to require and receive from the organization or the
20 district auditor any records relative to the operation of the
21 organization. The identity of donors and all information
22 identifying donors and prospective donors are confidential and
23 exempt from the provisions of s. 119.07(1), and that anonymity
24 shall be maintained in the auditor's report. All other records
25 and information shall be considered public records for the
26 purposes of chapter 119.

27 Section 876. Section 1013.78, Florida Statutes, is
28 created to read:

29 1013.78 Approval required for certain
30 university-related facility acquisitions.--

31

1 (1) No university or university direct-support
2 organization shall construct, accept, or purchase facilities
3 for which the state will be asked for operating funds unless
4 there has been prior approval for construction or acquisition
5 granted by the Legislature.

6 (2) Legislative approval shall not be required for
7 renovations, remodeling, replacement of existing facilities or
8 construction of minor projects as defined in s. 1013.64.

9 Section 877. Section 1013.79, Florida Statutes, is
10 created to read:

11 1013.79 University Facility Enhancement Challenge
12 Grant Program.--

13 (1) The Legislature recognizes that the universities
14 do not have sufficient physical facilities to meet the current
15 demands of their instructional and research programs. It
16 further recognizes that, to strengthen and enhance
17 universities, it is necessary to provide facilities in
18 addition to those currently available from existing revenue
19 sources. It further recognizes that there are sources of
20 private support that, if matched with state support, can
21 assist in constructing much-needed facilities and strengthen
22 the commitment of citizens and organizations in promoting
23 excellence throughout the state universities. Therefore, it is
24 the intent of the Legislature to establish a trust fund to
25 provide the opportunity for each university to receive and
26 match challenge grants for instructional and research-related
27 capital facilities within the university.

28 (2) There is hereby established the Alec P. Courtelis
29 University Facility Enhancement Challenge Grant Program for
30 the purpose of assisting universities build high priority
31 instructional and research-related capital facilities,

1 including common areas connecting such facilities. The
 2 associated foundations that serve the universities shall
 3 solicit gifts from private sources to provide matching funds
 4 for capital facilities. For the purposes of this act, private
 5 sources of funds shall not include any federal, state, or
 6 local government funds that a university may receive.

7 (3) There is established the Alec P. Courtelis Capital
 8 Facilities Matching Trust Fund for the purpose of providing
 9 matching funds from private contributions for the development
 10 of high priority instructional and research-related capital
 11 facilities, including common areas connecting such facilities,
 12 within a university. The Legislature shall appropriate funds
 13 to be transferred to the trust fund. The Public Education
 14 Capital Outlay and Debt Service Trust Fund, Capital
 15 Improvement Trust Fund, Division of Sponsored Research Trust
 16 Fund, and Contracts and Grants Trust Fund shall not be used as
 17 the source of the state match for private contributions. All
 18 appropriated funds deposited into the trust fund shall be
 19 invested pursuant to the provisions of s. 18.125. Interest
 20 income accruing to that portion of the trust fund shall
 21 increase the total funds available for the challenge grant
 22 program. Interest income accruing from the private donations
 23 shall be returned to the participating foundation upon
 24 completion of the project. The State Board of Education shall
 25 administer the trust fund and all related construction
 26 activities.

27 (4) No project shall be initiated unless all private
 28 funds for planning, construction, and equipping the facility
 29 have been received and deposited in the trust fund and the
 30 state's share for the minimum amount of funds needed to begin
 31 the project has been appropriated by the Legislature. The

1 Legislature may appropriate the state's matching funds in one
2 or more fiscal years for the planning, construction, and
3 equipping of an eligible facility. However, these requirements
4 shall not preclude the university from expending available
5 funds from private sources to develop a prospectus, including
6 preliminary architectural schematics and/or models, for use in
7 its efforts to raise private funds for a facility.
8 Additionally, any private sources of funds expended for this
9 purpose are eligible for state matching funds should the
10 project materialize as provided for in this section.

11 (5) To be eligible to participate in the Alec P.
12 Courtelis Capital Facilities Matching Trust Fund, a university
13 shall raise a contribution equal to one-half of the total cost
14 of a facilities construction project from private
15 nongovernmental sources which shall be matched by a state
16 appropriation equal to the amount raised for a facilities
17 construction project subject to the General Appropriations
18 Act.

19 (6) If the state's share of the required match is
20 insufficient to meet the requirements of subsection (5), the
21 university shall renegotiate the terms of the contribution
22 with the donors. If the project is terminated, each private
23 donation, plus accrued interest, reverts to the foundation for
24 remittance to the donor.

25 (7) By September 1 of each year, the State Board of
26 Education shall transmit to the Legislature a list of projects
27 which meet all eligibility requirements to participate in the
28 Alec P. Courtelis Capital Facilities Matching Trust Fund and a
29 budget request which includes the recommended schedule
30 necessary to complete each project.

31

1 (8) In order for a project to be eligible under this
2 program, it must be included in the university 5-year Capital
3 Improvement Plan and must receive prior approval from the
4 State Board of Education and the Legislature.

5 (9) No university's project shall be removed from the
6 approved 3-year PECO priority list because of its successful
7 participation in this program until approved by the
8 Legislature and provided for in the General Appropriations
9 Act. When such a project is completed and removed from the
10 list, all other projects shall move up on the 3-year PECO
11 priority list. A university shall not use PECO funds,
12 including the Capital Improvement Trust Fund fee and the
13 building fee, to complete a project under this section.

14 (10) Any project funds that are unexpended after a
15 project is completed shall revert to the Capital Facilities
16 Matching Trust Fund. Fifty percent of such unexpended funds
17 shall be reserved for the university which originally received
18 the private contribution for the purpose of providing private
19 matching funds for future facility construction projects as
20 provided in this section. The balance of such unexpended funds
21 shall be available to any state university for future facility
22 construction projects conducted pursuant to this section.

23 (11) The surveys, architectural plans, facility, and
24 equipment shall be the property of the State of Florida. A
25 facility constructed pursuant to this section may be named in
26 honor of a donor at the option of the university and the State
27 Board of Education. No facility shall be named after a living
28 person without prior approval by the Legislature.

29 Section 878. Section 1013.81, Florida Statutes, is
30 created to read:

31

1 1013.81 Community college indebtedness; bonds and tax
2 anticipation certificates; payment.--

3 (1) The indebtedness incurred for the benefit of
4 community colleges and represented by bonds or motor vehicle
5 tax anticipation certificates issued from time to time by the
6 State Board of Education, hereinafter called "state board,"
7 pursuant to s. 18, Art. XII of the State Constitution of 1885
8 on behalf of the several former county boards of public
9 instruction shall not be considered by the state board in
10 determining the amount of bonds or motor vehicle tax
11 anticipation certificates which the state board may issue from
12 time to time on behalf of the several school districts under
13 the provisions of s. 9(d), Art. XII of the State Constitution,
14 as amended at the general election held on November 7, 1972,
15 hereinafter called "school capital outlay amendment." Such
16 indebtedness incurred on behalf of community colleges, as
17 described above, shall be considered by the state board in
18 determining the amount of bonds or motor vehicle tax
19 anticipation certificates which the state board may issue from
20 time to time on behalf of the several community college
21 districts under the provisions of the school capital outlay
22 amendment.

23 (2) The debt service requirements on the indebtedness
24 incurred for the benefit of community colleges and represented
25 by bonds or motor vehicle tax anticipation certificates issued
26 from time to time by the state board on behalf of the several
27 former county boards of public instruction, as described in
28 subsection (1), shall be paid from funds distributable
29 pursuant to the school capital outlay amendment to the credit
30 of the several community college districts, and not from funds
31

1 distributable pursuant to the school capital outlay amendment
2 to the credit of the several school districts.

3 (3) Nothing herein shall be construed to authorize the
4 state board to affect adversely or impair the contractual
5 rights created and vested by reason of the prior issuance of
6 bonds or motor vehicle tax anticipation certificates by the
7 state board.

8 Section 879. Section 1013.82, Florida Statutes, is
9 created to read:

10 1013.82 Contracts of institutions for supplies,
11 utility services, and building construction exempt from
12 operation of county or municipal ordinance or charter.--

13 (1) University boards of trustees are authorized to
14 contract for supplies, utility services, and building
15 construction without regulation or restriction by municipal or
16 county charter or ordinance. Contractual arrangements shall be
17 in the best interests of the state and shall give
18 consideration to rates, adequacy of service, and the
19 dependability of the contractor.

20 (2) Any municipal or county charter, ordinance, or
21 regulation that serves to restrict or prohibit the intent of
22 subsection (1) shall be inoperative.

23 Section 880. Section 11.061, Florida Statutes, is
24 amended to read:

25 11.061 State, state university, and community college
26 employee lobbyists; registration; recording attendance;
27 penalty; exemptions.--

28 (1) Any person employed by any executive, judicial, or
29 quasi-judicial department of the state or community college or
30 state university ~~of the state~~ who seeks to encourage the
31 passage, defeat, or modification of any legislation by

1 personal appearance or attendance before the House of
2 Representatives or the Senate, or any committee thereof,
3 shall, prior thereto, register as a lobbyist with the joint
4 legislative office on a form to be provided by the joint
5 legislative office in the same manner as any other lobbyist is
6 required to register, whether by rule of either house or
7 otherwise. This shall not preclude any person from contacting
8 her or his legislator regarding any matter during hours other
9 than the established business hours of the person's respective
10 agency, state university, or community college.

11 (2)(a) Each state, state university, or community
12 college employee ~~or employee of a community college~~ registered
13 pursuant to the provisions of this section shall:

14 1. Record with the chair of the committee any
15 attendance before any committee during established business
16 hours of the agency, state university, or community college
17 employing the person.

18 2. Record with the joint legislative office any
19 attendance in the legislative chambers, committee rooms,
20 legislative offices, legislative hallways, and other areas in
21 the immediate vicinity during the established business hours
22 of the agency, state university, or community college
23 employing the person.

24 (b) Any person who appears before a committee or
25 subcommittee of the House of Representatives or the Senate at
26 the request of the committee or subcommittee chair as a
27 witness or for informational purposes shall be exempt from the
28 provisions of this subsection.

29 (3) Any state, state university, or community college
30 employee ~~or employee of a community college~~ who violates any
31 provision of this section by not registering with the joint

1 legislative office as a lobbyist or by failing to record hours
2 spent as a lobbyist in areas and activities as set forth in
3 this section during the established business hours of the
4 agency, state university, or community college employing the
5 person shall have deducted from her or his salary an amount
6 equivalent to her or his hourly wage times the number of hours
7 that she or he was in violation of this section.

8 (4) Any person employed by any executive, judicial, or
9 quasi-judicial department of the state or by any community
10 college or state university ~~of the state~~ whose position is
11 designated in that department's budget as being used during
12 all, or a portion of, the fiscal year for lobbying shall
13 comply with the provisions of subsection (1), but shall be
14 exempt from the provisions of subsections (2) and (3).

15 Section 881. Paragraph (c) of subsection (5) of
16 section 11.40, Florida Statutes, is amended to read:

17 11.40 Legislative Auditing Committee.--

18 (5) Following notification by the Auditor General, the
19 Department of Banking and Finance, or the Division of Bond
20 Finance of the State Board of Administration of the failure of
21 a local governmental entity, district school board, charter
22 school, or charter technical career center to comply with the
23 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
24 s. 218.38, the Legislative Auditing Committee may schedule a
25 hearing. If a hearing is scheduled, the committee shall
26 determine if the entity should be subject to further state
27 action. If the committee determines that the entity should be
28 subject to further state action, the committee shall:

29 (c) In the case of a charter school or charter
30 technical career center, notify the appropriate sponsoring
31

1 entity, which may terminate the charter pursuant to ss.
2 1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

3 Section 882. Paragraph (a) of subsection (3) and
4 subsection (8) of section 11.45, Florida Statutes, are amended
5 to read:

6 11.45 Definitions; duties; authorities; reports;
7 rules.--

8 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

9 (a) The Auditor General may, pursuant to his or her
10 own authority, or at the direction of the Legislative Auditing
11 Committee, conduct audits or other engagements as determined
12 appropriate by the Auditor General of:

13 1. The accounts and records of any governmental entity
14 created or established by law.

15 2. The information technology programs, activities,
16 functions, or systems of any governmental entity created or
17 established by law.

18 3. The accounts and records of any charter school
19 created or established by law.

20 4. The accounts and records of any direct-support
21 organization or citizen support organization created or
22 established by law. The Auditor General is authorized to
23 require and receive any records from the direct-support
24 organization or citizen support organization, or from its
25 independent auditor.

26 5. The public records associated with any
27 appropriation made by the General Appropriations Act to a
28 nongovernmental agency, corporation, or person. All records of
29 a nongovernmental agency, corporation, or person with respect
30 to the receipt and expenditure of such an appropriation shall
31

1 be public records and shall be treated in the same manner as
2 other public records are under general law.

3 6. State financial assistance provided to any nonstate
4 entity.

5 7. The Tobacco Settlement Financing Corporation
6 created pursuant to s. 215.56005.

7 8. The Florida On-Line High School created pursuant to
8 s. 1002.37 ~~228.082~~.

9 9. Any purchases of federal surplus lands for use as
10 sites for correctional facilities as described in s. 253.037.

11 10. Enterprise Florida, Inc., including any of its
12 boards, advisory committees, or similar groups created by
13 Enterprise Florida, Inc., and programs. The audit report may
14 not reveal the identity of any person who has anonymously made
15 a donation to Enterprise Florida, Inc., pursuant to this
16 subparagraph. The identity of a donor or prospective donor to
17 Enterprise Florida, Inc., who desires to remain anonymous and
18 all information identifying such donor or prospective donor
19 are confidential and exempt from the provisions of s.
20 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
21 anonymity shall be maintained in the auditor's report.

22 11. The Florida Development Finance Corporation or the
23 capital development board or the programs or entities created
24 by the board. The audit or report may not reveal the identity
25 of any person who has anonymously made a donation to the board
26 pursuant to this subparagraph. The identity of a donor or
27 prospective donor to the board who desires to remain anonymous
28 and all information identifying such donor or prospective
29 donor are confidential and exempt from the provisions of s.
30 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
31 anonymity shall be maintained in the auditor's report.

1 12. The records pertaining to the use of funds from
2 voluntary contributions on a motor vehicle registration
3 application or on a driver's license application authorized
4 pursuant to ss. 320.023 and 322.081.

5 13. The records pertaining to the use of funds from
6 the sale of specialty license plates described in chapter 320.

7 14. The transportation corporations under contract
8 with the Department of Transportation that are acting on
9 behalf of the state to secure and obtain rights-of-way for
10 urgently needed transportation systems and to assist in the
11 planning and design of such systems pursuant to ss.
12 339.401-339.421.

13 15. The acquisitions and divestitures related to the
14 Florida Communities Trust Program created pursuant to chapter
15 380.

16 16. The Florida Water Pollution Control Financing
17 Corporation created pursuant to s. 403.1837.

18 17. The Florida Partnership for School Readiness
19 created pursuant to s. 411.01.

20 18. The Occupational Access and Opportunity Commission
21 created pursuant to s. 413.83.

22 19. The Florida Special Disability Trust Fund
23 Financing Corporation created pursuant to s. 440.49.

24 20. Workforce Florida, Inc., or the programs or
25 entities created by Workforce Florida, Inc., created pursuant
26 to s. 445.004.

27 21. The corporation defined in s. 455.32 that is under
28 contract with the Department of Business and Professional
29 Regulation to provide administrative, investigative,
30 examination, licensing, and prosecutorial support services in
31

1 accordance with the provisions of s. 455.32 and the practice
2 act of the relevant profession.

3 22. The Florida Engineers Management Corporation
4 created pursuant to chapter 471.

5 23. The Investment Fraud Restoration Financing
6 Corporation created pursuant to chapter 517.

7 24. The books and records of any permitholder that
8 conducts race meetings or jai alai exhibitions under chapter
9 550.

10 25. The corporation defined in part II of chapter 946,
11 known as the Prison Rehabilitative Industries and Diversified
12 Enterprises, Inc., or PRIDE Enterprises.

13 (8) RULES OF THE AUDITOR GENERAL.--The Auditor
14 General, in consultation with the Board of Accountancy, shall
15 adopt rules for the form and conduct of all financial audits
16 performed by independent certified public accountants pursuant
17 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77~~237.40,~~
18 ~~240.299, and 240.331~~. The rules for audits of local
19 governmental entities and district school boards must include,
20 but are not limited to, requirements for the reporting of
21 information necessary to carry out the purposes of the Local
22 Government Financial Emergencies Act as stated in s. 218.501.

23 Section 883. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida
25 Statutes, shall not stand repealed on January 7, 2003, as
26 scheduled by that act, but is reenacted and amended to read:

27 20.15 Department of Education.--There is created a
28 Department of Education.

29 (1) STATE BOARD OF EDUCATION.--In accordance with s.
30 2, Art. IX of the State Constitution, the State Board of
31 Education is a body corporate and must supervise the system of

1 free public education as is provided by law. The State Board
 2 of Education is the head of the Department of Education the
 3 ~~chief policymaking body of public education in the state as~~
 4 ~~specified in chapter 229. The Governor is chair of the board,~~
 5 ~~and the Commissioner of Education is the secretary and~~
 6 ~~executive officer and in the absence of the Governor shall~~
 7 ~~serve as chair.~~

8 (2) COMMISSIONER OF EDUCATION.--The Commissioner of
 9 Education is appointed by the State Board of Education and
 10 serves as the Executive Director of the Department of
 11 Education ~~head of the Department of Education is the~~
 12 ~~Commissioner of Education who shall be elected by vote of the~~
 13 ~~qualified electors of the state pursuant to s. 5, Art. IV of~~
 14 ~~the State Constitution.~~

15 (a) ~~The Commissioner of Education shall appoint a~~
 16 ~~Deputy Commissioner for Educational Programs who has such~~
 17 ~~powers, duties, responsibilities, and functions as are~~
 18 ~~necessary to ensure the greatest possible coordination,~~
 19 ~~efficiency, and effectiveness of kindergarten through~~
 20 ~~12th grade education and vocational and continuing education~~
 21 ~~programs, including workforce development.~~

22 (b) ~~The Commissioner of Education shall appoint a~~
 23 ~~Deputy Commissioner for Planning, Budgeting, and Management~~
 24 ~~who has such powers, duties, responsibilities, and functions~~
 25 ~~as are necessary to ensure the greatest possible coordination~~
 26 ~~of policies, programs, and procedures for the statewide system~~
 27 ~~of education and the department.~~

28 (c) ~~The Commissioner of Education shall appoint a~~
 29 ~~Deputy Commissioner for Technology and Administration who has~~
 30 ~~such powers, duties, responsibilities, and functions as are~~
 31 ~~necessary to ensure the greatest possible coordination and~~

1 ~~development of technological supports for the education system~~
2 ~~and efficient administration of the department.~~

3 (3) DIVISIONS.--The following divisions of the
4 Department of Education are established:

5 (a) Division of Community Colleges.

6 (b) Division of Public Schools ~~and Community~~
7 ~~Education.~~

8 (c) Division of Colleges and Universities.

9 (d) Division of Vocational Rehabilitation ~~Workforce~~
10 ~~Development.~~

11 ~~(e) Division of Professional Educators.~~

12 ~~(f) Division of Administration.~~

13 ~~(g) Division of Financial Services.~~

14 ~~(h) Division of Support Services.~~

15 ~~(i) Division of Technology.~~

16 ~~(e)(j)~~ Division of Blind Services.

17 (4) DIRECTORS.--~~The Board of Regents is the director~~
18 ~~of the Division of Universities, and the State Board of~~
19 ~~Community Colleges is the director of the Division of~~
20 ~~Community Colleges, pursuant to chapter 240. The directors of~~
21 ~~all other~~ divisions shall be appointed by the commissioner
22 subject to approval by the state board.

23 (5) POWERS AND DUTIES.--The State Board of Education
24 and the Commissioner of Education+

25 (a) shall assign to the divisions ~~Division of Public~~
26 ~~Schools and Community Education~~ such powers, duties,
27 responsibilities, and functions as are necessary to ensure the
28 greatest possible coordination, efficiency, and effectiveness
29 of education for students in K-20 education ~~prekindergarten~~
30 ~~through 12th grade, for secondary school vocational education,~~
31 ~~and for community education.~~

1 ~~(b) Shall assign to the Division of Workforce~~
2 ~~Development such powers, duties, responsibilities, and~~
3 ~~functions as are necessary to ensure the greatest possible~~
4 ~~coordination, efficiency, and effectiveness of workforce~~
5 ~~development education.~~

6 ~~(c) Shall assign to the State Board of Community~~
7 ~~Colleges such powers, duties, responsibilities, and functions~~
8 ~~as are necessary to ensure the coordination, efficiency, and~~
9 ~~effectiveness of community colleges, except those duties~~
10 ~~specifically assigned to the Commissioner of Education in ss.~~
11 ~~229.512 and 229.551, the duties concerning physical facilities~~
12 ~~in chapter 235, and the duties assigned to the Division of~~
13 ~~Workforce Development in chapter 239.~~

14 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
15 contained in law to the contrary, the commissioner ~~of~~
16 ~~Education~~ shall appoint all members of all councils and
17 committees of the Department of Education, except the
18 Commission for Independent Education and Board of Regents, the
19 ~~State Board of Community Colleges, the community college~~
20 ~~district boards of trustees, the Postsecondary Education~~
21 ~~Planning Commission, the Education Practices Commission, the~~
22 ~~Education Standards Commission, the State Board of Independent~~
23 ~~Colleges and Universities, and the State Board of Nonpublic~~
24 ~~Career Education.~~

25 (7) BOARDS.--Notwithstanding anything contained in law
26 to the contrary, all members of the university Board of
27 ~~Regents, the State Board of Community Colleges, and the~~
28 community college ~~district~~ boards of trustees must be
29 appointed according to chapter 1001 240.

30 Section 884. Paragraphs (a) and (b) of subsection (1),
31 paragraph (d) of subsection (3), and paragraph (a) of

1 subsection (5) of section 23.1225, Florida Statutes, are
2 amended to read:

3 23.1225 Mutual aid agreements.--

4 (1) The term "mutual aid agreement," as used in this
5 part, refers to one of the following types of agreement:

6 (a) A voluntary cooperation written agreement between
7 two or more law enforcement agencies, or between one or more
8 law enforcement agencies and either a school board that
9 employs school safety officers or a state university that
10 employs or appoints university police officers in accordance
11 with s. 1012.97 ~~240.268~~, which agreement permits voluntary
12 cooperation and assistance of a routine law enforcement nature
13 across jurisdictional lines. The agreement must specify the
14 nature of the law enforcement assistance to be rendered, the
15 agency or entity that shall bear any liability arising from
16 acts undertaken under the agreement, the procedures for
17 requesting and for authorizing assistance, the agency or
18 entity that has command and supervisory responsibility, a time
19 limit for the agreement, the amount of any compensation or
20 reimbursement to the assisting agency or entity, and any other
21 terms and conditions necessary to give it effect. Examples of
22 law enforcement activities that may be addressed in a
23 voluntary cooperation written agreement include, but are not
24 limited to, establishing a joint city-county task force on
25 narcotics smuggling, authorizing school safety officers to
26 enforce laws in an area within 1,000 feet of a school or
27 school board property, or establishing a joint city-county
28 traffic enforcement task force.

29 (b) A requested operational assistance written
30 agreement between two or more law enforcement agencies, or
31 between one or more law enforcement agencies and either a

1 school board that employs school safety officers or a state
2 university that employs or appoints university police officers
3 in accordance with s. 1012.97 ~~240.268~~, which agreement is for
4 the rendering of assistance in a law enforcement emergency.
5 The agreement must specify the nature of the law enforcement
6 assistance to be rendered, the agency or entity that shall
7 bear any liability arising from acts undertaken under the
8 agreement, the procedures for requesting and for authorizing
9 assistance, the agency or entity that has command and
10 supervisory responsibility, a time limit for the agreement,
11 the amount of any compensation or reimbursement to the
12 assisting agency or entity, and any other terms and conditions
13 necessary to give it effect. An example of the use of a
14 requested operational assistance written agreement is to meet
15 a request for assistance due to a civil disturbance or other
16 emergency as defined in s. 252.34.

17 (3) A mutual aid agreement may be entered into by:

18 (d) A state university that employs or appoints
19 university police officers in accordance with s. 1012.97
20 ~~240.268~~.

21 (5) In the event of a disaster or emergency such that
22 a state of emergency is declared by the Governor pursuant to
23 chapter 252, the requirement that a requested operational
24 assistance agreement be a written agreement for rendering of
25 assistance in a law enforcement emergency may be waived by the
26 participating agencies for a period of up to 90 days from the
27 declaration of the disaster.

28 (a) When a law enforcement agency, a school board
29 employing school safety officers, or a state university
30 employing or appointing university police officers in
31 accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant

1 to this subsection, all powers, privileges, and immunities
2 listed in s. 23.127, except with regard to interstate mutual
3 aid agreements, apply to the agency or entity, provided that
4 the law enforcement, school board, or university employees
5 rendering services are being requested and coordinated by the
6 affected local law enforcement executive in charge of law
7 enforcement operations.

8 Section 885. Subsection (2) and paragraphs (c) and (d)
9 of subsection (5) of section 24.121, Florida Statutes, are
10 amended to read:

11 24.121 Allocation of revenues and expenditure of funds
12 for public education.--

13 (2) Each fiscal year, at least 38 percent of the gross
14 revenue from the sale of lottery tickets and other earned
15 revenue, excluding application processing fees, shall be
16 deposited in the Educational Enhancement Trust Fund, which is
17 hereby created in the State Treasury to be administered by the
18 Department of Education. The Department of the Lottery shall
19 transfer moneys to the Educational Enhancement Trust Fund at
20 least once each quarter. Funds in the Educational Enhancement
21 Trust Fund shall be used to the benefit of public education in
22 accordance with the provisions of this act. Notwithstanding
23 any other provision of law, a maximum of \$180 million of
24 lottery revenues transferred to the Educational Enhancement
25 Trust Fund in fiscal year 1997-1998 and for 30 years
26 thereafter shall be reserved as needed and used to meet the
27 requirements of the documents authorizing the bonds issued by
28 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70
29 ~~235.2195~~ or distributed to school districts for the Classrooms
30 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery
31 revenues are hereby pledged to the payment of debt service on

1 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.
 2 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the
 3 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~
 4 shall be payable from the first lottery revenues transferred
 5 to the Educational Enhancement Trust Fund in each fiscal year.
 6 Amounts distributable to school districts that request the
 7 issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are
 8 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
 9 the State Constitution. The amounts distributed through the
 10 Classrooms First Program shall equal \$145 million in each
 11 fiscal year. These funds are intended to provide up to \$2.5
 12 billion for public school facilities.

13 (5)

14 (c) A portion of such net revenues, as determined
 15 annually by the Legislature, shall be distributed to each
 16 school district and shall be made available to each public
 17 school in the district for enhancing school performance
 18 through development and implementation of a school improvement
 19 plan pursuant to s. 1001.42(16) ~~230.23(16)~~. A portion of these
 20 moneys, as determined annually in the General Appropriations
 21 Act, must be allocated to each school in an equal amount for
 22 each student enrolled. These moneys may be expended only on
 23 programs or projects selected by the school advisory council
 24 or by a parent advisory committee created pursuant to this
 25 paragraph. If a school does not have a school advisory
 26 council, the district advisory council must appoint a parent
 27 advisory committee composed of parents of students enrolled in
 28 that school, which committee is representative of the ethnic,
 29 racial, and economic community served by the school, to advise
 30 the school's principal on the programs or projects to be
 31 funded. A principal may not override the recommendations of

1 the school advisory council or the parent advisory committee.
2 These moneys may not be used for capital improvements, nor may
3 they be used for any project or program that has a duration of
4 more than 1 year; however, a school advisory council or parent
5 advisory committee may independently determine that a program
6 or project formerly funded under this paragraph should receive
7 funds in a subsequent year.

8 (d) No funds shall be released for any purpose from
9 the Educational Enhancement Trust Fund to any school district
10 in which one or more schools do not have an approved school
11 improvement plan pursuant to s. 1001.42(16) ~~230.23(16)~~ or do
12 not comply with school advisory council membership composition
13 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
14 the Commissioner of Education shall withhold disbursements
15 from the trust fund to any school district that fails to adopt
16 the performance-based salary schedule required by s.
17 1012.22(1) ~~230.23(5)~~.

18 Section 886. Paragraph (a) of subsection (5) of
19 section 39.0015, Florida Statutes, is amended to read:

20 39.0015 Child abuse prevention training in the
21 district school system.--

22 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
23 PROCESS; MONITORING AND EVALUATION.--

24 (a) Each training center shall perform the following
25 functions:

26 1. Act as a clearinghouse to provide information on
27 prevention curricula which meet the requirements of this
28 section and the requirements of s. ~~ss.~~ 39.001 ~~and 231.17~~.

29 2. Assist the local school district in selecting a
30 prevention program model which meets the needs of the local
31 community.

1 3. At the request of the local school district, design
2 and administer training sessions to develop or expand local
3 primary prevention and training programs.

4 4. Provide assistance to local school districts,
5 including, but not limited to, all of the following:
6 administration, management, program development, multicultural
7 staffing, and community education, in order to better meet the
8 requirements of this section and of s. ss. 39.001 ~~and 231.17~~.

9 5. At the request of the department or the local
10 school district, provide ongoing program development and
11 training to achieve all of the following:

12 a. Meet the special needs of children, including, but
13 not limited to, the needs of disabled and high-risk children.

14 b. Conduct an outreach program to inform the
15 surrounding communities of the existence of primary prevention
16 and training programs and of funds to conduct such programs.

17 6. Serve as a resource to the Department of Children
18 and Family Services and its districts.

19 Section 887. Paragraph (c) of subsection (3) of
20 section 39.407, Florida Statutes, is amended to read:

21 39.407 Medical, psychiatric, and psychological
22 examination and treatment of child; physical or mental
23 examination of parent or person requesting custody of child.--

24 (3)

25 (c) The judge may also order such child to be
26 evaluated by a district school board educational needs
27 assessment team. The educational needs assessment provided by
28 the district school board educational needs assessment team
29 shall include, but not be limited to, reports of intelligence
30 and achievement tests, screening for learning disabilities and
31

1 other handicaps, and screening for the need for alternative
2 education as defined in s. 1001.42 ~~230-23~~.

3 Section 888. Subsection (1) of section 61.13015,
4 Florida Statutes, is amended to read:

5 61.13015 Petition for suspension or denial of
6 professional licenses and certificates.--

7 (1) An obligee may petition the court which entered
8 the support order or the court which is enforcing the support
9 order for an order to suspend or deny the license or
10 certificate issued pursuant to chapters ~~231~~, 409, 455, 456,
11 ~~and~~ 559, and 1012 of any obligor with a delinquent support
12 obligation. However, no petition may be filed until the
13 obligee has exhausted all other available remedies. The
14 purpose of this section is to promote the public policy of s.
15 409.2551.

16 Section 889. Subsection (2) of section 105.061,
17 Florida Statutes, is amended to read:

18 105.061 Electors qualified to vote.--

19 (2) The election of members of a school board shall be
20 by vote of the qualified electors as prescribed in chapter
21 1001 ~~230~~.

22 Section 890. Paragraph (a) of subsection (1) of
23 section 110.1228, Florida Statutes, is amended to read:

24 110.1228 Participation by small counties, small
25 municipalities, and district school boards located in small
26 counties.--

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

28 (a) "District school board" means a district school
29 board located in a small county or a district school board
30 that receives funding pursuant to s. 1011.62(6) ~~236-081(6)~~.

31

1 Section 891. Paragraphs (b), (c), (f), (g), and (h) of
2 subsection (2) of section 110.123, Florida Statutes, are
3 amended to read:

4 110.123 State group insurance program.--

5 (2) DEFINITIONS.--As used in this section, the term:

6 (b) "Enrollee" means all state officers and employees,
7 retired state officers and employees, surviving spouses of
8 deceased state officers and employees, and terminated
9 employees or individuals with continuation coverage who are
10 enrolled in an insurance plan offered by the state group
11 insurance program."Enrollee" includes all state university
12 officers and employees, retired state university officers and
13 employees, surviving spouses of deceased state university
14 officers and employees, and terminated state university
15 employees or individuals with continuation coverage who are
16 enrolled in an insurance plan offered by the state group
17 insurance program.

18 (c) "Full-time state employees" includes all full-time
19 employees of all branches or agencies of state government
20 holding salaried positions and paid by state warrant or from
21 agency funds, and employees paid from regular salary
22 appropriations for 8 months' employment, including university
23 personnel on academic contracts, but in no case shall "state
24 employee" or "salaried position" include persons paid from
25 other-personal-services (OPS) funds."Full-time employees"
26 includes all full-time employees of the state universities.

27 (f) "Part-time state employee" means any employee of
28 any branch or agency of state government paid by state warrant
29 from salary appropriations or from agency funds, and who is
30 employed for less than the normal full-time workweek
31 established by the department or, if on academic contract or

1 seasonal or other type of employment which is less than
2 year-round, is employed for less than 8 months during any
3 12-month period, but in no case shall "part-time" employee
4 include a person paid from other-personal-services (OPS)
5 funds. "Part-time state employee" includes any part-time
6 employee of the state universities.

7 (g) "Retired state officer or employee" or "retiree"
8 means any state or state university officer or ~~state~~ employee
9 who retires under a state retirement system or a state
10 optional annuity or retirement program or is placed on
11 disability retirement, and who was insured under the state
12 group insurance program at the time of retirement, and who
13 begins receiving retirement benefits immediately after
14 retirement from state or state university office or
15 employment.

16 (h) "State agency" or "agency" means any branch,
17 department, or agency of state government. "State agency" or
18 "agency" includes any state university for purposes of this
19 section only.

20 Section 892. Subsection (1) of section 110.151,
21 Florida Statutes, is amended to read:

22 110.151 State officers' and employees' child care
23 services.--

24 (1) The Department of Management Services shall
25 approve, administer, and coordinate child care services for
26 state officers' and employees' children or dependents. Duties
27 shall include, but not be limited to, reviewing and approving
28 requests from state agencies for child care services;
29 providing technical assistance on child care program startup
30 and operation; and assisting other agencies in conducting
31 needs assessments, designing centers, and selecting service

1 providers. Primary emphasis for child care services shall be
2 given to children who are not subject to compulsory school
3 attendance pursuant to part II of chapter 1003 ~~chapter 232~~,
4 and, to the extent possible, emphasis shall be placed on child
5 care for children aged 2 and under.

6 Section 893. Subsection (5) of section 110.181,
7 Florida Statutes, is amended to read:

8 110.181 Florida State Employees' Charitable
9 Campaign.--

10 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each
11 university may elect to participate in the Florida State
12 Employees' Charitable Campaign, upon timely notice to the
13 department. Each university may also conduct annual
14 charitable fundraising drives for employees under the
15 authority granted in s. 1001.74(19) ~~240.209(3)(f)~~.

16 Section 894. Paragraph (d) of subsection (2) of
17 section 110.205, Florida Statutes, is amended to read:

18 110.205 Career service; exemptions.--

19 (2) EXEMPT POSITIONS.--The exempt positions that are
20 not covered by this part include the following:

21 (d) All officers and employees of the state
22 universities ~~University System~~ and the Correctional Education
23 Program within the Department of Corrections, and the academic
24 personnel and academic administrative personnel of the Florida
25 School for the Deaf and the Blind. In accordance with the
26 provisions of s. 1002.36 ~~chapter 242~~, the salaries for
27 academic personnel and academic administrative personnel of
28 the Florida School for the Deaf and the Blind shall be set by
29 the board of trustees for the school, subject only to the
30 approval of the State Board of Education. The salaries for all
31 instructional personnel and all administrative and

1 noninstructional personnel of the Correctional Education
2 Program shall be set by the Department of Corrections, subject
3 to the approval of the Department of Management Services.

4 Section 895. Paragraphs (b) and (c) of subsection (1)
5 of section 112.1915, Florida Statutes, are amended to read:

6 112.1915 Teachers and school administrators; death
7 benefits.--Any other provision of law to the contrary
8 notwithstanding:

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

10 (b) "Teacher" means any instructional staff personnel
11 as described in s. 1012.01(2) ~~228.041(9)~~.

12 (c) "School administrator" means any school
13 administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

14 Section 896. Paragraph (h) of subsection (12) of
15 section 112.313, Florida Statutes, is amended to read:

16 112.313 Standards of conduct for public officers,
17 employees of agencies, and local government attorneys.--

18 (12) EXEMPTION.--The requirements of subsections (3)
19 and (7) as they pertain to persons serving on advisory boards
20 may be waived in a particular instance by the body which
21 appointed the person to the advisory board, upon a full
22 disclosure of the transaction or relationship to the
23 appointing body prior to the waiver and an affirmative vote in
24 favor of waiver by two-thirds vote of that body. In instances
25 in which appointment to the advisory board is made by an
26 individual, waiver may be effected, after public hearing, by a
27 determination by the appointing person and full disclosure of
28 the transaction or relationship by the appointee to the
29 appointing person. In addition, no person shall be held in
30 violation of subsection (3) or subsection (7) if:

31

1 (h) The transaction is made pursuant to s. 1004.22
2 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by
3 the president and the chair of the university board of
4 trustees Chancellor. The chair of the university board of
5 trustees Chancellor shall submit to the Governor and the
6 Legislature by March 1 of each year a report of the
7 transactions approved pursuant to this paragraph during the
8 preceding year.

9 Section 897. Subsection (6) of section 120.52, Florida
10 Statutes, is amended to read:

11 120.52 Definitions.--As used in this act:

12 (6) "Educational unit" means a local school district,
13 a community college district, the Florida School for the Deaf
14 and the Blind, or a state university unit of the State
15 ~~University System other than the Board of Regents~~.

16 Section 898. Paragraph (a) of subsection (1) of
17 section 120.55, Florida Statutes, is amended to read:

18 120.55 Publication.--

19 (1) The Department of State shall:

20 (a)1. Publish in a permanent compilation entitled
21 "Florida Administrative Code" all rules adopted by each
22 agency, citing the specific rulemaking authority pursuant to
23 which each rule was adopted, all history notes as authorized
24 in s. 120.545(9), and complete indexes to all rules contained
25 in the code. Supplementation shall be made as often as
26 practicable, but at least monthly. The department may
27 contract with a publishing firm for the publication, in a
28 timely and useful form, of the Florida Administrative Code;
29 however, the department shall retain responsibility for the
30 code as provided in this section. This publication shall be
31 the official compilation of the administrative rules of this

1 state. The Department of State shall retain the copyright
2 over the Florida Administrative Code.

3 2. Rules general in form but applicable to only one
4 school district, community college district, or county, or a
5 part thereof, or state university rules relating to internal
6 personnel or business and finance shall not be published in
7 the Florida Administrative Code. Exclusion from publication in
8 the Florida Administrative Code shall not affect the validity
9 or effectiveness of such rules.

10 3. At the beginning of the section of the code dealing
11 with an agency that files copies of its rules with the
12 department, the department shall publish the address and
13 telephone number of the executive offices of each agency, the
14 manner by which the agency indexes its rules, a listing of all
15 rules of that agency excluded from publication in the code,
16 and a statement as to where those rules may be inspected.

17 4. Forms shall not be published in the Florida
18 Administrative Code; but any form which an agency uses in its
19 dealings with the public, along with any accompanying
20 instructions, shall be filed with the committee before it is
21 used. Any form or instruction which meets the definition of
22 "rule" provided in s. 120.52 shall be incorporated by
23 reference into the appropriate rule. The reference shall
24 specifically state that the form is being incorporated by
25 reference and shall include the number, title, and effective
26 date of the form and an explanation of how the form may be
27 obtained.

28 Section 899. Paragraphs (a), (c), (e), (g), (i), and
29 (j) of subsection (1) of section 120.81, Florida Statutes, are
30 amended to read:

31

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~~. ~~The Board of Regents shall~~
24 ~~establish a committee, at least half of whom shall be~~
25 ~~appointed by the Council of Student Body Presidents, which~~
26 ~~shall establish rules and guidelines ensuring fairness and due~~
27 ~~process in judicial proceedings involving students in the~~
28 ~~State University System.~~

29 (i) For purposes of s. 120.68, a district school board
30 whose decision is reviewed under the provisions of s. 1012.33
31 ~~231.36~~ and whose final action is modified by a superior

1 administrative decision shall be a party entitled to judicial
2 review of the final action.

3 (j) Notwithstanding s. 120.525(2), the agenda for a
4 special meeting of a district school board under authority of
5 s. 1001.372(1) ~~230.16~~ shall be prepared upon the calling of
6 the meeting, but not less than 48 hours prior to the meeting.

7 Section 900. Paragraph (c) of subsection (2) of
8 section 121.051, Florida Statutes, is amended to read:

9 121.051 Participation in the system.--

10 (2) OPTIONAL PARTICIPATION.--

11 (c) Employees of ~~members of the Florida~~ community
12 colleges ~~College System~~ or charter technical career centers
13 sponsored by members of the ~~Florida~~ community colleges ~~College~~
14 ~~System~~, as designated in s. 1000.21(3) ~~240.3031~~, who are
15 members of the Regular Class of the Florida Retirement System
16 and who comply with the criteria set forth in this paragraph
17 and in s. 1012.875 ~~240.3195~~ may elect, in lieu of
18 participating in the Florida Retirement System, to withdraw
19 from the Florida Retirement System altogether and participate
20 in a lifetime monthly annuity program, to be known as the
21 State Community College System Optional Retirement Program,
22 which may be provided by the employing agency under s.
23 1012.875 ~~240.3195~~. Pursuant thereto:

24 1. Through June 30, 2001, the cost to the employer for
25 such annuity shall equal the normal cost portion of the
26 employer retirement contribution which would be required if
27 the employee were a member of the Regular Class defined
28 benefit program, plus the portion of the contribution rate
29 required by s. 112.363(8) that would otherwise be assigned to
30 the Retiree Health Insurance Subsidy Trust Fund. Effective
31 July 1, 2001, each employer shall contribute on behalf of each

1 participant in the optional program an amount equal to 10.43
2 percent of the participant's gross monthly compensation. The
3 employer shall deduct an amount to provide for the
4 administration of the optional retirement program. The
5 employer providing such annuity shall contribute an additional
6 amount to the Florida Retirement System Trust Fund equal to
7 the unfunded actuarial accrued liability portion of the
8 Regular Class contribution rate.

9 2. The decision to participate in such an optional
10 retirement program shall be irrevocable for as long as the
11 employee holds a position eligible for participation. Any
12 service creditable under the Florida Retirement System shall
13 be retained after the member withdraws from the Florida
14 Retirement System; however, additional service credit in the
15 Florida Retirement System shall not be earned while a member
16 of the optional retirement program.

17 3. Participation in an optional annuity program shall
18 be limited to those employees who satisfy the following
19 eligibility criteria:

20 a. The employee must be otherwise eligible for
21 membership in the Regular Class of the Florida Retirement
22 System, as provided in s. 121.021(11) and (12).

23 b. The employee must be employed in a full-time
24 position classified in the Accounting Manual for Florida's
25 Public Community Colleges as:

26 (I) Instructional; or

27 (II) Executive Management, Instructional Management,
28 or Institutional Management, if a community college determines
29 that recruiting to fill a vacancy in the position is to be
30 conducted in the national or regional market, and:

31

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 901. 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 902. 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 903. 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

1 (2) Each fiscal year, the salaries of all officials
2 listed in this chapter and ss. 1001.395 ~~230.202~~ and 1001.47
3 ~~230.303~~ shall be adjusted by the annual factor. The Department
4 of Management Services shall certify the annual factor and the
5 cumulative annual factors. The adjusted salary rate shall be
6 the product, rounded to the nearest dollar, of the salary rate
7 granted by the appropriate section of this chapter multiplied
8 first by the initial factor, then by the cumulative annual
9 factor, and finally by the annual factor. Any special
10 qualification salary received under this chapter shall be
11 added to such adjusted salary rate, which special
12 qualification salary shall be \$2,000, but shall not exceed
13 \$2,000.

14 Section 904. Section 153.77, Florida Statutes, is
15 amended to read:

16 153.77 District bonds as securities for public
17 bodies.--All revenue bonds, general obligation bonds, or
18 assessment bonds issued pursuant to this law shall be and
19 constitute legal investments for state, county, municipal, and
20 all other public funds and for banks, savings banks, insurance
21 companies, executors, administrators, trustees, and all other
22 fiduciaries and shall also be and constitute securities
23 eligible as collateral security for all state, county,
24 municipal, or other public funds, subject to the restrictions
25 and limitations of chapters 18, 136, ~~237~~, 518, 655, 657, 658,
26 ~~and~~ 660-665, and 1011.

27 Section 905. Subsection (22) of section 159.27,
28 Florida Statutes, is amended to read:

29 159.27 Definitions.--The following words and terms,
30 unless the context clearly indicates a different meaning,
31 shall have the following meanings:

1 (22) "Educational facility" means:

2 (a) Property, limited to a structure suitable for use
3 as a dormitory or other housing facility or a dining facility,
4 that is operated in the public sector and used for or useful
5 in connection with the operation of an institution for higher
6 education, as defined in s. 243.20(8), which offers the
7 baccalaureate or a higher degree and that is constructed in
8 compliance with applicable codes as determined by appropriate
9 state agencies.

10 (b) Property that comprises the buildings and
11 equipment, structures, and special education use areas that
12 are built, installed, or established to serve primarily the
13 educational purposes of operating any nonprofit private
14 preschool, kindergarten, elementary school, middle school, or
15 high school that is established under chapter 617 or chapter
16 623, or that is owned or operated by an organization described
17 in s. 501(c)(3) of the United States Internal Revenue Code, or
18 operating any preschool, kindergarten, elementary school,
19 middle school, or high school that is owned or operated as
20 part of the state's system of public education, including, but
21 not limited to, a charter school or a developmental research
22 school operated under chapter 1002 ~~228~~. The requirements of
23 this part for the financing of projects through local agencies
24 shall also apply to such schools. Bonds issued under the
25 provisions of this part for such schools shall not be deemed
26 to constitute a debt, liability, or obligation of the state or
27 any political subdivision thereof, or a pledge of the faith
28 and credit of the state or of any such political subdivision,
29 but shall be payable solely from the revenues provided
30 therefor.

31

1 Section 906. Paragraph (h) of subsection (6) and
2 paragraph (a) of subsection (12) of section 163.3177, Florida
3 Statutes, are amended to read:

4 163.3177 Required and optional elements of
5 comprehensive plan; studies and surveys.--

6 (6) In addition to the requirements of subsections
7 (1)-(5), the comprehensive plan shall include the following
8 elements:

9 (h)1. An intergovernmental coordination element
10 showing relationships and stating principles and guidelines to
11 be used in the accomplishment of coordination of the adopted
12 comprehensive plan with the plans of school boards and other
13 units of local government providing services but not having
14 regulatory authority over the use of land, with the
15 comprehensive plans of adjacent municipalities, the county,
16 adjacent counties, or the region, and with the state
17 comprehensive plan, as the case may require and as such
18 adopted plans or plans in preparation may exist. This element
19 of the local comprehensive plan shall demonstrate
20 consideration of the particular effects of the local plan,
21 when adopted, upon the development of adjacent municipalities,
22 the county, adjacent counties, or the region, or upon the
23 state comprehensive plan, as the case may require.

24 a. The intergovernmental coordination element shall
25 provide for procedures to identify and implement joint
26 planning areas, especially for the purpose of annexation,
27 municipal incorporation, and joint infrastructure service
28 areas.

29 b. The intergovernmental coordination element shall
30 provide for recognition of campus master plans prepared
31 pursuant to s. 1013.30 ~~240.155~~.

1 c. The intergovernmental coordination element may
 2 provide for a voluntary dispute resolution process as
 3 established pursuant to s. 186.509 for bringing to closure in
 4 a timely manner intergovernmental disputes. A local
 5 government may develop and use an alternative local dispute
 6 resolution process for this purpose.

7 2. The intergovernmental coordination element shall
 8 further state principles and guidelines to be used in the
 9 accomplishment of coordination of the adopted comprehensive
 10 plan with the plans of school boards and other units of local
 11 government providing facilities and services but not having
 12 regulatory authority over the use of land. In addition, the
 13 intergovernmental coordination element shall describe joint
 14 processes for collaborative planning and decisionmaking on
 15 population projections and public school siting, the location
 16 and extension of public facilities subject to concurrency, and
 17 siting facilities with countywide significance, including
 18 locally unwanted land uses whose nature and identity are
 19 established in an agreement. Within 1 year of adopting their
 20 intergovernmental coordination elements, each county, all the
 21 municipalities within that county, the district school board,
 22 and any unit of local government service providers in that
 23 county shall establish by interlocal or other formal agreement
 24 executed by all affected entities, the joint processes
 25 described in this subparagraph consistent with their adopted
 26 intergovernmental coordination elements.

27 3. To foster coordination between special districts
 28 and local general-purpose governments as local general-purpose
 29 governments implement local comprehensive plans, each
 30 independent special district must submit a public facilities
 31

1 report to the appropriate local government as required by s.
2 189.415.

3 4. The state land planning agency shall establish a
4 schedule for phased completion and transmittal of plan
5 amendments to implement subparagraphs 1., 2., and 3. from all
6 jurisdictions so as to accomplish their adoption by December
7 31, 1999. A local government may complete and transmit its
8 plan amendments to carry out these provisions prior to the
9 scheduled date established by the state land planning agency.
10 The plan amendments are exempt from the provisions of s.
11 163.3187(1).

12 (12) A public school facilities element adopted to
13 implement a school concurrency program shall meet the
14 requirements of this subsection.

15 (a) A public school facilities element shall be based
16 upon data and analyses that address, among other items, how
17 level-of-service standards will be achieved and maintained.
18 Such data and analyses must include, at a minimum, such items
19 as: the 5-year school district facilities work program adopted
20 pursuant to s. 1013.35 ~~235.185~~; the educational plant survey
21 and an existing educational and ancillary plant map or map
22 series; information on existing development and development
23 anticipated for the next 5 years and the long-term planning
24 period; an analysis of problems and opportunities for existing
25 schools and schools anticipated in the future; an analysis of
26 opportunities to collocate future schools with other public
27 facilities such as parks, libraries, and community centers; an
28 analysis of the need for supporting public facilities for
29 existing and future schools; an analysis of opportunities to
30 locate schools to serve as community focal points; projected
31 future population and associated demographics, including

1 development patterns year by year for the upcoming 5-year and
2 long-term planning periods; and anticipated educational and
3 ancillary plants with land area requirements.

4 Section 907. Paragraph (k) of subsection (2) of
5 section 163.3191, Florida Statutes, is amended to read:

6 163.3191 Evaluation and appraisal of comprehensive
7 plan.--

8 (2) The report shall present an evaluation and
9 assessment of the comprehensive plan and shall contain
10 appropriate statements to update the comprehensive plan,
11 including, but not limited to, words, maps, illustrations, or
12 other media, related to:

13 (k) The coordination of the comprehensive plan with
14 existing public schools and those identified in the applicable
15 5-year school district facilities work program adopted
16 pursuant to s. 1013.35 ~~235.185~~. The assessment shall address,
17 where relevant, the success or failure of the coordination of
18 the future land use map and associated planned residential
19 development with public schools and their capacities, as well
20 as the joint decisionmaking processes engaged in by the local
21 government and the school board in regard to establishing
22 appropriate population projections and the planning and siting
23 of public school facilities. If the issues are not relevant,
24 the local government shall demonstrate that they are not
25 relevant.

26 Section 908. Paragraph (b) of subsection (3) of
27 section 195.096, Florida Statutes, is amended to read:

28 195.096 Review of assessment rolls.--

29 (3)

30 (b) When necessary for compliance with s. 1011.62
31 ~~236.081~~, and for those counties not being studied in the

1 current year, the department shall project value-weighted mean
2 levels of assessment for each county. The department shall
3 make its projection based upon the best information available,
4 utilizing professionally accepted methodology, and shall
5 separately allocate changes in total assessed value to:

- 6 1. New construction, additions, and deletions.
- 7 2. Changes in the value of the dollar.
- 8 3. Changes in the market value of property other than
9 those attributable to changes in the value of the dollar.
- 10 4. Changes in the level of assessment.

11
12 In lieu of the statistical and analytical measures published
13 pursuant to paragraph (a), the department shall publish
14 details concerning the computation of estimated assessment
15 levels and the allocation of changes in assessed value for
16 those counties not subject to an in-depth review.

17 Section 909. Subsection (5) of section 196.012,
18 Florida Statutes, is amended to read:

19 196.012 Definitions.--For the purpose of this chapter,
20 the following terms are defined as follows, except where the
21 context clearly indicates otherwise:

22 (5) "Educational institution" means a federal, state,
23 parochial, church, or private school, college, or university
24 conducting regular classes and courses of study required for
25 eligibility to certification by, accreditation to, or
26 membership in the State Department of Education of Florida,
27 Southern Association of Colleges and Schools, or the Florida
28 Council of Independent Schools; a nonprofit private school the
29 principal activity of which is conducting regular classes and
30 courses of study accepted for continuing postgraduate dental
31 education credit by a board of the Division of Medical Quality

1 Assurance; educational direct-support organizations created
2 pursuant to ss. 1001.24, 1004.28, and 1004.70 ~~229.8021,~~
3 ~~240.299, and 240.331~~; facilities located on the property of
4 eligible entities which will become owned by those entities on
5 a date certain; and institutions of higher education, as
6 defined under and participating in the Higher Educational
7 Facilities Financing Act.

8 Section 910. Subsection (4) of section 196.031,
9 Florida Statutes, is amended to read:

10 196.031 Exemption of homesteads.--

11 (4) The property appraisers of the various counties
12 shall each year compile a list of taxable property and its
13 value removed from the assessment rolls of each school
14 district as a result of the excess of exempt value above that
15 amount allowed for nonschool levies as provided in subsections
16 (1) and (3), as well as a statement of the loss of tax revenue
17 to each school district from levies other than the minimum
18 financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~,
19 and shall deliver a copy thereof to the Department of Revenue
20 upon certification of the assessment roll to the tax
21 collector.

22 Section 911. Section 196.1983, Florida Statutes, is
23 amended to read:

24 196.1983 Charter school exemption from ad valorem
25 taxes.--Any facility, or portion thereof, used to house a
26 charter school whose charter has been approved by the sponsor
27 and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~
28 shall be exempt from ad valorem taxes. For leasehold
29 properties, the landlord must certify by affidavit to the
30 charter school that the lease payments shall be reduced to the
31 extent of the exemption received. The owner of the property

1 shall disclose to a charter school the full amount of the
2 benefit derived from the exemption and the method for ensuring
3 that the charter school receives such benefit. The charter
4 school shall receive the full benefit derived from the
5 exemption through either an annual or monthly credit to the
6 charter school's lease payments.

7 Section 912. Paragraphs (a), (b), and (d) of
8 subsection (3) of section 200.001, Florida Statutes, are
9 amended to read:

10 200.001 Millages; definitions and general
11 provisions.--

12 (3) School millages shall be composed of five
13 categories of millage rates, as follows:

14 (a) Nonvoted required school operating millage, which
15 shall be that nonvoted millage rate set by the county school
16 board for current operating purposes and imposed pursuant to
17 s. 1011.60(6) ~~236.02(6)~~.

18 (b) Nonvoted discretionary school operating millage,
19 which shall be that nonvoted millage rate set by the county
20 school board for operating purposes other than the rate
21 imposed pursuant to s. 1011.60(6) ~~236.02(6)~~ and other than the
22 rate authorized in s. 1011.71(2) ~~236.25(2)~~.

23 (d) Nonvoted district school capital improvement
24 millage, which shall be that millage rate set by the district
25 school board for capital improvements as authorized in s.
26 1011.71(2) ~~236.25(2)~~.

27 Section 913. Paragraph (a) of subsection (2),
28 paragraphs (c) and (d) of subsection (3), paragraph (a) of
29 subsection (9), subsection (10), and paragraph (b) of
30 subsection (12) of section 200.065, Florida Statutes, are
31 amended to read:

1 200.065 Method of fixing millage.--

2 (2) No millage shall be levied until a resolution or
3 ordinance has been approved by the governing board of the
4 taxing authority which resolution or ordinance must be
5 approved by the taxing authority according to the following
6 procedure:

7 (a)1. Upon preparation of a tentative budget, but
8 prior to adoption thereof, each taxing authority shall compute
9 a proposed millage rate necessary to fund the tentative budget
10 other than the portion of the budget to be funded from sources
11 other than ad valorem taxes. In computing proposed or final
12 millage rates, each taxing authority shall utilize not less
13 than 95 percent of the taxable value certified pursuant to
14 subsection (1).

15 2. The tentative budget of the county commission shall
16 be prepared and submitted in accordance with s. 129.03.

17 3. The tentative budget of the school district shall
18 be prepared and submitted in accordance with chapter 1011 ~~237~~,
19 provided that the date of submission shall not be later than
20 24 days after certification of value pursuant to subsection
21 (1).

22 4. Taxing authorities other than the county and school
23 district shall prepare and consider tentative and final
24 budgets in accordance with this section and applicable
25 provisions of law, including budget procedures applicable to
26 the taxing authority, provided such procedures do not conflict
27 with general law.

28 (3) The advertisement shall be no less than
29 one-quarter page in size of a standard size or a tabloid size
30 newspaper, and the headline in the advertisement shall be in a
31 type no smaller than 18 point. The advertisement shall not be

1 placed in that portion of the newspaper where legal notices
 2 and classified advertisements appear. The advertisement shall
 3 be published in a newspaper of general paid circulation in the
 4 county or in a geographically limited insert of such
 5 newspaper. The geographic boundaries in which such insert is
 6 circulated shall include the geographic boundaries of the
 7 taxing authority. It is the legislative intent that, whenever
 8 possible, the advertisement appear in a newspaper that is
 9 published at least 5 days a week unless the only newspaper in
 10 the county is published less than 5 days a week, or that the
 11 advertisement appear in a geographically limited insert of
 12 such newspaper which insert is published throughout the taxing
 13 authority's jurisdiction at least twice each week. It is
 14 further the legislative intent that the newspaper selected be
 15 one of general interest and readership in the community and
 16 not one of limited subject matter, pursuant to chapter 50.

17 (c) For school districts which have proposed a millage
 18 rate in excess of 100 percent of the rolled-back rate computed
 19 pursuant to subsection (1) and which propose to levy nonvoted
 20 millage in excess of the minimum amount required pursuant to
 21 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be in the
 22 following form:

23
 24 NOTICE OF PROPOSED TAX INCREASE
 25

26 The ...(name of school district)... will soon consider
 27 a measure to increase its property tax levy.

28 Last year's property tax levy:

- 29 A. Initially proposed tax levy.....\$XX,XXX,XXX
- 30 B. Less tax reductions due to Value Adjustment Board
- 31 and other assessment changes.....(\$XX,XXX,XXX)

1 C. Actual property tax levy.....\$XX,XXX,XXX

2 This year's proposed tax levy.....\$XX,XXX,XXX

3 A portion of the tax levy is required under state law
4 in order for the school board to receive \$...(amount A)... in
5 state education grants. The required portion has ...(increased
6 or decreased)... by ...(amount B)... percent and represents
7 approximately ...(amount C)... of the total proposed taxes.

8 The remainder of the taxes is proposed solely at the
9 discretion of the school board.

10 All concerned citizens are invited to a public hearing
11 on the tax increase to be held on ...(date and time)... at
12 ...(meeting place)....

13 A DECISION on the proposed tax increase and the budget
14 will be made at this hearing.

15

16 1. AMOUNT A shall be an estimate, provided by the
17 Department of Education, of the amount to be received in the
18 current fiscal year by the district from state appropriations
19 for the Florida Education Finance Program.

20 2. AMOUNT B shall be the percent increase over the
21 rolled-back rate necessary to levy only the required local
22 effort in the current fiscal year, computed as though in the
23 preceding fiscal year only the required local effort was
24 levied.

25 3. AMOUNT C shall be the quotient of required
26 local-effort millage divided by the total proposed nonvoted
27 millage, rounded to the nearest tenth and stated in words;
28 however, the stated amount shall not exceed nine-tenths.

29

30 (d) For school districts which have proposed a millage
31 rate in excess of 100 percent of the rolled-back rate computed

1 pursuant to subsection (1) and which propose to levy as
 2 nonvoted millage only the minimum amount required pursuant to
 3 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be the same
 4 as provided in paragraph (c), except that the second and third
 5 paragraphs shall be replaced with the following paragraph:

6
 7 This increase is required under state law in order for
 8 the school board to receive \$...(amount A)... in state
 9 education grants.

10
 11 (9)(a) In addition to the notice required in
 12 subsection (3), a district school board shall publish a second
 13 notice of intent to levy additional taxes under s. 1011.71(2)
 14 ~~236.25(2)~~. Such notice shall specify the projects or number
 15 of school buses anticipated to be funded by such additional
 16 taxes and shall be published in the size, within the time
 17 periods, adjacent to, and in substantial conformity with the
 18 advertisement required under subsection (3). The projects
 19 shall be listed in priority within each category as follows:
 20 construction and remodeling; maintenance, renovation, and
 21 repair; motor vehicle purchases; new and replacement
 22 equipment; payments for educational facilities and sites due
 23 under a lease-purchase agreement; payments for renting and
 24 leasing educational facilities and sites; payments of loans
 25 approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~;
 26 payment of costs of compliance with environmental statutes and
 27 regulations; and payment of costs of leasing relocatable
 28 educational facilities. The additional notice shall be in the
 29 following form, except that if the district school board is
 30 proposing to levy the same millage under s. 1011.71(2)
 31 ~~236.25(2)~~ which it levied in the prior year, the words

1 "continue to" shall be inserted before the word "impose" in
2 the first sentence, and except that the second sentence of the
3 second paragraph shall be deleted if the district is
4 advertising pursuant to paragraph (3)(e):

5
6 NOTICE OF TAX FOR SCHOOL
7 CAPITAL OUTLAY
8

9 The ...(name of school district)... will soon consider
10 a measure to impose a ...(number)... mill property tax for the
11 capital outlay projects listed herein.

12 This tax is in addition to the school board's proposed
13 tax of ...(number)... mills for operating expenses and is
14 proposed solely at the discretion of the school board. THE
15 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING
16 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

17 The capital outlay tax will generate approximately
18 \$...(amount)..., to be used for the following projects:

19
20 ...(list of capital outlay projects)...

21
22 All concerned citizens are invited to a public hearing
23 to be held on ...(date and time)... at ...(meeting place)....

24 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
25 made at this hearing.

26
27 (10) Notwithstanding the provisions of paragraph
28 (2)(b) and s. 200.069(4)(c) to the contrary, the proposed
29 millage rates provided to the property appraiser by the taxing
30 authority, except for millage rates adopted by referendum, for
31 rates authorized by s. 1011.71 ~~236-25~~, and for rates required

1 by law to be in a specified millage amount, shall be adjusted
2 in the event that a review notice is issued pursuant to s.
3 193.1142(4) and the taxable value on the approved roll is at
4 variance with the taxable value certified pursuant to
5 subsection (1). The adjustment shall be made by the property
6 appraiser, who shall notify the taxing authorities affected by
7 the adjustment within 5 days of the date the roll is approved
8 pursuant to s. 193.1142(4). The adjustment shall be such as
9 to provide for no change in the dollar amount of taxes levied
10 from that initially proposed by the taxing authority.

11 (12)

12 (b) Within 30 days of the deadline for certification
13 of compliance required by s. 200.068, the department shall
14 notify any taxing authority in violation of this section that
15 it is subject to paragraph (c). Except for revenues from voted
16 levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~,
17 the revenues of any taxing authority in violation of this
18 section collected in excess of the rolled-back rate shall be
19 held in escrow until the process required by paragraph (c) is
20 completed and approved by the department. The department shall
21 direct the tax collector to so hold such funds.

22 Section 914. Subsection (3) and paragraph (a) of
23 subsection (4) of section 200.069, Florida Statutes, are
24 amended to read:

25 200.069 Notice of proposed property taxes and non-ad
26 valorem assessments.--Pursuant to s. 200.065(2)(b), the
27 property appraiser, in the name of the taxing authorities and
28 local governing boards levying non-ad valorem assessments
29 within his or her jurisdiction and at the expense of the
30 county, shall prepare and deliver by first-class mail to each
31 taxpayer to be listed on the current year's assessment roll a

1 notice of proposed property taxes, which notice shall be in
2 substantially the following form. Notwithstanding the
3 provisions of s. 195.022, no county officer shall use a form
4 other than that provided by the department for this purpose,
5 except as provided in s. 200.065(13).

6 (3) There shall be under each column heading an entry
7 for the county; the school district levy required pursuant to
8 s. 1011.60(6) ~~236.02(6)~~; other operating school levies; the
9 municipality or municipal service taxing unit or units in
10 which the parcel lies, if any; the water management district
11 levying pursuant to s. 373.503; the independent special
12 districts in which the parcel lies, if any; and for all voted
13 levies for debt service applicable to the parcel, if any.

14 (4) For each entry listed in subsection (3), there
15 shall appear on the notice the following:

16 (a) In the first column, a brief, commonly used name
17 for the taxing authority or its governing body. The entry in
18 the first column for the levy required pursuant to s.
19 1011.60(6) ~~236.02(6)~~ shall be "By State Law." The entry for
20 other operating school district levies shall be "By Local
21 Board." Both school levy entries shall be indented and
22 preceded by the notation "Public Schools:". For each voted
23 levy for debt service, the entry shall be "Voter Approved Debt
24 Payments."

25 Section 915. Subsection (2) of section 201.24, Florida
26 Statutes, is amended to read:

27 201.24 Obligations of municipalities, political
28 subdivisions, and agencies of the state.--There shall be
29 exempt from all taxes imposed by this chapter:

30 (2) Any assignment, transfer, or other disposition, or
31 any document, which arises out of a rental, lease, or

1 lease-purchase for real property agreement entered pursuant to
2 s. 1013.15(2) or (4) ~~235.056(2) or (3)~~.

3 Section 916. Paragraph (b) of subsection (2) of
4 section 210.20, Florida Statutes, is amended to read:

5 210.20 Employees and assistants; distribution of
6 funds.--

7 (2) As collections are received by the division from
8 such cigarette taxes, it shall pay the same into a trust fund
9 in the State Treasury designated "Cigarette Tax Collection
10 Trust Fund" which shall be paid and distributed as follows:

11 (b) Beginning January 1, 1999, and continuing for 10
12 years thereafter, the division shall from month to month
13 certify to the Comptroller the amount derived from the
14 cigarette tax imposed by s. 210.02, less the service charges
15 provided for in s. 215.20 and less 0.9 percent of the amount
16 derived from the cigarette tax imposed by s. 210.02 which
17 shall be deposited into the Alcoholic Beverage and Tobacco
18 Trust Fund, specifying an amount equal to 2.59 percent of the
19 net collections, and that amount shall be paid to the Board of
20 Directors of the H. Lee Moffitt Cancer Center and Research
21 Institute, established under s. 1004.43 ~~240.512~~, by warrant
22 drawn by the Comptroller upon the State Treasury. These funds
23 are hereby appropriated monthly out of the Cigarette Tax
24 Collection Trust Fund, to be used for the purpose of
25 constructing, furnishing, and equipping a cancer research
26 facility at the University of South Florida adjacent to the H.
27 Lee Moffitt Cancer Center and Research Institute. In fiscal
28 years 1999-2000 and thereafter with the exception of fiscal
29 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
30 Center and Research Institute authorized by this paragraph
31 shall not be less than the amount which would have been paid

1 to the H. Lee Moffitt Cancer Center and Research Institute for
2 fiscal year 1998-1999 had payments been made for the entire
3 fiscal year rather than for a 6-month period thereof.

4 Section 917. Paragraph (a) of subsection (2) of
5 section 212.04, Florida Statutes, is amended to read:

6 212.04 Admissions tax; rate, procedure, enforcement.--

7 (2)(a)1. No tax shall be levied on admissions to
8 athletic or other events sponsored by elementary schools,
9 junior high schools, middle schools, high schools, community
10 colleges, public or private colleges and universities, deaf
11 and blind schools, facilities of the youth services programs
12 of the Department of Children and Family Services, and state
13 correctional institutions when only student, faculty, or
14 inmate talent is used. However, this exemption shall not apply
15 to admission to athletic events sponsored by a ~~an institution~~
16 ~~within the state university System~~, and the proceeds of the
17 tax collected on such admissions shall be retained and used by
18 each institution to support women's athletics as provided in
19 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

20 2.a. No tax shall be levied on dues, membership fees,
21 and admission charges imposed by not-for-profit sponsoring
22 organizations. To receive this exemption, the sponsoring
23 organization must qualify as a not-for-profit entity under the
24 provisions of s. 501(c)(3) of the Internal Revenue Code of
25 1954, as amended.

26 b. No tax shall be levied on admission charges to an
27 event sponsored by a governmental entity, sports authority, or
28 sports commission when held in a convention hall, exhibition
29 hall, auditorium, stadium, theater, arena, civic center,
30 performing arts center, or publicly owned recreational
31 facility and when 100 percent of the risk of success or

1 failure lies with the sponsor of the event and 100 percent of
2 the funds at risk for the event belong to the sponsor, and
3 student or faculty talent is not exclusively used. As used in
4 this sub-subparagraph, the terms "sports authority" and
5 "sports commission" mean a nonprofit organization that is
6 exempt from federal income tax under s. 501(c)(3) of the
7 Internal Revenue Code and that contracts with a county or
8 municipal government for the purpose of promoting and
9 attracting sports-tourism events to the community with which
10 it contracts.

11 3. No tax shall be levied on an admission paid by a
12 student, or on the student's behalf, to any required place of
13 sport or recreation if the student's participation in the
14 sport or recreational activity is required as a part of a
15 program or activity sponsored by, and under the jurisdiction
16 of, the student's educational institution, provided his or her
17 attendance is as a participant and not as a spectator.

18 4. No tax shall be levied on admissions to the
19 National Football League championship game, on admissions to
20 any semifinal game or championship game of a national
21 collegiate tournament, or on admissions to a Major League
22 Baseball all-star game.

23 5. A participation fee or sponsorship fee imposed by a
24 governmental entity as described in s. 212.08(6) for an
25 athletic or recreational program is exempt when the
26 governmental entity by itself, or in conjunction with an
27 organization exempt under s. 501(c)(3) of the Internal Revenue
28 Code of 1954, as amended, sponsors, administers, plans,
29 supervises, directs, and controls the athletic or recreational
30 program.

31

1 6. Also exempt from the tax imposed by this section to
2 the extent provided in this subparagraph are admissions to
3 live theater, live opera, or live ballet productions in this
4 state which are sponsored by an organization that has received
5 a determination from the Internal Revenue Service that the
6 organization is exempt from federal income tax under s.
7 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
8 the organization actively participates in planning and
9 conducting the event, is responsible for the safety and
10 success of the event, is organized for the purpose of
11 sponsoring live theater, live opera, or live ballet
12 productions in this state, has more than 10,000 subscribing
13 members and has among the stated purposes in its charter the
14 promotion of arts education in the communities which it
15 serves, and will receive at least 20 percent of the net
16 profits, if any, of the events which the organization sponsors
17 and will bear the risk of at least 20 percent of the losses,
18 if any, from the events which it sponsors if the organization
19 employs other persons as agents to provide services in
20 connection with a sponsored event. Prior to March 1 of each
21 year, such organization may apply to the department for a
22 certificate of exemption for admissions to such events
23 sponsored in this state by the organization during the
24 immediately following state fiscal year. The application shall
25 state the total dollar amount of admissions receipts collected
26 by the organization or its agents from such events in this
27 state sponsored by the organization or its agents in the year
28 immediately preceding the year in which the organization
29 applies for the exemption. Such organization shall receive the
30 exemption only to the extent of \$1.5 million multiplied by the
31 ratio that such receipts bear to the total of such receipts of

1 all organizations applying for the exemption in such year;
2 however, in no event shall such exemption granted to any
3 organization exceed 6 percent of such admissions receipts
4 collected by the organization or its agents in the year
5 immediately preceding the year in which the organization
6 applies for the exemption. Each organization receiving the
7 exemption shall report each month to the department the total
8 admissions receipts collected from such events sponsored by
9 the organization during the preceding month and shall remit to
10 the department an amount equal to 6 percent of such receipts
11 reduced by any amount remaining under the exemption. Tickets
12 for such events sold by such organizations shall not reflect
13 the tax otherwise imposed under this section.

14 7. Also exempt from the tax imposed by this section
15 are entry fees for participation in freshwater fishing
16 tournaments.

17 8. Also exempt from the tax imposed by this section
18 are participation or entry fees charged to participants in a
19 game, race, or other sport or recreational event if spectators
20 are charged a taxable admission to such event.

21 9. No tax shall be levied on admissions to any
22 postseason collegiate football game sanctioned by the National
23 Collegiate Athletic Association.

24 Section 918. Effective July 1, 2003, paragraph (a) of
25 subsection (2) of section 212.04, Florida Statutes, as amended
26 by section 4 of chapter 2000-345, Laws of Florida, is amended
27 to read:

28 212.04 Admissions tax; rate, procedure, enforcement.--

29 (2)(a)1. No tax shall be levied on admissions to
30 athletic or other events sponsored by elementary schools,
31 junior high schools, middle schools, high schools, community

1 colleges, public or private colleges and universities, deaf
2 and blind schools, facilities of the youth services programs
3 of the Department of Children and Family Services, and state
4 correctional institutions when only student, faculty, or
5 inmate talent is used. However, this exemption shall not apply
6 to admission to athletic events sponsored by a ~~an institution~~
7 ~~within the~~ state university ~~System~~, and the proceeds of the
8 tax collected on such admissions shall be retained and used by
9 each institution to support women's athletics as provided in
10 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

11 2. No tax shall be levied on dues, membership fees,
12 and admission charges imposed by not-for-profit sponsoring
13 organizations. To receive this exemption, the sponsoring
14 organization must qualify as a not-for-profit entity under the
15 provisions of s. 501(c)(3) of the Internal Revenue Code of
16 1954, as amended.

17 3. No tax shall be levied on an admission paid by a
18 student, or on the student's behalf, to any required place of
19 sport or recreation if the student's participation in the
20 sport or recreational activity is required as a part of a
21 program or activity sponsored by, and under the jurisdiction
22 of, the student's educational institution, provided his or her
23 attendance is as a participant and not as a spectator.

24 4. No tax shall be levied on admissions to the
25 National Football League championship game, on admissions to
26 any semifinal game or championship game of a national
27 collegiate tournament, or on admissions to a Major League
28 Baseball all-star game.

29 5. A participation fee or sponsorship fee imposed by a
30 governmental entity as described in s. 212.08(6) for an
31 athletic or recreational program is exempt when the

1 governmental entity by itself, or in conjunction with an
 2 organization exempt under s. 501(c)(3) of the Internal Revenue
 3 Code of 1954, as amended, sponsors, administers, plans,
 4 supervises, directs, and controls the athletic or recreational
 5 program.

6 6. Also exempt from the tax imposed by this section to
 7 the extent provided in this subparagraph are admissions to
 8 live theater, live opera, or live ballet productions in this
 9 state which are sponsored by an organization that has received
 10 a determination from the Internal Revenue Service that the
 11 organization is exempt from federal income tax under s.
 12 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
 13 the organization actively participates in planning and
 14 conducting the event, is responsible for the safety and
 15 success of the event, is organized for the purpose of
 16 sponsoring live theater, live opera, or live ballet
 17 productions in this state, has more than 10,000 subscribing
 18 members and has among the stated purposes in its charter the
 19 promotion of arts education in the communities which it
 20 serves, and will receive at least 20 percent of the net
 21 profits, if any, of the events which the organization sponsors
 22 and will bear the risk of at least 20 percent of the losses,
 23 if any, from the events which it sponsors if the organization
 24 employs other persons as agents to provide services in
 25 connection with a sponsored event. Prior to March 1 of each
 26 year, such organization may apply to the department for a
 27 certificate of exemption for admissions to such events
 28 sponsored in this state by the organization during the
 29 immediately following state fiscal year. The application shall
 30 state the total dollar amount of admissions receipts collected
 31 by the organization or its agents from such events in this

1 state sponsored by the organization or its agents in the year
2 immediately preceding the year in which the organization
3 applies for the exemption. Such organization shall receive the
4 exemption only to the extent of \$1.5 million multiplied by the
5 ratio that such receipts bear to the total of such receipts of
6 all organizations applying for the exemption in such year;
7 however, in no event shall such exemption granted to any
8 organization exceed 6 percent of such admissions receipts
9 collected by the organization or its agents in the year
10 immediately preceding the year in which the organization
11 applies for the exemption. Each organization receiving the
12 exemption shall report each month to the department the total
13 admissions receipts collected from such events sponsored by
14 the organization during the preceding month and shall remit to
15 the department an amount equal to 6 percent of such receipts
16 reduced by any amount remaining under the exemption. Tickets
17 for such events sold by such organizations shall not reflect
18 the tax otherwise imposed under this section.

19 7. Also exempt from the tax imposed by this section
20 are entry fees for participation in freshwater fishing
21 tournaments.

22 8. Also exempt from the tax imposed by this section
23 are participation or entry fees charged to participants in a
24 game, race, or other sport or recreational event if spectators
25 are charged a taxable admission to such event.

26 9. No tax shall be levied on admissions to any
27 postseason collegiate football game sanctioned by the National
28 Collegiate Athletic Association.

29 Section 919. Section 212.0602, Florida Statutes, is
30 amended to read:

31

1 212.0602 Education; limited exemption.--To facilitate
2 investment in education and job training, there is also exempt
3 from the taxes levied under this chapter, subject to the
4 provisions of this section, the purchase or lease of
5 materials, equipment, and other items or the license in or
6 lease of real property by any entity, institution, or
7 organization that is primarily engaged in teaching students to
8 perform any of the activities or services described in s.
9 212.031(1)(a)9., that conducts classes at a fixed location
10 located in this state, that is licensed under chapter 1005
11 ~~246~~, and that has at least 500 enrolled students. Any entity,
12 institution, or organization meeting the requirements of this
13 section shall be deemed to qualify for the exemptions in ss.
14 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for
15 an exemption for its purchase or lease of materials,
16 equipment, and other items used for education or demonstration
17 of the school's curriculum, including supporting operations.
18 Nothing in this section shall preclude an entity described in
19 this section from qualifying for any other exemption provided
20 for in this chapter.

21 Section 920. Paragraph (q) of subsection (5) of
22 section 212.08, Florida Statutes, is amended to read:

23 212.08 Sales, rental, use, consumption, distribution,
24 and storage tax; specified exemptions.--The sale at retail,
25 the rental, the use, the consumption, the distribution, and
26 the storage to be used or consumed in this state of the
27 following are hereby specifically exempt from the tax imposed
28 by this chapter.

29 (5) EXEMPTIONS; ACCOUNT OF USE.--

30 (q) Community contribution tax credit for donations.--

31

1 1. Authorization.--Beginning July 1, 2001, persons who
2 are registered with the department under s. 212.18 to collect
3 or remit sales or use tax and who make donations to eligible
4 sponsors are eligible for tax credits against their state
5 sales and use tax liabilities as provided in this paragraph:

6 a. The credit shall be computed as 50 percent of the
7 person's approved annual community contribution;

8 b. The credit shall be granted as a refund against
9 state sales and use taxes reported on returns and remitted in
10 the 12 months preceding the date of application to the
11 department for the credit as required in sub-subparagraph 3.c.
12 If the annual credit is not fully used through such refund
13 because of insufficient tax payments during the applicable
14 12-month period, the unused amount may be included in an
15 application for a refund made pursuant to sub-subparagraph
16 3.c. in subsequent years against the total tax payments made
17 for such year. Carryover credits may be applied for a 3-year
18 period without regard to any time limitation that would
19 otherwise apply under s. 215.26;

20 c. No person shall receive more than \$200,000 in
21 annual tax credits for all approved community contributions
22 made in any one year;

23 d. All proposals for the granting of the tax credit
24 shall require the prior approval of the Office of Tourism,
25 Trade, and Economic Development;

26 e. The total amount of tax credits which may be
27 granted for all programs approved under this paragraph, s.
28 220.183, and s. 624.5105 is \$10 million annually; and

29 f. A person who is eligible to receive the credit
30 provided for in this paragraph, s. 220.183, or s. 624.5105 may
31

1 receive the credit only under the one section of the person's
2 choice.

3 2. Eligibility requirements.--

4 a. A community contribution by a person must be in the
5 following form:

6 (I) Cash or other liquid assets;

7 (II) Real property;

8 (III) Goods or inventory; or

9 (IV) Other physical resources as identified by the
10 Office of Tourism, Trade, and Economic Development.

11 b. All community contributions must be reserved
12 exclusively for use in a project. As used in this
13 sub-subparagraph, the term "project" means any activity
14 undertaken by an eligible sponsor which is designed to
15 construct, improve, or substantially rehabilitate housing that
16 is affordable to low-income or very-low-income households as
17 defined in s. 420.9071(19) and (28); designed to provide
18 commercial, industrial, or public resources and facilities; or
19 designed to improve entrepreneurial and job-development
20 opportunities for low-income persons. A project may be the
21 investment necessary to increase access to high-speed
22 broadband capability in rural communities with enterprise
23 zones, including projects that result in improvements to
24 communications assets that are owned by a business. A project
25 may include the provision of museum educational programs and
26 materials that are directly related to any project approved
27 between January 1, 1996, and December 31, 1999, and located in
28 an enterprise zone as referenced in s. 290.00675. This
29 paragraph does not preclude projects that propose to construct
30 or rehabilitate housing for low-income or very-low-income
31 households on scattered sites. The Office of Tourism, Trade,

1 and Economic Development may reserve up to 50 percent of the
2 available annual tax credits for housing for very-low-income
3 households pursuant to s. 420.9071(28) for the first 6 months
4 of the fiscal year. With respect to housing, contributions may
5 be used to pay the following eligible low-income and
6 very-low-income housing-related activities:

7 (I) Project development impact and management fees for
8 low-income or very-low-income housing projects;

9 (II) Down payment and closing costs for eligible
10 persons, as defined in s. 420.9071(19) and (28);

11 (III) Administrative costs, including housing
12 counseling and marketing fees, not to exceed 10 percent of the
13 community contribution, directly related to low-income or
14 very-low-income projects; and

15 (IV) Removal of liens recorded against residential
16 property by municipal, county, or special district local
17 governments when satisfaction of the lien is a necessary
18 precedent to the transfer of the property to an eligible
19 person, as defined in s. 420.9071(19) and (28), for the
20 purpose of promoting home ownership. Contributions for lien
21 removal must be received from a nonrelated third party.

22 c. The project must be undertaken by an "eligible
23 sponsor," which includes:

24 (I) A community action program;

25 (II) A nonprofit community-based development
26 organization whose mission is the provision of housing for
27 low-income or very-low-income households or increasing
28 entrepreneurial and job-development opportunities for
29 low-income persons;

30 (III) A neighborhood housing services corporation;

31

1 (IV) A local housing authority created under chapter
2 421;

3 (V) A community redevelopment agency created under s.
4 163.356;

5 (VI) The Florida Industrial Development Corporation;

6 (VII) A historic preservation district agency or
7 organization;

8 (VIII) A regional workforce board;

9 (IX) A direct-support organization as provided in s.
10 1009.983 ~~240.551~~;

11 (X) An enterprise zone development agency created
12 under s. 290.0056;

13 (XI) A community-based organization incorporated under
14 chapter 617 which is recognized as educational, charitable, or
15 scientific pursuant to s. 501(c)(3) of the Internal Revenue
16 Code and whose bylaws and articles of incorporation include
17 affordable housing, economic development, or community
18 development as the primary mission of the corporation;

19 (XII) Units of local government;

20 (XIII) Units of state government; or

21 (XIV) Any other agency that the Office of Tourism,
22 Trade, and Economic Development designates by rule.

23
24 In no event may a contributing person have a financial
25 interest in the eligible sponsor.

26 d. The project must be located in an area designated
27 an enterprise zone or a Front Porch Florida Community pursuant
28 to s. 14.2015(9)(b), unless the project increases access to
29 high-speed broadband capability for rural communities with
30 enterprise zones but is physically located outside the
31 designated rural zone boundaries. Any project designed to

1 construct or rehabilitate housing for low-income or
2 very-low-income households as defined in s. 420.0971(19) and
3 (28) is exempt from the area requirement of this
4 sub-subparagraph.

5 3. Application requirements.--

6 a. Any eligible sponsor seeking to participate in this
7 program must submit a proposal to the Office of Tourism,
8 Trade, and Economic Development which sets forth the name of
9 the sponsor, a description of the project, and the area in
10 which the project is located, together with such supporting
11 information as is prescribed by rule. The proposal must also
12 contain a resolution from the local governmental unit in which
13 the project is located certifying that the project is
14 consistent with local plans and regulations.

15 b. Any person seeking to participate in this program
16 must submit an application for tax credit to the Office of
17 Tourism, Trade, and Economic Development which sets forth the
18 name of the sponsor, a description of the project, and the
19 type, value, and purpose of the contribution. The sponsor
20 shall verify the terms of the application and indicate its
21 receipt of the contribution, which verification must be in
22 writing and accompany the application for tax credit. The
23 person must submit a separate tax credit application to the
24 office for each individual contribution that it makes to each
25 individual project.

26 c. Any person who has received notification from the
27 Office of Tourism, Trade, and Economic Development that a tax
28 credit has been approved must apply to the department to
29 receive the refund. Application must be made on the form
30 prescribed for claiming refunds of sales and use taxes and be
31 accompanied by a copy of the notification. A person may submit

1 only one application for refund to the department within any
2 12-month period.

3 4. Administration.--

4 a. The Office of Tourism, Trade, and Economic
5 Development may adopt rules pursuant to ss. 120.536(1) and
6 120.54 necessary to administer this paragraph, including rules
7 for the approval or disapproval of proposals by a person.

8 b. The decision of the Office of Tourism, Trade, and
9 Economic Development must be in writing, and, if approved, the
10 notification shall state the maximum credit allowable to the
11 person. Upon approval, the office shall transmit a copy of the
12 decision to the Department of Revenue.

13 c. The Office of Tourism, Trade, and Economic
14 Development shall periodically monitor all projects in a
15 manner consistent with available resources to ensure that
16 resources are used in accordance with this paragraph; however,
17 each project must be reviewed at least once every 2 years.

18 d. The Office of Tourism, Trade, and Economic
19 Development shall, in consultation with the Department of
20 Community Affairs, the Florida Housing Finance Corporation,
21 and the statewide and regional housing and financial
22 intermediaries, market the availability of the community
23 contribution tax credit program to community-based
24 organizations.

25 5. Expiration.--This paragraph expires June 30, 2005;
26 however, any accrued credit carryover that is unused on that
27 date may be used until the expiration of the 3-year carryover
28 period for such credit.

29 Section 921. Subsection (6) of section 213.053,
30 Florida Statutes, is amended to read:

31 213.053 Confidentiality and information sharing.--

1 (6) Any information received by the Department of
2 Revenue in connection with the administration of taxes,
3 including, but not limited to, information contained in
4 returns, reports, accounts, or declarations filed by persons
5 subject to tax, shall be made available by the department to
6 the Auditor General or his or her authorized agent, the
7 director of the Office of Program Policy Analysis and
8 Government Accountability or his or her authorized agent, the
9 Comptroller or his or her authorized agent, the Insurance
10 Commissioner or his or her authorized agent, the Treasurer or
11 his or her authorized agent, or a property appraiser or tax
12 collector or their authorized agents pursuant to s.
13 195.084(1), in the performance of their official duties, or to
14 designated employees of the Department of Education solely for
15 determination of each school district's price level index
16 pursuant to s. 1011.62(2) ~~236.081(2)~~; however, no information
17 shall be disclosed to the Auditor General or his or her
18 authorized agent, the director of the Office of Program Policy
19 Analysis and Government Accountability or his or her
20 authorized agent, the Comptroller or his or her authorized
21 agent, the Insurance Commissioner or his or her authorized
22 agent, the Treasurer or his or her authorized agent, or to a
23 property appraiser or tax collector or their authorized
24 agents, or to designated employees of the Department of
25 Education if such disclosure is prohibited by federal law. The
26 Auditor General or his or her authorized agent, the director
27 of the Office of Program Policy Analysis and Government
28 Accountability or his or her authorized agent, the Comptroller
29 or his or her authorized agent, the Treasurer or his or her
30 authorized agent, and the property appraiser or tax collector
31 and their authorized agents, or designated employees of the

1 Department of Education shall be subject to the same
2 requirements of confidentiality and the same penalties for
3 violation of the requirements as the department. For the
4 purpose of this subsection, "designated employees of the
5 Department of Education" means only those employees directly
6 responsible for calculation of price level indices pursuant to
7 s. 1011.62(2) ~~236.081(2)~~. It does not include the supervisors
8 of such employees or any other employees or elected officials
9 within the Department of Education.

10 Section 922. Paragraph (j) of subsection (4) of
11 section 215.20, Florida Statutes, is amended to read:

12 215.20 Certain income and certain trust funds to
13 contribute to the General Revenue Fund.--

14 (4) The income of a revenue nature deposited in the
15 following described trust funds, by whatever name designated,
16 is that from which the deductions authorized by subsection (3)
17 shall be made:

18 (j) The Educational Certification and Service Trust
19 Fund created by s. 1012.59 ~~231.30~~.

20
21 The enumeration of the foregoing moneys or trust funds shall
22 not prohibit the applicability thereto of s. 215.24 should the
23 Governor determine that for the reasons mentioned in s. 215.24
24 the money or trust funds should be exempt herefrom, as it is
25 the purpose of this law to exempt income from its force and
26 effect when, by the operation of this law, federal matching
27 funds or contributions or private grants to any trust fund
28 would be lost to the state.

29 Section 923. Subsection (2) of section 215.82, Florida
30 Statutes, is amended to read:

31 215.82 Validation; when required.--

1 (2) Any bonds issued pursuant to this act which are
 2 validated shall be validated in the manner provided by chapter
 3 75. In actions to validate bonds to be issued in the name of
 4 the State Board of Education under s. 9(a) and (d), Art. XII
 5 of the State Constitution and bonds to be issued pursuant to
 6 chapter 259, the Land Conservation Act of 1972, the complaint
 7 shall be filed in the circuit court of the county where the
 8 seat of state government is situated, the notice required to
 9 be published by s. 75.06 shall be published only in the county
 10 where the complaint is filed, and the complaint and order of
 11 the circuit court shall be served only on the state attorney
 12 of the circuit in which the action is pending. In any action
 13 to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part~~
 14 ~~of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of
 15 the State Constitution or issued pursuant to s. 215.605 or s.
 16 338.227, the complaint shall be filed in the circuit court of
 17 the county where the seat of state government is situated, the
 18 notice required to be published by s. 75.06 shall be published
 19 in a newspaper of general circulation in the county where the
 20 complaint is filed and in two other newspapers of general
 21 circulation in the state, and the complaint and order of the
 22 circuit court shall be served only on the state attorney of
 23 the circuit in which the action is pending; provided, however,
 24 that if publication of notice pursuant to this section would
 25 require publication in more newspapers than would publication
 26 pursuant to s. 75.06, such publication shall be made pursuant
 27 to s. 75.06.

28 Section 924. Subsection (7) of section 216.181,
 29 Florida Statutes, is amended to read:

30 216.181 Approved budgets for operations and fixed
 31 capital outlay.--

1 (7) The Executive Office of the Governor may, for the
2 purpose of improved contract administration, authorize the
3 consolidation of two or more fixed capital outlay
4 appropriations for an agency, and the Chief Justice of the
5 Supreme Court for the judicial branch, except for projects
6 authorized under chapter 1013 235, provided the original scope
7 and purpose of each project are not changed.

8 Section 925. Subsection (3) of section 216.301,
9 Florida Statutes, is amended to read:

10 216.301 Appropriations; undisbursed balances.--

11 (3) Notwithstanding the provisions of subsection (2),
12 the unexpended balance of any appropriation for fixed capital
13 outlay subject to but not under the terms of a binding
14 contract or a general construction contract prior to February
15 1 of the second fiscal year, or the third fiscal year if it is
16 for an educational facility as defined in chapter 1013 235 or
17 a construction project of the Board of Regents, of the
18 appropriation shall revert on February 1 of such year to the
19 fund from which appropriated and shall be available for
20 reappropriation. The Executive Office of the Governor shall,
21 not later than February 20 of each year, furnish the
22 Comptroller, the legislative appropriations committees, and
23 the Auditor General a report listing in detail the items and
24 amounts reverting under the authority of this subsection,
25 including the fund to which reverted and the agency affected.

26 Section 926. Paragraphs (e) and (f) of subsection (1)
27 of section 218.39, Florida Statutes, are amended to read:

28 218.39 Annual financial audit reports.--

29 (1) If, by the first day in any fiscal year, a local
30 governmental entity, district school board, charter school, or
31 charter technical career center has not been notified that a

1 financial audit for that fiscal year will be performed by the
2 Auditor General, each of the following entities shall have an
3 annual financial audit of its accounts and records completed
4 within 12 months after the end of its fiscal year by an
5 independent certified public accountant retained by it and
6 paid from its public funds:

7 (e) Each charter school established under s. 1002.33
8 ~~228.056~~.

9 (f) Each charter technical center established under s.
10 1002.34 ~~228.505~~.

11 Section 927. Paragraph (c) of subsection (2) of
12 section 220.183, Florida Statutes, is amended to read:

13 220.183 Community contribution tax credit.--

14 (2) ELIGIBILITY REQUIREMENTS.--

15 (c) The project must be undertaken by an "eligible
16 sponsor," defined here as:

17 1. A community action program;

18 2. 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 3. A neighborhood housing services corporation;

24 4. A local housing authority, created pursuant to
25 chapter 421;

26 5. A community redevelopment agency, created pursuant
27 to s. 163.356;

28 6. The Florida Industrial Development Corporation;

29 7. An historic preservation district agency or
30 organization;

31 8. A regional workforce board;

1 9. A direct-support organization as provided in s.
2 1009.983 ~~240.551~~;

3 10. An enterprise zone development agency created
4 pursuant to s. 290.0056;

5 11. 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 12. Units of local government;

12 13. Units of state government; or

13 14. Such other agency as the Office of Tourism, Trade,
14 and Economic Development may, from time to time, designate by
15 rule.

16
17 In no event shall a contributing business firm have a
18 financial interest in the eligible sponsor.

19 Section 928. Subsection (1) of section 222.22, Florida
20 Statutes, is amended to read:

21 222.22 Exemption of moneys in the Prepaid College
22 Trust Fund or in a Medical Savings Account from legal
23 process.--

24 (1)(a) Moneys paid into or out of the Florida Prepaid
25 College Trust Fund by or on behalf of a purchaser or qualified
26 beneficiary pursuant to an advance payment contract made under
27 part IV of chapter 1009 ~~s. 240.551~~, which contract has not
28 been terminated, are not liable to attachment, garnishment, or
29 legal process in the state in favor of any creditor of the
30 purchaser or beneficiary of such advance payment contract.

31

1 (b) Moneys paid into or out of the Prepaid College
2 Trust Fund by or on behalf of a benefactor or designated
3 beneficiary pursuant to a participation agreement made under
4 s. 1009.981 ~~240.553~~, which agreement has not been terminated,
5 are not liable to attachment, garnishment, or legal process in
6 the state in favor of any creditor of the purchaser or
7 beneficiary of such participation agreement.

8 Section 929. Subsection (4) of section 250.115,
9 Florida Statutes, is amended to read:

10 250.115 Department of Military Affairs direct-support
11 organization.--

12 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
13 agreement between the direct-support organization organized
14 pursuant to this section and another direct-support
15 organization or center of technology innovation designated
16 under s. 1004.77 ~~240.3335~~ must be approved by the Adjutant
17 General.

18 Section 930. Section 255.0515, Florida Statutes, is
19 amended to read:

20 255.0515 Bids for state contracts; substitution of
21 subcontractors.--With respect to state contracts let pursuant
22 to competitive bidding, whether under chapter 1013 ~~235~~,
23 relating to educational facilities, or this chapter, relating
24 to public buildings, the contractor shall not remove or
25 replace subcontractors listed in the bid subsequent to the
26 lists being made public at the bid opening, except upon good
27 cause shown.

28 Section 931. Section 255.0516, Florida Statutes, is
29 amended to read:

30 255.0516 Bid protests by educational boards.--With
31 respect to state contracts and bids pursuant to competitive

1 bidding, whether under chapter 1013 235, relating to
2 educational facilities, or under this chapter, relating to
3 public buildings, if a school board, a community college board
4 of trustees, or a state university board of trustees ~~the Board~~
5 ~~of Regents~~ uses procedures pursuant to chapter 120 for bid
6 protests, the board may require the protestor to post a bond
7 amounting to:

8 (1) Twenty-five thousand dollars or 2 percent of the
9 lowest accepted bid, whichever is greater, for projects valued
10 over \$500,000; and

11 (2) Five percent of the lowest accepted bid for all
12 other projects,

13
14 conditioned upon payment of all costs and fees which may be
15 adjudged against the protestor in the administrative hearing.
16 If at the hearing the agency prevails, it shall recover all
17 costs and attorney's fees from the protestor; if the protestor
18 prevails, the protestor shall recover from the agency all
19 costs and attorney's fees.

20 Section 932. Paragraph (e) of subsection (1) of
21 section 265.2861, Florida Statutes, is amended to read:

22 265.2861 Cultural Institutions Program; trust fund.--

23 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is
24 created a Cultural Institutions Trust Fund to be administered
25 by the Department of State for the purposes set forth in this
26 section and to support the following programs as follows:

27 (e)1. For the officially designated Art Museum of the
28 State of Florida described in s. 1004.45 ~~240.711~~, \$2.2
29 million, and for state-owned cultural facilities assigned to
30 the Department of State, which receive a portion of any
31 operating funds from the Department of State and one of the

1 primary purposes of which is the presentation of fine arts or
2 performing arts, \$500,000.

3 2. For fiscal year 2001-2002 only, the provisions of
4 subparagraph 1. relating to state-owned cultural facilities
5 shall not be applicable. This subparagraph expires July 1,
6 2002.

7
8 The trust fund shall consist of moneys appropriated by the
9 Legislature, moneys deposited pursuant to s. 607.1901(2), and
10 moneys contributed to the fund from any other source.

11 Section 933. Paragraph (d) of subsection (5) of
12 section 265.603, Florida Statutes, is amended to read:

13 265.603 Definitions relating to Cultural Endowment
14 Program.--The following terms and phrases when used in ss.
15 265.601-265.607 shall have the meaning ascribed to them in
16 this section, except where the context clearly indicates a
17 different meaning:

18 (5) "Sponsoring organization" means a cultural
19 organization which:

20 (d) Is primarily and directly responsible for
21 conducting, creating, producing, presenting, staging, or
22 sponsoring a cultural exhibit, performance, or event. This
23 provision includes museums owned and operated by political
24 subdivisions of the state, except those constituted pursuant
25 to s. 1004.67 ~~240.317~~.

26 Section 934. Subsection (8) of section 267.173,
27 Florida Statutes, is amended to read:

28 267.173 Historic preservation in West Florida; goals;
29 contracts for historic preservation; powers and duties.--

30 (8) Notwithstanding any other provision of law, the
31 University of West Florida and its direct-support organization

1 are eligible to match state funds in the Trust Fund for Major
2 Gifts established pursuant to s. 1011.94 ~~240-2605~~.

3 Section 935. Subsections (4), (5), (7), and (9) of
4 section 267.1732, Florida Statutes, are amended to read:

5 267.1732 Direct-support organization.--

6 (4) The university may authorize a direct-support
7 organization to use its property (except money), facilities,
8 and personal services, subject to the provisions of this
9 section and s. 1004.28 ~~240-299~~. A direct-support organization
10 that does not provide equal employment opportunities to all
11 persons regardless of race, color, religion, sex, age, or
12 national origin may not use the property, facilities, or
13 personal services of the university. For the purposes of this
14 subsection, the term "personal services" includes full-time
15 personnel and part-time personnel as well as payroll
16 processing.

17 (5) The university shall establish policies and may
18 adopt rules pursuant to s. 1004.28 ~~240-299~~ prescribing the
19 procedures by which the direct-support organization is
20 governed and any conditions with which a direct-support
21 organization must comply to use property, facilities, or
22 personal services of the university.

23 (7) The direct-support organization shall provide for
24 an annual financial and compliance audit of its financial
25 accounts and records by an independent certified public
26 accountant in accordance with s. 251.981 and generally
27 accepted accounting standards. The annual audit report must be
28 submitted to the university for review and approval. The
29 university, the Auditor General, and others authorized in s.
30 1004.28 ~~240-299~~ shall have the authority to require and
31 receive from the direct-support organization, or from its

1 independent auditor, any detail or supplemental data relative
2 to the operation of the organization. Upon approval, the
3 university shall certify the audit report to the Auditor
4 General for review.

5 (9) Provisions governing direct-support organizations
6 in s. 1004.28 ~~240.99~~ and not provided in this section shall
7 apply to the direct-support organization.

8 Section 936. Subsection (9) of section 282.005,
9 Florida Statutes, is amended to read:

10 282.005 Legislative findings and intent.--The
11 Legislature finds that:

12 (9) To ensure the best management of the state's
13 information technology and notwithstanding other provisions of
14 law to the contrary, the functions of information technology
15 are ~~hereby~~ assigned to the university boards of trustees ~~Board~~
16 ~~of Regents as the agency responsible~~ for the development and
17 implementation of ~~policy~~, planning, management, rulemaking,
18 standards, and guidelines for the state universities ~~State~~
19 ~~University System~~; to the community college boards of trustees
20 ~~State Board of Community Colleges as the agency responsible~~
21 for establishing and developing rules ~~and policies~~ for the
22 community colleges ~~Florida Community College System~~; to the
23 Supreme Court, for the judicial branch; to each state attorney
24 and public defender; and to the State Technology Office for
25 the executive branch of state government.

26 Section 937. Subsections (1) and (3) of section
27 282.103, Florida Statutes, are amended to read:

28 282.103 SUNCOM Network; exemptions from the required
29 use.--

30 (1) There is created within the State Technology
31 Office the SUNCOM Network which shall be developed to serve as

1 the state communications system for providing local and
 2 long-distance communications services to state agencies,
 3 political subdivisions of the state, municipalities, state
 4 universities, and nonprofit corporations pursuant to ss.
 5 282.101-282.111. The SUNCOM Network shall be developed to
 6 transmit all types of communications signals, including, but
 7 not limited to, voice, data, video, image, and radio. State
 8 agencies shall cooperate and assist in the development and
 9 joint use of communications systems and services.

10 (3) All state agencies and state universities are
 11 required to use the SUNCOM Network for agency and state
 12 university communications services as the services become
 13 available; however, no agency or university is relieved of
 14 responsibility for maintaining communications services
 15 necessary for effective management of its programs and
 16 functions. If a SUNCOM Network service does not meet the
 17 communications requirements of an agency or university, the
 18 agency or university shall notify the State Technology Office
 19 in writing and detail the requirements for that communications
 20 service. If the office is unable to meet an agency's or
 21 university's requirements by enhancing SUNCOM Network service,
 22 the office may grant the agency or university an exemption
 23 from the required use of specified SUNCOM Network services.

24 Section 938. Subsection (4) of section 282.105,
 25 Florida Statutes, is amended to read:

26 282.105 Use of state SUNCOM Network by nonprofit
 27 corporations.--

28 (4) Institutions qualified to participate in the
 29 William L. Boyd, IV, Florida Resident Access Grant Program
 30 pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the
 31 state SUNCOM Network, subject to the terms and conditions of

1 the office. Such entities shall not be required to satisfy the
2 other criteria of this section.

3 Section 939. Section 282.106, Florida Statutes, is
4 amended to read:

5 282.106 Use of SUNCOM Network by libraries.--The State
6 Technology Office may provide SUNCOM Network services to any
7 library in the state, including libraries in public schools,
8 community colleges, state universities ~~the State University~~
9 ~~System~~, and nonprofit private postsecondary educational
10 institutions, and libraries owned and operated by
11 municipalities and political subdivisions.

12 Section 940. Section 282.3031, Florida Statutes, is
13 amended to read:

14 282.3031 Assignment of information resources
15 management responsibilities.--For purposes of ss.
16 282.303-282.322, to ensure the best management of state
17 information technology resources, and notwithstanding other
18 provisions of law to the contrary, the functions of
19 information resources management are ~~hereby~~ assigned to the
20 university boards of trustees ~~Board of Regents as the agency~~
21 ~~responsible~~ for the development and implementation of ~~policy,~~
22 planning, management, rulemaking, standards, and guidelines
23 for the state universities ~~State University System~~; to the
24 community college boards of trustees ~~State Board of Community~~
25 ~~Colleges as the agency responsible~~ for establishing and
26 developing rules ~~and policies~~ for the community colleges
27 ~~Florida Community College System~~; to the Supreme Court for the
28 judicial branch; to each state attorney and public defender;
29 and to the State Technology Office for the agencies within the
30 executive branch of state government.

31

1 Section 941. Subsection (1) of section 282.3063,
2 Florida Statutes, is amended to read:

3 282.3063 Agency Annual Enterprise Resource Planning
4 and Management Report.--

5 (1) By September 1 of each year, ~~and for the State~~
6 ~~University System within 90 days after completion of the~~
7 ~~expenditure analysis developed pursuant to s. 240.271(4)~~, each
8 Agency Chief Information Officer shall prepare and submit to
9 the State Technology Office an Agency Annual Enterprise
10 Resource Planning and Management Report. Following
11 consultation with the State Technology Office and the Agency
12 Chief Information Officers Council, the Executive Office of
13 the Governor and the fiscal committees of the Legislature
14 shall jointly develop and issue instructions for the format
15 and contents of the report.

16 Section 942. Subsection (2) of section 282.310,
17 Florida Statutes, is amended to read:

18 282.310 State Annual Report on Enterprise Resource
19 Planning and Management.--

20 (2) The State Annual Report on Enterprise Resource
21 Planning and Management shall contain, at a minimum, the
22 following:

23 (a) The state vision for enterprise resource planning
24 and management.

25 (b) A forecast of the state enterprise resource
26 planning and management priorities and initiatives for the
27 ensuing 2 years.

28 (c) A summary of major statewide policies recommended
29 by the State Technology Office for enterprise resource
30 planning and management.

31

1 (d) A summary of memoranda issued by the Executive
2 Office of the Governor.

3 (e) An assessment of the overall progress toward an
4 integrated electronic system for deploying government
5 products, services, and information to individuals and
6 businesses and state enterprise resource planning and
7 management initiatives and priorities for the past fiscal
8 year.

9 (f) A summary of major statewide issues related to
10 improving enterprise resource planning and management by the
11 state.

12 (g) An inventory list, by major categories, of state
13 information technology resources.

14 (h) A summary of the total agency expenditures or
15 descriptions of agreements, contracts, or partnerships for
16 enterprise resource planning and management and of
17 enterprise-wide procurements done by the office on behalf of
18 the state.

19 (i) A summary of the opportunities for government
20 agencies or entities to share enterprise resource planning and
21 management projects or initiatives with other governmental or
22 private sector entities.

23
24 The state annual report shall also include enterprise resource
25 planning and management information from the annual reports
26 prepared by the state universities and the community colleges
27 ~~Board of Regents for the State University System, from the~~
28 ~~State Board of Community Colleges for the Florida Community~~
29 ~~College System~~, from the Supreme Court for the judicial
30 branch, and from the Justice Administrative Commission on
31 behalf of the state attorneys and public defenders.

1 Expenditure information shall be taken from each agency's
2 annual report as well as the annual reports of the state
3 universities and the community colleges ~~Board of Regents, the~~
4 ~~State Board of Community Colleges~~, the Supreme Court, and the
5 Justice Administrative Commission.

6 Section 943. Section 284.34, Florida Statutes, is
7 amended to read:

8 284.34 Professional medical liability of the
9 university boards of trustees ~~Board of Regents~~ and nuclear
10 energy liability excluded.--Unless specifically authorized by
11 the Department of Insurance, no coverages shall be provided by
12 this fund for professional medical liability insurance for the
13 university boards of trustees ~~Board of Regents~~ or the
14 physicians, officers, employees, or agents of any ~~the~~ board or
15 for liability related to nuclear energy which is ordinarily
16 subject to the standard nuclear energy liability exclusion of
17 conventional liability insurance policies. This section does
18 ~~shall not affect be construed as affecting~~ the self-insurance
19 programs of the university boards of trustees ~~Board of Regents~~
20 established pursuant to s. 1004.24 ~~240.213~~.

21 Section 944. Paragraph (b) of subsection (2) of
22 section 285.18, Florida Statutes, is amended to read:

23 285.18 Tribal council as governing body; powers and
24 duties.--

25 (2) The governing bodies of the special improvement
26 districts shall have the duty and power:

27 (b) To contract with the district school board of any
28 district adjoining the local school district, when deemed
29 necessary by the tribal council, to provide public education
30 and educational programs for their members, notwithstanding
31 the provisions of s. 1001.42 ~~230.23~~ that authorize school

1 boards to establish attendance areas for their districts or
2 approve plans for attendance in other districts.

3 Section 945. Paragraph (a) of subsection (2) of
4 section 287.042, Florida Statutes, is amended to read:

5 287.042 Powers, duties, and functions.--The department
6 shall have the following powers, duties, and functions:

7 (2)(a) To plan and coordinate purchases in volume and
8 to negotiate and execute purchasing agreements and contracts
9 for commodities and contractual services under which state
10 agencies shall make purchases pursuant to s. 287.056, and
11 under which a federal, county, municipality, institutions
12 qualified to participate in the William L. Boyd, IV, Florida
13 Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~,
14 private nonprofit community transportation coordinator
15 designated pursuant to chapter 427, while conducting business
16 related solely to the Commission for the Transportation
17 Disadvantaged, or other local public agency may make
18 purchases. The department may restrict purchases from some
19 term contracts to state agencies only for those term contracts
20 where the inclusion of other governmental entities will have
21 an adverse effect on competition or to those federal
22 facilities located in this state. In such planning or
23 purchasing the Office of Supplier Diversity may monitor to
24 ensure that opportunities are afforded for contracting with
25 minority business enterprises. The department, for state term
26 contracts, and all agencies, for multiyear contractual
27 services or term contracts, shall explore reasonable and
28 economical means to utilize certified minority business
29 enterprises. Purchases by any county, municipality, private
30 nonprofit community transportation coordinator designated
31 pursuant to chapter 427, while conducting business related

1 solely to the Commission for the Transportation Disadvantaged,
2 or other local public agency under the provisions in the state
3 purchasing contracts, and purchases, from the corporation
4 operating the correctional work programs, of products or
5 services that are subject to paragraph (1)(f), are exempt from
6 the competitive sealed bid requirements otherwise applying to
7 their purchases.

8 Section 946. Paragraph (c) of subsection (9) and
9 subsections (10) and (11) of section 287.055, Florida
10 Statutes, are amended to read:

11 287.055 Acquisition of professional architectural,
12 engineering, landscape architectural, or surveying and mapping
13 services; definitions; procedures; contingent fees prohibited;
14 penalties.--

15 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

16 (c) Except as otherwise provided in ~~s. 240.209(3)~~ or
17 s. 337.11(7), the Department of Management Services shall
18 adopt rules for the award of design-build contracts to be
19 followed by state agencies. Each other agency must adopt
20 rules or ordinances for the award of design-build contracts.
21 Municipalities, political subdivisions, school districts, and
22 school boards shall award design-build contracts by the use of
23 a competitive proposal selection process as described in this
24 subsection, or by the use of a qualifications-based selection
25 process pursuant to subsections (3), (4), and (5) for entering
26 into a contract whereby the selected firm will subsequently
27 establish a guaranteed maximum price and guaranteed completion
28 date. If the procuring agency elects the option of
29 qualifications-based selection, during the selection of the
30 design-build firm the procuring agency shall employ or retain
31 a licensed design professional appropriate to the project to

1 serve as the agency's representative. Procedures for the use
2 of a competitive proposal selection process must include as a
3 minimum the following:

4 1. The preparation of a design criteria package for
5 the design and construction of the public construction
6 project.

7 2. The qualification and selection of no fewer than
8 three design-build firms as the most qualified, based on the
9 qualifications, availability, and past work of the firms,
10 including the partners or members thereof.

11 3. The criteria, procedures, and standards for the
12 evaluation of design-build contract proposals or bids, based
13 on price, technical, and design aspects of the public
14 construction project, weighted for the project.

15 4. The solicitation of competitive proposals, pursuant
16 to a design criteria package, from those qualified
17 design-build firms and the evaluation of the responses or bids
18 submitted by those firms based on the evaluation criteria and
19 procedures established prior to the solicitation of
20 competitive proposals.

21 5. For consultation with the employed or retained
22 design criteria professional concerning the evaluation of the
23 responses or bids submitted by the design-build firms, the
24 supervision or approval by the agency of the detailed working
25 drawings of the project; and for evaluation of the compliance
26 of the project construction with the design criteria package
27 by the design criteria professional.

28 6. In the case of public emergencies, for the agency
29 head to declare an emergency and authorize negotiations with
30 the best qualified design-build firm available at that time.

31

1 (10) REUSE OF EXISTING PLANS.--Notwithstanding any
2 other provision of this section, there shall be no public
3 notice requirement or utilization of the selection process as
4 provided in this section for projects in which the agency is
5 able to reuse existing plans from a prior project of the
6 agency, or, in the case of a board as defined in s. 1013.01
7 ~~chapter 235~~, a prior project of that or any other board.
8 Except for plans of a board as defined in s. 1013.01 ~~chapter~~
9 ~~235~~, public notice for any plans that are intended to be
10 reused at some future time must contain a statement that
11 provides that the plans are subject to reuse in accordance
12 with the provisions of this subsection.

13 (11) CONSTRUCTION OF LAW.--Nothing in the amendment of
14 this section by chapter 75-281, Laws of Florida, is intended
15 to supersede the provisions of ss. 1013.45 and 1013.46 ~~235-211~~
16 ~~and 235-31~~.

17 Section 947. Subsection (1) of section 287.064,
18 Florida Statutes, is amended to read:

19 287.064 Consolidated financing of deferred-payment
20 purchases.--

21 (1) The Division of Bond Finance of the State Board of
22 Administration and the Comptroller shall plan and coordinate
23 deferred-payment purchases made by or on behalf of the state
24 or its agencies or by or on behalf of state community colleges
25 participating under this section pursuant to s. 1001.64(26)
26 ~~240-319(4)(p)~~. The Division of Bond Finance shall negotiate
27 and the Comptroller shall execute agreements and contracts to
28 establish master equipment financing agreements for
29 consolidated financing of deferred-payment, installment sale,
30 or lease purchases with a financial institution or a
31 consortium of financial institutions. As used in this act, the

1 term "deferred-payment" includes installment sale and
2 lease-purchase.

3 (a) The period during which equipment may be acquired
4 under any one master equipment financing agreement shall be
5 limited to not more than 3 years.

6 (b) Repayment of the whole or a part of the funds
7 drawn pursuant to the master equipment financing agreement may
8 continue beyond the period established pursuant to paragraph
9 (a).

10 (c) The interest rate component of any master
11 equipment financing agreement shall be deemed to comply with
12 the interest rate limitation imposed in s. 287.063 so long as
13 the interest rate component of every interagency or community
14 college agreement entered into under such master equipment
15 financing agreement complies with the interest rate limitation
16 imposed in s. 287.063. Such interest rate limitation does not
17 apply when the payment obligation under the master equipment
18 financing agreement is rated by a nationally recognized rating
19 service in any one of the three highest classifications, which
20 rating services and classifications are determined pursuant to
21 rules adopted by the Comptroller.

22 Section 948. Paragraph (f) of subsection (1) of
23 section 288.039, Florida Statutes, is amended to read:

24 288.039 Employing and Training our Youths (ENTRY).--

25 (1) DEFINITIONS.--As used in this section:

26 (f) "Public school" shall have the same meaning as in
27 s. 1000.04(1) ~~228.041(1)(a)~~.

28 Section 949. Subsection (6) of section 288.8175,
29 Florida Statutes, is amended to read:

30 288.8175 Linkage institutes between postsecondary
31 institutions in this state and foreign countries.--

1 (6) Each institute is allowed to exempt from s.
2 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per
3 year from the respective host countries to study in any of the
4 state universities or community colleges in this state as
5 resident students for tuition purposes. The institute
6 directors shall develop criteria, to be approved by the
7 Department of Education, for the selection of these students.
8 Students must return home within 3 years after their tenure of
9 graduate or undergraduate study for a length of time equal to
10 their exemption period.

11 Section 950. Subsection (2) of section 295.01, Florida
12 Statutes, is amended to read:

13 295.01 Children of deceased or disabled veterans;
14 education.--

15 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
16 295.05, and 1009.40 shall apply.

17 Section 951. Subsection (2) of section 295.015,
18 Florida Statutes, is amended to read:

19 295.015 Children of prisoners of war and persons
20 missing in action; education.--

21 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
22 295.05, and 1009.40 shall apply.

23 Section 952. Subsection (2) of section 295.016,
24 Florida Statutes, is amended to read:

25 295.016 Children of service members who died or became
26 disabled in Operation Eagle Claw.--

27 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
28 295.05, and 1009.40 shall apply.

29 Section 953. Subsection (2) of section 295.017,
30 Florida Statutes, is amended to read:

31

1 295.017 Children of service members who died or became
2 disabled in the Lebanon and Grenada military arenas;
3 educational opportunity.--

4 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
5 295.05, and 1009.40 shall apply.

6 Section 954. Subsection (2) of section 295.018,
7 Florida Statutes, is amended to read:

8 295.018 Children of service members who died in
9 Newfoundland air tragedy; educational opportunity.--

10 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
11 295.05, and 1009.40 shall apply.

12 Section 955. Subsection (2) of section 295.019,
13 Florida Statutes, is amended to read:

14 295.019 Children of service members who died in U.S.S.
15 Stark attack.--

16 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
17 295.05, and 1009.40 shall apply.

18 Section 956. Subsection (2) of section 295.0195,
19 Florida Statutes, is amended to read:

20 295.0195 Children of deceased or disabled military
21 personnel who died or became disabled in the Mideast Persian
22 Gulf military arena during hostilities with Iraq or in the
23 military action in Panama known as Operation Just Cause.--

24 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
25 295.05, and 1009.40 shall apply.

26 Section 957. Subsection (45) of section 316.003,
27 Florida Statutes, is amended to read:

28 316.003 Definitions.--The following words and phrases,
29 when used in this chapter, shall have the meanings
30 respectively ascribed to them in this section, except where
31 the context otherwise requires:

1 (45) SCHOOL BUS.--Any motor vehicle that complies with
2 the color and identification requirements of chapter 1006 ~~234~~
3 and is used to transport children to or from public or private
4 school or in connection with school activities, but not
5 including buses operated by common carriers in urban
6 transportation of school children. The term "school" includes
7 all preelementary, elementary, secondary, and postsecondary
8 schools.

9 Section 958. Subsection (4) of section 316.027,
10 Florida Statutes, is amended to read:

11 316.027 Crash involving death or personal injuries.--

12 (4) A person whose commission of a noncriminal traffic
13 infraction or any violation of this chapter or s. 1006.66
14 ~~240.265~~ causes or results in the death of another person may,
15 in addition to any other civil, criminal, or administrative
16 penalty imposed, be required by the court to serve 120
17 community service hours in a trauma center or hospital that
18 regularly receives victims of vehicle accidents, under the
19 supervision of a registered nurse, an emergency room
20 physician, or an emergency medical technician pursuant to a
21 voluntary community service program operated by the trauma
22 center or hospital.

23 Section 959. Paragraph (b) of subsection (9) of
24 section 316.515, Florida Statutes, is amended to read:

25 316.515 Maximum width, height, length.--

26 (9) BUSES AND PRIVATE MOTOR COACHES.--

27 (b) School buses which are subject to the provisions
28 of ~~chapter 234~~ or s. 316.615 or chapter 1006 are exempt from
29 the provisions of this subsection.

30 Section 960. Subsection (5) of section 316.6145,
31 Florida Statutes, is amended to read:

1 316.6145 School buses; safety belts or other restraint
2 systems required.--

3 (5) The provisions of this section shall not apply to
4 vehicles as defined in s. 1006.25(1)(b) ~~234.051(1)(b)~~.

5 Section 961. Paragraphs (a) and (c) of subsection (1)
6 of section 316.615, Florida Statutes, are amended to read:

7 316.615 School buses; physical requirements of
8 drivers.--

9 (1)(a) All motor vehicles, with a seating capacity of
10 24 or more pupils, which are regularly used for the
11 transportation of pupils to or from school, or to or from
12 school activities, shall comply with the requirements for
13 school buses of chapter 1006 ~~234~~.

14 (c) A bus operated by an organization that holds a tax
15 exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from
16 the color, pupil-warning-lamp-system, stop-arm, and
17 crossing-arm requirements for school buses in chapter 1006 ~~234~~
18 if:

19 1. The bus does not pick up pupils from home or
20 deliver pupils to home;

21 2. The bus makes no intermittent stops to unload or
22 load pupils; and

23 3. The bus is not operated by or under the purview of
24 the state or political subdivision.

25 Section 962. Subsection (3) of section 316.70, Florida
26 Statutes, is amended to read:

27 316.70 Nonpublic sector buses; safety rules.--

28 (3) School buses subject to the provisions of chapter
29 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this
30 section.
31

1 Section 963. Subsection (2) of section 316.72, Florida
2 Statutes, is amended to read:

3 316.72 Buses simulating school buses in color and
4 insignia; conditions of use.--

5 (2) Any educational, recreational, religious, or
6 charitable organization may own, operate, rent, or lease any
7 bus which has been painted the orange or yellow color known as
8 "school bus chrome" and which has been equipped with the
9 signs, lights, insignia, and other features which normally
10 characterize a school bus, as defined in s. 1006.25 ~~234.051~~,
11 consistent with the provisions of this section.

12 Section 964. Section 318.12, Florida Statutes, is
13 amended to read:

14 318.12 Purpose.--It is the legislative intent in the
15 adoption of this chapter to decriminalize certain violations
16 of chapter 316, the Florida Uniform Traffic Control Law;
17 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
18 Licenses; ~~chapter 240, Postsecondary Education; and chapter~~
19 338, Florida Intrastate Highway System and Toll Facilities;
20 and chapter 1006, Support of Learning, thereby facilitating
21 the implementation of a more uniform and expeditious system
22 for the disposition of traffic infractions.

23 Section 965. Subsection (1) of section 318.14, Florida
24 Statutes, is amended to read:

25 318.14 Noncriminal traffic infractions; exception;
26 procedures.--

27 (1) Except as provided in ss. 318.17 and 320.07(3)(c),
28 any person cited for a violation of s. 1006.66(3) ~~240.265~~,
29 chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
30 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s.
31 322.19, or s. 1006.66 is charged with a noncriminal infraction

1 and must be cited for such an infraction and cited to appear
2 before an official. If another person dies as a result of the
3 noncriminal infraction, the person cited may be required to
4 perform 120 community service hours under s. 316.027(4), in
5 addition to any other penalties.

6 Section 966. Paragraph (c) of subsection (2) of
7 section 320.08058, Florida Statutes, is amended to read:

8 320.08058 Specialty license plates.--

9 (2) CHALLENGER LICENSE PLATES.--

10 (c) Fifty percent must be distributed to the
11 Technological Research and Development Authority created by s.
12 2, chapter 87-455, Laws of Florida, for the purpose of funding
13 space-related research grants, the Teacher/Quest Scholarship
14 Program under s. 1009.61 ~~240.4082~~ as approved by the Florida
15 Department of Education, and space-related economic
16 development programs. The Technological Research and
17 Development Authority shall coordinate and distribute
18 available resources among state universities and independent
19 colleges and universities based on the research strengths of
20 such institutions in space science technology, community
21 colleges, public school districts, and not-for-profit
22 educational organizations.

23 Section 967. Subsection (1) of section 320.20, Florida
24 Statutes, is amended to read:

25 320.20 Disposition of license tax moneys.--The revenue
26 derived from the registration of motor vehicles, including any
27 delinquent fees and excluding those revenues collected and
28 distributed under the provisions of s. 320.081, must be
29 distributed monthly, as collected, as follows:

30 (1) The first proceeds, to the extent necessary to
31 comply with the provisions of s. 18, Art. XII of the State

1 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
2 revised constitution, and the additional provisions of s. 9(d)
3 and s. 1010.57 ~~236.602~~, must be deposited in the district
4 Capital Outlay and Debt Service School Trust Fund.

5 Section 968. Section 320.38, Florida Statutes, is
6 amended to read:

7 320.38 When nonresident exemption not allowed.--The
8 provisions of s. 320.37 authorizing the operation of motor
9 vehicles over the roads of this state by nonresidents of this
10 state when such vehicles are duly registered or licensed under
11 the laws of some other state or foreign country do not apply
12 to any nonresident who accepts employment or engages in any
13 trade, profession, or occupation in this state, except a
14 nonresident migrant farm worker as defined in s. 316.003(61).
15 In every case in which a nonresident, except a nonresident
16 migrant farm worker as defined in s. 316.003(61), accepts
17 employment or engages in any trade, profession, or occupation
18 in this state or enters his or her children to be educated in
19 the public schools of this state, such nonresident shall,
20 within 10 days after the commencement of such employment or
21 education, register his or her motor vehicles in this state if
22 such motor vehicles are proposed to be operated on the roads
23 of this state. Any person who is enrolled as a student in a
24 college or university and who is a nonresident but who is in
25 this state for a period of up to 6 months engaged in a
26 work-study program for which academic credits are earned from
27 a college whose credits or degrees are accepted for credit by
28 at least three accredited institutions of higher learning, as
29 defined in s. 1005.02 ~~246.021~~, is not required to have a
30 Florida registration for the duration of the work-study
31 program if the person's vehicle is properly registered in

1 another jurisdiction. Any nonresident who is enrolled as a
2 full-time student in such institution of higher learning is
3 also exempt for the duration of such enrollment.

4 Section 969. Subsection (3) of section 322.031,
5 Florida Statutes, is amended to read:

6 322.031 Nonresident; when license required.--

7 (3) A nonresident who is domiciled in another state
8 and who commutes into this state in order to work shall not be
9 required to obtain a Florida driver's license under this
10 section solely because he or she has accepted employment or
11 engages in any trade, profession, or occupation in this state
12 if he or she has a valid driver's license issued by another
13 state. Further, any person who is enrolled as a student in a
14 college or university and who is a nonresident but is in this
15 state for a period of up to 6 months engaged in a work-study
16 program for which academic credits are earned from a college
17 whose credits or degrees are accepted for credit by at least
18 three accredited institutions of higher learning, as defined
19 in s. 1005.02 ~~246.021~~, shall not be required to obtain a
20 Florida driver's license for the duration of the work-study
21 program if such person has a valid driver's license issued by
22 another state. Any nonresident who is enrolled as a full-time
23 student in any such institution of higher learning is also
24 exempt from the requirement of obtaining a Florida driver's
25 license for the duration of such enrollment.

26 Section 970. Paragraph (e) of subsection (1) and
27 paragraph (a) of subsection (2) of section 322.091, Florida
28 Statutes, are amended to read:

29 322.091 Attendance requirements.--

30
31

1 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING
2 PRIVILEGES.--A minor is not eligible for driving privileges
3 unless that minor:
4 (e) Has been issued a certificate of exemption
5 according to s. 1003.21(3) ~~232.06~~; or
6
7 The department may not issue a driver's license or learner's
8 driver's license to, or shall suspend the driver's license or
9 learner's driver's license of, any minor concerning whom the
10 department receives notification of noncompliance with the
11 requirements of this section.
12 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;
13 RECORD OF NONCOMPLIANCE.--
14 (a) The department shall notify each minor for whom
15 the department has received notification of noncompliance with
16 the requirements of this section as provided in s. 1003.27
17 ~~232.19~~, and the minor's parent or guardian, of the
18 department's intent to suspend the minor's driving privileges.
19 Section 971. Subsection (5) of section 322.095,
20 Florida Statutes, is amended to read:
21 322.095 Traffic law and substance abuse education
22 program for driver's license applicants.--
23 (5) The provisions of this section do not apply to any
24 person who has been licensed in any other jurisdiction or who
25 has satisfactorily completed a Department of Education
26 driver's education course offered pursuant to s. 1003.48
27 ~~233.063~~.
28 Section 972. Paragraphs (a), (b), (c), and (d) of
29 subsection (1) of section 322.21, Florida Statutes, are
30 amended to read:
31

1 322.21 License fees; procedure for handling and
2 collecting fees.--

3 (1) Except as otherwise provided herein, the fee for:

4 (a) An original or renewal commercial driver's license
5 is \$50, which shall include the fee for driver education
6 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
7 completed training and is applying for employment or is
8 currently employed in a public or nonpublic school system that
9 requires the commercial license, the fee shall be the same as
10 for a Class E driver's license. A delinquent fee of \$1 shall
11 be added for a renewal made not more than 12 months after the
12 license expiration date.

13 (b) An original Class D or Class E driver's license is
14 \$20, which shall include the fee for driver's education
15 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
16 completed training and is applying for employment or is
17 currently employed in a public or nonpublic school system that
18 requires a commercial driver license, the fee shall be the
19 same as for a Class E license.

20 (c) The renewal or extension of a Class D or Class E
21 driver's license or of a license restricted to motorcycle use
22 only is \$15, except that a delinquent fee of \$1 shall be added
23 for a renewal or extension made not more than 12 months after
24 the license expiration date. The fee provided in this
25 paragraph shall include the fee for driver's education
26 provided by s. 1003.48 ~~233.063~~.

27 (d) An original driver's license restricted to
28 motorcycle use only is \$20, which shall include the fee for
29 driver's education provided by s. 1003.48 ~~233.063~~.

30
31

1 Section 973. Paragraphs (c) and (d) of subsection (2)
2 and subsection (6) of section 333.03, Florida Statutes, are
3 amended to read:

4 333.03 Power to adopt airport zoning regulations.--

5 (2) In the manner provided in subsection (1), interim
6 airport land use compatibility zoning regulations shall be
7 adopted. When political subdivisions have adopted land
8 development regulations in accordance with the provisions of
9 chapter 163 which address the use of land in the manner
10 consistent with the provisions herein, adoption of airport
11 land use compatibility regulations pursuant to this subsection
12 shall not be required. Interim airport land use compatibility
13 zoning regulations shall consider the following:

14 (c) Where an airport authority or other governing body
15 operating a publicly owned, public-use airport has conducted a
16 noise study in accordance with the provisions of 14 C.F.R.
17 part 150, neither residential construction nor any educational
18 facility as defined in chapter 1013 235, with the exception of
19 aviation school facilities, shall be permitted within the area
20 contiguous to the airport defined by an outer noise contour
21 that is considered incompatible with that type of construction
22 by 14 C.F.R. part 150, Appendix A or an equivalent noise level
23 as established by other types of noise studies.

24 (d) Where an airport authority or other governing body
25 operating a publicly owned, public-use airport has not
26 conducted a noise study, neither residential construction nor
27 any educational facility as defined in chapter 1013 235, with
28 the exception of aviation school facilities, shall be
29 permitted within an area contiguous to the airport measuring
30 one-half the length of the longest runway on either side of
31 and at the end of each runway centerline.

1 (6) Nothing in subsection (2) or subsection (3) shall
2 be construed to require the removal, alteration, sound
3 conditioning, or other change, or to interfere with the
4 continued use or adjacent expansion of any educational
5 structure or site in existence on July 1, 1993, or be
6 construed to prohibit the construction of any new structure
7 for which a site has been determined as provided in former s.
8 235.19, as of July 1, 1993.

9 Section 974. Subsection (7) of section 364.508,
10 Florida Statutes, is amended to read:

11 364.508 Definitions.--As used in this part:

12 (7) "Eligible facilities" means all approved campuses
13 and instructional centers of all public universities, public
14 community colleges, area technical centers, public elementary
15 schools, middle schools, and high schools, including school
16 administrative offices, public libraries, teaching hospitals,
17 the research institute described in s. 1004.43 ~~240.512~~, and
18 rural public hospitals as defined in s. 395.602. If no rural
19 public hospital exists in a community, the public health
20 clinic which is responsible for individuals before they can be
21 transferred to a regional hospital shall be considered
22 eligible.

23 Section 975. Paragraph (k) of subsection (3) of
24 section 380.0651, Florida Statutes, is amended to read:

25 380.0651 Statewide guidelines and standards.--

26 (3) The following statewide guidelines and standards
27 shall be applied in the manner described in s. 380.06(2) to
28 determine whether the following developments shall be required
29 to undergo development-of-regional-impact review:

30 (k) Schools.--

31

1 1. The proposed construction of any public, private,
2 or proprietary postsecondary educational campus which provides
3 for a design population of more than 5,000 full-time
4 equivalent students, or the proposed physical expansion of any
5 public, private, or proprietary postsecondary educational
6 campus having such a design population that would increase the
7 population by at least 20 percent of the design population.

8 2. As used in this paragraph, "full-time equivalent
9 student" means enrollment for 15 or more quarter hours during
10 a single academic semester. In technical ~~area vocational~~
11 schools or other institutions which do not employ semester
12 hours or quarter hours in accounting for student
13 participation, enrollment for 18 contact hours shall be
14 considered equivalent to one quarter hour, and enrollment for
15 27 contact hours shall be considered equivalent to one
16 semester hour.

17 3. This paragraph does not apply to institutions which
18 are the subject of a campus master plan adopted by the
19 university board of trustees ~~Board of Regents~~ pursuant to s.
20 1013.30 ~~240.155~~.

21 Section 976. Paragraph (e) of subsection (1) of
22 section 381.003, Florida Statutes, is amended to read:

23 381.003 Communicable disease and AIDS prevention and
24 control.--

25 (1) The department shall conduct a communicable
26 disease prevention and control program as part of fulfilling
27 its public health mission. A communicable disease is any
28 disease caused by transmission of a specific infectious agent,
29 or its toxic products, from an infected person, an infected
30 animal, or the environment to a susceptible host, either
31

1 directly or indirectly. The communicable disease program must
2 include, but need not be limited to:

3 (e) Programs for the prevention and control of
4 vaccine-preventable diseases, including programs to immunize
5 school children as required by s. 1003.22(3)-(11) ~~232.032~~ and
6 the development of an automated, electronic, and centralized
7 database or registry of immunizations. The department shall
8 ensure that all children in this state are immunized against
9 vaccine-preventable diseases. The immunization registry shall
10 allow the department to enhance current immunization
11 activities for the purpose of improving the immunization of
12 all children in this state.

13 1. Except as provided in subparagraph 2., the
14 department shall include all children born in this state in
15 the immunization registry by using the birth records from the
16 Office of Vital Statistics. The department shall add other
17 children to the registry as immunization services are
18 provided.

19 2. The parent or guardian of a child may refuse to
20 have the child included in the immunization registry by
21 signing a form obtained from the department, or from the
22 health care practitioner or entity that provides the
23 immunization, which indicates that the parent or guardian does
24 not wish to have the child included in the immunization
25 registry. The decision to not participate in the immunization
26 registry must be noted in the registry.

27 3. The immunization registry shall allow for
28 immunization records to be electronically transferred to
29 entities that are required by law to have such records,
30 including schools, licensed child care facilities, and any
31

1 other entity that is required by law to obtain proof of a
2 child's immunizations.

3 4. Any health care practitioner licensed under chapter
4 458, chapter 459, or chapter 464 in this state who complies
5 with rules adopted by the department to access the
6 immunization registry may, through the immunization registry,
7 directly access immunization records and update a child's
8 immunization history or exchange immunization information with
9 another authorized practitioner, entity, or agency involved in
10 a child's care. The information included in the immunization
11 registry must include the child's name, date of birth,
12 address, and any other unique identifier necessary to
13 correctly identify the child; the immunization record,
14 including the date, type of administered vaccine, and vaccine
15 lot number; and the presence or absence of any adverse
16 reaction or contraindication related to the immunization.
17 Information received by the department for the immunization
18 registry retains its status as confidential medical
19 information and the department must maintain the
20 confidentiality of that information as otherwise required by
21 law. A health care practitioner or other agency that obtains
22 information from the immunization registry must maintain the
23 confidentiality of any medical records in accordance with s.
24 456.057 or as otherwise required by law.

25 Section 977. Paragraph (d) of subsection (1) of
26 section 381.005, Florida Statutes, is amended to read:

27 381.005 Primary and preventive health services.--

28 (1) The department shall conduct a primary and
29 preventive health care program as part of fulfilling its
30 public health mission. This program shall include, but is not
31 limited to:

1 (d) School health services in accordance with chapters
2 1003 and 1006 ~~chapter 232~~.

3 Section 978. Paragraph (p) of subsection (5) of
4 section 381.0056, Florida Statutes, is amended to read:

5 381.0056 School health services program.--

6 (5) Each county health department shall develop,
7 jointly with the district school board and the local school
8 health advisory committee, a school health services plan; and
9 the plan shall include, at a minimum, provisions for:

10 (p) Maintenance of records on incidents of health
11 problems, corrective measures taken, and such other
12 information as may be needed to plan and evaluate health
13 programs; except, however, that provisions in the plan for
14 maintenance of health records of individual students must be
15 in accordance with s. 1002.22 ~~228.093~~;

16 Section 979. Subsection (9) of section 381.0302,
17 Florida Statutes, is amended to read:

18 381.0302 Florida Health Services Corps.--

19 (9) Persons who receive loan repayment assistance
20 under s. 1009.65 ~~240.4067~~ shall be members of the Florida
21 Health Services Corps.

22 Section 980. Subsection (3) of section 391.055,
23 Florida Statutes, is amended to read:

24 391.055 Service delivery systems.--

25 (3) The Children's Medical Services network may
26 contract with school districts participating in the certified
27 school match program pursuant to ss. ~~236.0812~~ and 409.908(21)
28 and 1011.70 for the provision of school-based services, as
29 provided for in s. 409.9071, for Medicaid-eligible children
30 who are enrolled in the Children's Medical Services network.
31

1 Section 981. Section 393.0657, Florida Statutes, is
2 amended to read:

3 393.0657 Persons not required to be refingerprinted or
4 rescreened.--Any provision of law to the contrary
5 notwithstanding, human resource personnel who have been
6 fingerprinted or screened pursuant to chapters 393, 394, 397,
7 402, and 409, and teachers who have been fingerprinted
8 pursuant to chapter 1012 ~~231~~, who have not been unemployed for
9 more than 90 days thereafter, and who under the penalty of
10 perjury attest to the completion of such fingerprinting or
11 screening and to compliance with the provisions of this
12 section and the standards for good moral character as
13 contained in such provisions as ss. 110.1127(3), 393.0655(1),
14 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be
15 required to be refingerprinted or rescreened in order to
16 comply with any direct service provider screening or
17 fingerprinting requirements.

18 Section 982. Subsection (3) of section 394.4572,
19 Florida Statutes, is amended to read:

20 394.4572 Screening of mental health personnel.--

21 (3) Prospective mental health personnel who have
22 previously been fingerprinted or screened pursuant to this
23 chapter, chapter 393, chapter 397, chapter 402, or chapter
24 409, or teachers who have been fingerprinted pursuant to
25 chapter 1012 ~~231~~, who have not been unemployed for more than
26 90 days thereafter, and who under the penalty of perjury
27 attest to the completion of such fingerprinting or screening
28 and to compliance with the provisions of this section and the
29 standards for level 1 screening contained in chapter 435,
30 shall not be required to be refingerprinted or rescreened in
31 order to comply with any screening requirements of this part.

1 Section 983. Subsection (5) of section 394.495,
2 Florida Statutes, is amended to read:

3 394.495 Child and adolescent mental health system of
4 care; programs and services.--

5 (5) In order to enhance collaboration between agencies
6 and to facilitate the provision of services by the child and
7 adolescent mental health treatment and support system and the
8 school district, the local child and adolescent mental health
9 system of care shall include the local educational multiagency
10 network for severely emotionally disturbed students specified
11 in s. 1006.04 ~~230-2317~~.

12 Section 984. Paragraph (c) of subsection (4) of
13 section 394.498, Florida Statutes, is amended to read:

14 394.498 Child and Adolescent Interagency System of
15 Care Demonstration Models.--

16 (4) ESSENTIAL ELEMENTS.--

17 (c) In order for children, adolescents, and families
18 of children and adolescents to receive timely and effective
19 services, the basic provider network identified in each
20 demonstration model must be well designed and managed. The
21 provider network should be able to meet the needs of a
22 significant proportion of the target population. The applicant
23 must demonstrate the capability to manage the network of
24 providers for the purchasers that participate in the
25 demonstration model. The applicant must demonstrate its
26 ability to perform the following network management functions:

27 1. Identify providers within the designated area of
28 the demonstration model which are currently funded by the
29 state agencies included in the model, and identify additional
30 providers that are needed to provide additional services for
31 the target population. The network of providers may include:

- 1 a. Licensed mental health professionals as defined in
2 s. 394.455(2), (4), (21), (23), or (24);
3 b. Professionals licensed under chapter 491;
4 c. Teachers certified under s. 1012.56 ~~231.17~~;
5 d. Facilities licensed under chapter 395, as a
6 hospital; s. 394.875, as a crisis stabilization unit or
7 short-term residential facility; or s. 409.175, as a
8 residential child-caring agency; and
9 e. Other community agencies.
- 10 2. Define access points and service linkages of
11 providers in the network.
- 12 3. Define the ways in which providers and
13 participating state agencies are expected to collaborate in
14 providing services.
- 15 4. Define methods to measure the collective
16 performance outcomes of services provided by providers and
17 state agencies, measure the performance of individual
18 agencies, and implement a quality improvement process across
19 the provider network.
- 20 5. Develop brochures for family members which are
21 written in understandable terminology, to help families
22 identify appropriate service providers, choose the provider,
23 and access care directly whenever possible.
- 24 6. Ensure that families are given a substantial role
25 in planning and monitoring the provider network.
- 26 7. Train all providers with respect to the principles
27 of care outlined in this section, including effective
28 techniques of cooperation, the wraparound process and
29 strengths-based assessment, the development of service plans,
30 and techniques of case management.
31

1 Section 985. Subsection (3) of section 395.602,
2 Florida Statutes, is amended to read:

3 395.602 Rural hospitals.--

4 (3) USE OF FUNDS.--It is the intent of the Legislature
5 that funds as appropriated shall be utilized by the department
6 for the purpose of increasing the number of primary care
7 physicians, physician assistants, certified nurse midwives,
8 nurse practitioners, and nurses in rural areas, either through
9 the Medical Education Reimbursement and Loan Repayment Program
10 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan
11 repayment program which requires state matching funds. The
12 department may use funds appropriated for the Medical
13 Education Reimbursement and Loan Repayment Program as matching
14 funds for federal loan repayment programs for health care
15 personnel, such as that authorized in Pub. L. No. 100-177, s.
16 203. If the department receives federal matching funds, the
17 department shall only implement the federal program.

18 Reimbursement through either program shall be limited to:

19 (a) Primary care physicians, physician assistants,
20 certified nurse midwives, nurse practitioners, and nurses
21 employed by or affiliated with rural hospitals, as defined in
22 this act; and

23 (b) Primary care physicians, physician assistants,
24 certified nurse midwives, nurse practitioners, and nurses
25 employed by or affiliated with rural area health education
26 centers, as defined in this section. These personnel shall
27 practice:

28 1. In a county with a population density of no greater
29 than 100 persons per square mile; or

30
31

1 2. Within the boundaries of a hospital tax district
2 which encompasses a population of no greater than 100 persons
3 per square mile.

4
5 If the department administers a federal loan repayment
6 program, priority shall be given to obligating state and
7 federal matching funds pursuant to paragraphs (a) and (b).
8 The department may use federal matching funds in other health
9 workforce shortage areas and medically underserved areas in
10 the state for loan repayment programs for primary care
11 physicians, physician assistants, certified nurse midwives,
12 nurse practitioners, and nurses who are employed by publicly
13 financed health care programs that serve medically indigent
14 persons.

15 Section 986. Subsection (3) of section 395.605,
16 Florida Statutes, is amended to read:

17 395.605 Emergency care hospitals.--

18 (3) For the purpose of participation in the Medical
19 Education Reimbursement and Loan Repayment Program as defined
20 in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive
21 programs designed to relieve medical workforce shortages, the
22 department shall treat emergency care hospitals in the same
23 manner as rural hospitals.

24 Section 987. Subsection (3) of section 397.405,
25 Florida Statutes, is amended to read:

26 397.405 Exemptions from licensure.--The following are
27 exempt from the licensing provisions of this chapter:

28 (3) A substance abuse education program established
29 pursuant to s. 1003.42 ~~233.061~~.

30
31

1 The exemptions from licensure in this section do not apply to
 2 any facility or entity which receives an appropriation, grant,
 3 or contract from the state to operate as a service provider as
 4 defined in this chapter or to any substance abuse program
 5 regulated pursuant to s. 397.406. No provision of this
 6 chapter shall be construed to limit the practice of a
 7 physician licensed under chapter 458 or chapter 459, a
 8 psychologist licensed under chapter 490, or a psychotherapist
 9 licensed under chapter 491, providing outpatient or inpatient
 10 substance abuse treatment to a voluntary patient, so long as
 11 the physician, psychologist, or psychotherapist does not
 12 represent to the public that he or she is a licensed service
 13 provider under this act. Failure to comply with any
 14 requirement necessary to maintain an exempt status under this
 15 section is a misdemeanor of the first degree, punishable as
 16 provided in s. 775.082 or s. 775.083.

17 Section 988. Subsection (4) of section 397.451,
 18 Florida Statutes, is amended to read:

19 397.451 Background checks of service provider
 20 personnel who have direct contact with unmarried minor clients
 21 or clients who are developmentally disabled.--

22 (4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
 23 RECHECKED.--Service provider personnel who have been
 24 fingerprinted or had their backgrounds checked pursuant to
 25 chapter 393, chapter 394, chapter 402, or chapter 409, or this
 26 section, and teachers who have been fingerprinted pursuant to
 27 chapter 1012 ~~231~~, who have not been unemployed for more than
 28 90 days thereafter and who, under the penalty of perjury,
 29 attest to the completion of such fingerprinting or background
 30 checks and to compliance with the provisions of this section
 31 and the standards contained in chapter 435 and this section,

1 are not required to be refingerprinted or rechecked in order
2 to comply with service provider personnel fingerprinting or
3 background check requirements.

4 Section 989. Paragraph (h) of subsection (2) of
5 section 397.951, Florida Statutes, is amended to read:

6 397.951 Treatment and sanctions.--The Legislature
7 recognizes that the integration of treatment and sanctions
8 greatly increases the effectiveness of substance abuse
9 treatment. It is the responsibility of the department and the
10 substance abuse treatment provider to employ the full measure
11 of sanctions available to require participation and completion
12 of treatment to ensure successful outcomes for children in
13 substance abuse treatment.

14 (2) The department shall ensure that substance abuse
15 treatment providers employ any and all appropriate available
16 sanctions necessary to engage, motivate, and maintain a child
17 in treatment, including, but not limited to, provisions in law
18 that:

19 (h) Provide that the use, possession, or sale of
20 controlled substances, as defined in chapter 893, or
21 possession of electronic telephone pagers, by any student
22 while such student is upon school property or in attendance at
23 a school function is grounds for disciplinary action by the
24 school and may also result in criminal penalties being imposed
25 pursuant to s. 1006.09(1)-(4) ~~232-26~~.

26 Section 990. Subsection (2), (4), and (7) of section
27 402.22, Florida Statutes, are amended to read:

28 402.22 Education program for students who reside in
29 residential care facilities operated by the Department of
30 Children and Family Services.--

31

1 (2) District school boards shall establish educational
2 programs for all students ages 5 through 18 under the
3 residential care of the Department of Children and Family
4 Services and may provide for students below age 3 as provided
5 for in s. 1003.21(1)(e) ~~232.01(1)(e)~~. Funding of such programs
6 shall be pursuant to s. 1011.62 ~~236.081~~.

7 (4) Students age 18 and under who are under the
8 residential care of the Department of Children and Family
9 Services and who receive an education program shall be
10 calculated as full-time equivalent student membership in the
11 appropriate cost factor as provided for in s. 1011.62(1)(c)
12 ~~236.081(1)(e)~~. Residential care facilities of the Department
13 of Children and Family Services shall include, but not be
14 limited to, developmental services institutions and state
15 mental health facilities. All students shall receive their
16 education program from the district school system, and funding
17 shall be allocated through the Florida Education Finance
18 Program for the district school system.

19 (7) Notwithstanding the provisions of s. 1001.42(4)(n)
20 ~~230.23(4)(n)~~, the educational program at the Marianna Sunland
21 Center in Jackson County shall be operated by the Department
22 of Education, either directly or through grants or contractual
23 agreements with other public educational agencies. The annual
24 state allocation to any such agency shall be computed pursuant
25 to s. 1011.62(1), (2), and (5) ~~236.081(1), (2), and (5)~~ and
26 allocated in the amount that would have been provided the
27 local school district in which the residential facility is
28 located.

29 Section 991. Subsection (3) of section 402.302,
30 Florida Statutes, is amended to read:

31 402.302 Definitions.--

1 (3) "Child care personnel" means all owners,
 2 operators, employees, and volunteers working in a child care
 3 facility. The term does not include persons who work in a
 4 child care facility after hours when children are not present
 5 or parents of children in Head Start. For purposes of
 6 screening, the term includes any member, over the age of 12
 7 years, of a child care facility operator's family, or person,
 8 over the age of 12 years, residing with a child care facility
 9 operator if the child care facility is located in or adjacent
 10 to the home of the operator or if the family member of, or
 11 person residing with, the child care facility operator has any
 12 direct contact with the children in the facility during its
 13 hours of operation. Members of the operator's family or
 14 persons residing with the operator who are between the ages of
 15 12 years and 18 years shall not be required to be
 16 fingerprinted but shall be screened for delinquency records.
 17 For purposes of screening, the term shall also include persons
 18 who work in child care programs which provide care for
 19 children 15 hours or more each week in public or nonpublic
 20 schools, summer day camps, family day care homes, or those
 21 programs otherwise exempted under s. 402.316. The term does
 22 not include public or nonpublic school personnel who are
 23 providing care during regular school hours, or after hours for
 24 activities related to a school's program for grades
 25 kindergarten through 12 ~~as required under chapter 232~~. A
 26 volunteer who assists on an intermittent basis for less than
 27 40 hours per month is not included in the term "personnel" for
 28 the purposes of screening and training, provided that the
 29 volunteer is under direct and constant supervision by persons
 30 who meet the personnel requirements of s. 402.305(2).
 31 Students who observe and participate in a child care facility

1 as a part of their required coursework shall not be considered
2 child care personnel, provided such observation and
3 participation are on an intermittent basis and the students
4 are under direct and constant supervision of child care
5 personnel.

6 Section 992. Section 402.3057, Florida Statutes, is
7 amended to read:

8 402.3057 Persons not required to be refingerprinted or
9 rescreened.--Any provision of law to the contrary
10 notwithstanding, human resource personnel who have been
11 fingerprinted or screened pursuant to chapters 393, 394, 397,
12 402, and 409, and teachers and noninstructional personnel who
13 have been fingerprinted pursuant to chapter 1012 ~~231~~, who have
14 not been unemployed for more than 90 days thereafter, and who
15 under the penalty of perjury attest to the completion of such
16 fingerprinting or screening and to compliance with the
17 provisions of this section and the standards for good moral
18 character as contained in such provisions as ss. 110.1127(3),
19 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
20 shall not be required to be refingerprinted or rescreened in
21 order to comply with any caretaker screening or fingerprinting
22 requirements.

23 Section 993. Paragraphs (a) and (b) of subsection (3)
24 of section 409.145, Florida Statutes, are amended to read:

25 409.145 Care of children.--

26 (3)(a) The department is authorized to continue to
27 provide the services of the children's foster care program to
28 individuals 18 to 21 years of age who are enrolled in high
29 school, in a program leading to a high school equivalency
30 diploma as defined in s. 1003.435 ~~229-814~~, or in a full-time
31 career education program, and to continue to provide services

1 of the children's foster care program to individuals 18 to 23
2 years of age who are enrolled full-time in a postsecondary
3 educational institution granting a degree, a certificate, or
4 an applied technology diploma, if the following requirements
5 are met:

6 1. The individual was committed to the legal custody
7 of the department for placement in foster care as a dependent
8 child;

9 2. All other resources have been thoroughly explored,
10 and it can be clearly established that there are no
11 alternative resources for placement; and

12 3. A written service agreement which specifies
13 responsibilities and expectations for all parties involved has
14 been signed by a representative of the department, the
15 individual, and the foster parent or licensed child-caring
16 agency providing the placement resources.

17 (b) The services of the foster care program shall
18 continue for those individuals 18 to 21 years of age only for
19 the period of time the individual is continuously enrolled in
20 high school, in a program leading to a high school equivalency
21 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
22 career education program; and shall continue for those
23 individuals 18 to 23 years of age only for the period of time
24 the individual is continuously enrolled full-time in a
25 postsecondary educational institution granting a degree, a
26 certificate, or an applied technology diploma. Services shall
27 be terminated upon completion of or withdrawal or permanent
28 expulsion from high school, the program leading to a high
29 school equivalency diploma, the full-time career and technical
30 education program, or the postsecondary educational
31 institution granting a degree, a certificate, or an applied

1 technology diploma. In addition, the department may, based
2 upon the availability of funds, provide assistance to those
3 individuals who leave foster care when they attain 18 years of
4 age and subsequently request assistance prior to their 21st
5 birthday. The following are examples of assistance that may be
6 provided: referrals for employment, services for educational
7 or career ~~vocational~~ development, and housing assistance.

8 Section 994. Section 409.1757, Florida Statutes, is
9 amended to read:

10 409.1757 Persons not required to be refingerprinted or
11 rescreened.--Any provision of law to the contrary
12 notwithstanding, human resource personnel who have been
13 fingerprinted or screened pursuant to chapters 393, 394, 397,
14 402, and this chapter, and teachers who have been
15 fingerprinted pursuant to chapter 1012 ~~231~~, who have not been
16 unemployed for more than 90 days thereafter, and who under the
17 penalty of perjury attest to the completion of such
18 fingerprinting or screening and to compliance with the
19 provisions of this section and the standards for good moral
20 character as contained in such provisions as ss. 110.1127(3),
21 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
22 shall not be required to be refingerprinted or rescreened in
23 order to comply with any caretaker screening or fingerprinting
24 requirements.

25 Section 995. Subsections (1) and (2) of section
26 409.2598, Florida Statutes, are amended to read:

27 409.2598 Suspension or denial of new or renewal
28 licenses; registrations; certifications.--

29 (1) The Title IV-D agency may petition the court that
30 entered the support order or the court that is enforcing the
31 support order to deny or suspend the license, registration, or

1 certificate issued under ~~chapter 231~~, chapter 370, chapter
2 372, chapter 409, chapter 455, chapter 456, chapter 559,
3 chapter 1012, s. 328.42, or s. 597.010 of any obligor with a
4 delinquent support obligation or who fails, after receiving
5 appropriate notice, to comply with subpoenas, orders to
6 appear, orders to show cause, or similar orders relating to
7 paternity or support proceedings. However, a petition may not
8 be filed until the Title IV-D agency has exhausted all other
9 available remedies. The purpose of this section is to promote
10 the public policy of the state as established in s. 409.2551.

11 (2) The Title IV-D agency is authorized to screen all
12 applicants for new or renewal licenses, registrations, or
13 certificates and current licenses, registrations, or
14 certificates and current licensees, registration holders, and
15 certificateholders of all licenses, registrations, and
16 certificates issued under ~~chapter 231~~, chapter 370, ~~chapter~~
17 ~~372~~, chapter 409, chapter 455, chapter 456, ~~or~~ chapter 559,
18 chapter 1012, or s. 328.42 to ensure compliance with any
19 support obligation and any subpoenas, orders to appear, orders
20 to show cause, or similar orders relating to paternity or
21 support proceedings. If the Title IV-D agency determines that
22 an applicant, licensee, registration holder, or
23 certificateholder is an obligor who is delinquent on a support
24 obligation or who is not in compliance with a subpoena, order
25 to appear, order to show cause, or similar order relating to
26 paternity or support proceedings, the Title IV-D agency shall
27 certify the delinquency pursuant to s. 61.14.

28 Section 996. Subsections (1) and (6) of section
29 409.9071, Florida Statutes, as amended by section 2 of chapter
30 97-168, Laws of Florida, are amended to read:

31

1 409.9071 Medicaid provider agreements for school
2 districts certifying state match.--

3 (1) The agency shall submit a state plan amendment by
4 September 1, 1997, for the purpose of obtaining federal
5 authorization to reimburse school-based services as provided
6 in former s. 236.0812 pursuant to the rehabilitative services
7 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes
8 of this section, billing agent consulting services shall be
9 considered billing agent services, as that term is used in s.
10 409.913(9), and, as such, payments to such persons shall not
11 be based on amounts for which they bill nor based on the
12 amount a provider receives from the Medicaid program. This
13 provision shall not restrict privatization of Medicaid
14 school-based services. Subject to any limitations provided for
15 in the General Appropriations Act, the agency, in compliance
16 with appropriate federal authorization, shall develop policies
17 and procedures and shall allow for certification of state and
18 local education funds which have been provided for
19 school-based services as specified in s. 1011.70 ~~236.0812~~ and
20 authorized by a physician's order where required by federal
21 Medicaid law. Any state or local funds certified pursuant to
22 this section shall be for children with specified disabilities
23 who are eligible for both Medicaid and part B or part H of the
24 Individuals with Disabilities Education Act (IDEA), or the
25 exceptional student education program, or who have an
26 individualized educational plan.

27 (6) Retroactive reimbursements for services as
28 specified in former s. 236.0812 as of July 1, 1996, including
29 reimbursement for the 1995-1996 and 1996-1997 school years,
30 subject to federal approval.

31

1 Section 997. Subsection (1) of section 409.9071,
2 Florida Statutes, as amended by sections 13 and 18 of chapter
3 97-263, Laws of Florida, is amended to read:

4 409.9071 Medicaid provider agreements for school
5 districts certifying state match.--

6 (1) Subject to any limitations provided for in the
7 General Appropriations Act, the agency, in compliance with
8 appropriate federal authorization, shall develop policies and
9 procedures to allow for certification of state and local
10 education funds which have been provided for services as
11 authorized in s. 1011.70 ~~236-0812~~. Any state or local funds
12 certified pursuant to this section shall be for children with
13 specified disabilities who are eligible for Medicaid and who
14 have an individualized educational plan that demonstrates that
15 such services are medically necessary and a physician
16 authorization order if required by federal Medicaid laws.

17 Section 998. Subsection (21) of section 409.908,
18 Florida Statutes, is amended to read:

19 409.908 Reimbursement of Medicaid providers.--Subject
20 to specific appropriations, the agency shall reimburse
21 Medicaid providers, in accordance with state and federal law,
22 according to methodologies set forth in the rules of the
23 agency and in policy manuals and handbooks incorporated by
24 reference therein. These methodologies may include fee
25 schedules, reimbursement methods based on cost reporting,
26 negotiated fees, competitive bidding pursuant to s. 287.057,
27 and other mechanisms the agency considers efficient and
28 effective for purchasing services or goods on behalf of
29 recipients. Payment for Medicaid compensable services made on
30 behalf of Medicaid eligible persons is subject to the
31 availability of moneys and any limitations or directions

1 provided for in the General Appropriations Act or chapter 216.
2 Further, nothing in this section shall be construed to prevent
3 or limit the agency from adjusting fees, reimbursement rates,
4 lengths of stay, number of visits, or number of services, or
5 making any other adjustments necessary to comply with the
6 availability of moneys and any limitations or directions
7 provided for in the General Appropriations Act, provided the
8 adjustment is consistent with legislative intent.

9 (21) The agency shall reimburse school districts which
10 certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and
11 409.9071 for the federal portion of the school district's
12 allowable costs to deliver the services, based on the
13 reimbursement schedule. The school district shall determine
14 the costs for delivering services as authorized in ss. 1011.70
15 ~~236.0812~~ and 409.9071 for which the state match will be
16 certified. Reimbursement of school-based providers is
17 contingent on such providers being enrolled as Medicaid
18 providers and meeting the qualifications contained in 42
19 C.F.R. s. 440.110, unless otherwise waived by the federal
20 Health Care Financing Administration. Speech therapy providers
21 who are certified through the Department of Education pursuant
22 to rule 6A-4.0176, Florida Administrative Code, are eligible
23 for reimbursement for services that are provided on school
24 premises. Any employee of the school district who has been
25 fingerprinted and has received a criminal background check in
26 accordance with Department of Education rules and guidelines
27 shall be exempt from any agency requirements relating to
28 criminal background checks.

29 Section 999. Paragraph (a) of subsection (2) of
30 section 409.9122, Florida Statutes, is amended to read:
31

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

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 1000. 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

1 b. A choice of settings and locations in licensed,
2 registered, religious-exempt, or school-based programs to be
3 provided to parents.

4 c. Instructional staff who have completed the training
5 course as required in s. 402.305(2)(d)1., as well as staff who
6 have additional training or credentials as required by the
7 partnership. The plan must provide a method for assuring the
8 qualifications of all personnel in all program settings.

9 d. Specific eligibility priorities for children within
10 the coalition's county pursuant to subsection (6).

11 e. Performance standards and outcome measures
12 established by the partnership or alternatively, standards and
13 outcome measures to be used until such time as the partnership
14 adopts such standards and outcome measures.

15 f. Reimbursement rates that have been developed by the
16 coalition. Reimbursement rates shall not have the effect of
17 limiting parental choice or creating standards or levels of
18 services that have not been authorized by the Legislature.

19 g. Systems support services, including a central
20 agency, child care resource and referral, eligibility
21 determinations, training of providers, and parent support and
22 involvement.

23 h. Direct enhancement services to families and
24 children. System support and direct enhancement services shall
25 be in addition to payments for the placement of children in
26 school readiness programs.

27 i. A business plan, which must include the contract
28 with a school readiness agent if the coalition is not a
29 legally established corporate entity. Coalitions may contract
30 with other coalitions to achieve efficiency in multiple-county
31

1 services, and such contracts may be part of the coalition's
2 business plan.

3 j. Strategies to meet the needs of unique populations,
4 such as migrant workers.

5
6 As part of the plan, the coalition may request the Governor to
7 apply for a waiver to allow the coalition to administer the
8 Head Start Program to accomplish the purposes of the school
9 readiness program. If any school readiness plan can
10 demonstrate that specific statutory goals can be achieved more
11 effectively by using procedures that require modification of
12 existing rules, policies, or procedures, a request for a
13 waiver to the partnership may be made as part of the plan.
14 Upon review, the partnership may grant the proposed
15 modification.

16 4. Persons with an early childhood teaching
17 certificate may provide support and supervision to other staff
18 in the school readiness program.

19 5. The coalition may not implement its plan until it
20 submits the plan to and receives approval from the
21 partnership. Once the plan has been approved, the plan and the
22 services provided under the plan shall be controlled by the
23 coalition rather than by the state agencies or departments.
24 The plan shall be reviewed and revised as necessary, but at
25 least biennially.

26 6. The following statutes will not apply to local
27 coalitions with approved plans: ss. 125.901(2)(a)3., 411.221,
28 and 411.232. To facilitate innovative practices and to allow
29 local establishment of school readiness programs, a school
30 readiness coalition may apply to the Governor and Cabinet for
31 a waiver of, and the Governor and Cabinet may waive, any of

1 the provisions of ss. ~~230.23166~~, 411.223, ~~and~~ 411.232, and
2 1003.54 if the waiver is necessary for implementation of the
3 coalition's school readiness plan.

4 7. Two or more counties may join for the purpose of
5 planning and implementing a school readiness program.

6 8. A coalition may, subject to approval of the
7 partnership as part of the coalition's plan, receive
8 subsidized child care funds for all children eligible for any
9 federal subsidized child care program and be the provider of
10 the program services.

11 9. Coalitions are authorized to enter into multiparty
12 contracts with multicounty service providers in order to meet
13 the needs of unique populations such as migrant workers.

14 (10) SCHOOL READINESS UNIFORM SCREENING.--The
15 Department of Education shall implement a school readiness
16 uniform screening, including a pilot program during the
17 2001-2002 school year, to validate the system recommended by
18 the Florida Partnership for School Readiness as part of a
19 comprehensive evaluation design. Beginning with the 2002-2003
20 school year, the department shall require that all school
21 districts administer the school readiness uniform screening to
22 each kindergarten student in the district school system upon
23 the student's entry into kindergarten. Children who enter
24 public school for the first time in first grade must undergo a
25 uniform screening adopted for use in first grade. The
26 department shall incorporate school readiness data into the
27 K-20 data warehouse for longitudinal tracking. Notwithstanding
28 s. 1002.22 ~~228.093~~, the department shall provide the
29 partnership and the Agency for Workforce Innovation with
30 complete and full access to kindergarten uniform screening
31 data at the student, school, district, and state levels in a

1 format that will enable the partnership and the agency to
2 prepare reports needed by state policymakers and local school
3 readiness coalitions to access progress toward school
4 readiness goals and provide input for continuous improvement
5 of local school readiness services and programs.

6 Section 1001. Paragraph (f) of subsection (8) of
7 section 411.203, Florida Statutes, is amended to read:

8 411.203 Continuum of comprehensive services.--The
9 Department of Education and the Department of Health and
10 Rehabilitative Services shall utilize the continuum of
11 prevention and early assistance services for high-risk
12 pregnant women and for high-risk and handicapped children and
13 their families, as outlined in this section, as a basis for
14 the intraagency and interagency program coordination,
15 monitoring, and analysis required in this chapter. The
16 continuum shall be the guide for the comprehensive statewide
17 approach for services for high-risk pregnant women and for
18 high-risk and handicapped children and their families, and may
19 be expanded or reduced as necessary for the enhancement of
20 those services. Expansion or reduction of the continuum shall
21 be determined by intraagency or interagency findings and
22 agreement, whichever is applicable. Implementation of the
23 continuum shall be based upon applicable eligibility criteria,
24 availability of resources, and interagency prioritization when
25 programs impact both agencies, or upon single agency
26 prioritization when programs impact only one agency. The
27 continuum shall include, but not be limited to:

28 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND
29 PARENTS OF HIGH-RISK CHILDREN.--

30 (f) Parent support groups, such as the community
31 resource mother or father program as established in s. 402.45,

1 ~~the Florida First Start Program as established in s. 230.2303,~~
2 or parents as first teachers, to strengthen families and to
3 enable families of high-risk children to better meet their
4 needs.

5 Section 1002. Subsection (2) of section 411.223,
6 Florida Statutes, is amended to read:

7 411.223 Uniform standards.--

8 (2) Duplicative diagnostic and planning practices
9 shall be eliminated to the extent possible. Diagnostic and
10 other information necessary to provide quality services to
11 high-risk or handicapped children shall be shared among the
12 program offices of the Department of Children and Family
13 Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

14 Section 1003. Subsection (1) of section 414.1251,
15 Florida Statutes, is amended to read:

16 414.1251 Learnfare program.--

17 (1) The department shall reduce the temporary cash
18 assistance for a participant's eligible dependent child or for
19 an eligible teenage participant who has not been exempted from
20 education participation requirements, if the eligible
21 dependent child or eligible teenage participant has been
22 identified either as a habitual truant, pursuant to s.
23 1003.01(8) ~~228.041(28)~~, or as a dropout, pursuant to s.
24 1003.01(9) ~~228.041(29)~~. For a student who has been identified
25 as a habitual truant, the temporary cash assistance must be
26 reinstated after a subsequent grading period in which the
27 child's attendance has substantially improved. For a student
28 who has been identified as a dropout, the temporary cash
29 assistance must be reinstated after the student enrolls in a
30 public school, receives a high school diploma or its
31 equivalency, enrolls in preparation for the General

1 Educational Development Tests, or enrolls in other educational
2 activities approved by the district school board. Good cause
3 exemptions from the rule of unexcused absences include the
4 following:

5 (a) The student is expelled from school and
6 alternative schooling is not available.

7 (b) No licensed day care is available for a child of
8 teen parents subject to Learnfare.

9 (c) Prohibitive transportation problems exist (e.g.,
10 to and from day care).

11
12 Within 10 days after sanction notification, the participant
13 parent of a dependent child or the teenage participant may
14 file an internal fair hearings process review procedure
15 appeal, and no sanction shall be imposed until the appeal is
16 resolved.

17 Section 1004. Paragraph (c) of subsection (1) of
18 section 440.16, Florida Statutes, is amended to read:

19 440.16 Compensation for death.--

20 (1) If death results from the accident within 1 year
21 thereafter or follows continuous disability and results from
22 the accident within 5 years thereafter, the employer shall
23 pay:

24 (c) To the surviving spouse, payment of postsecondary
25 student fees for instruction at any area technical center
26 established under s. 1001.44 ~~230.63~~ for up to 1,800 classroom
27 hours or payment of student fees at any community college
28 established under part III of chapter 1004 ~~240~~ for up to 80
29 semester hours. The spouse of a deceased state employee shall
30 be entitled to a full waiver of such fees as provided in ss.
31 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of

1 such fees. The benefits provided for in this paragraph shall
2 be in addition to other benefits provided for in this section
3 and shall terminate 7 years after the death of the deceased
4 employee, or when the total payment in eligible compensation
5 under paragraph (b) has been received. To qualify for the
6 educational benefit under this paragraph, the spouse shall be
7 required to meet and maintain the regular admission
8 requirements of, and be registered at, such area technical
9 center or community college, and make satisfactory academic
10 progress as defined by the educational institution in which
11 the student is enrolled.

12 Section 1005. Paragraph (e) of subsection (6) and
13 paragraph (e) of subsection (9) of section 445.004, Florida
14 Statutes, are amended to read:

15 445.004 Workforce Florida, Inc.; creation; purpose;
16 membership; duties and powers.--

17 (6) Workforce Florida, Inc., may take action that it
18 deems necessary to achieve the purposes of this section,
19 including, but not limited to:

20 (e) Providing policy direction for a system to project
21 and evaluate labor market supply and demand using the results
22 of the Workforce Estimating Conference created in s. 216.136
23 and the career education performance standards identified
24 under s. 1008.43 ~~239-233~~.

25 (9) Workforce Florida, Inc., in collaboration with the
26 regional workforce boards and appropriate state agencies and
27 local public and private service providers, and in
28 consultation with the Office of Program Policy Analysis and
29 Government Accountability, shall establish uniform measures
30 and standards to gauge the performance of the workforce
31

1 development strategy. These measures and standards must be
2 organized into three outcome tiers.

3 (e) Job placement must be reported pursuant to s.
4 1008.39 ~~229.8075~~. Positive outcomes for providers of education
5 and training must be consistent with ss. 1008.42 ~~239.233~~ and
6 1008.43 ~~239.245~~.

7 Section 1006. Paragraph (a) of subsection (1) of
8 section 445.0121, Florida Statutes, is amended to read:

9 445.0121 Student eligibility requirements for initial
10 awards.--

11 (1) To be eligible for an initial award for
12 lower-division college credit courses that lead to a
13 baccalaureate degree, as defined in s. 445.0122(5), a student
14 must:

15 (a)1. Have been a resident of this state for no less
16 than 3 years for purposes other than to obtain an education;
17 or

18 2. Have received a standard Florida high school
19 diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent,
20 as described in s. 229.814, unless:

21 a. The student is enrolled full-time in the
22 early-admission program of an eligible postsecondary education
23 institution or completes a home education program in
24 accordance with s. 1002.41 ~~232.0201~~; or

25 b. The student earns a high school diploma from a
26 non-Florida school while living with a parent or guardian who
27 is on military or public service assignment outside this
28 state.

29 Section 1007. Paragraph (i) of subsection (1) of
30 section 445.024, Florida Statutes, is amended to read:

31 445.024 Work requirements.--

1 (1) WORK ACTIVITIES.--The following activities may be
2 used individually or in combination to satisfy the work
3 requirements for a participant in the temporary cash
4 assistance program:

5 (i) Education services related to employment for
6 participants 19 years of age or younger.--Education services
7 provided under this paragraph are designed to prepare a
8 participant for employment in an occupation. The agency shall
9 coordinate education services with the school-to-work
10 activities provided under s. 1006.02 ~~229.595~~. Activities
11 provided under this paragraph are restricted to participants
12 19 years of age or younger who have not completed high school
13 or obtained a high school equivalency diploma.

14 Section 1008. Subsection (2), paragraph (i) of
15 subsection (3), paragraph (a) of subsection (4), subsection
16 (10), and subsection (18) of section 447.203, Florida
17 Statutes, are amended to read:

18 447.203 Definitions.--As used in this part:

19 (2) "Public employer" or "employer" means the state or
20 any county, municipality, or special district or any
21 subdivision or agency thereof which the commission determines
22 has sufficient legal distinctiveness properly to carry out the
23 functions of a public employer. With respect to all public
24 employees determined by the commission as properly belonging
25 to a statewide bargaining unit composed of State Career
26 Service System employees or Selected Professional Service
27 employees, the Governor shall be deemed to be the public
28 employer; and the university board of trustees ~~Board of~~
29 ~~Regents~~ shall be deemed to be the public employer with respect
30 to all public employees of the respective state university
31 ~~within the State University System as provided in s.~~

1 ~~240.209(3)(f), except that such employees shall have the~~
 2 ~~right, in elections to be conducted at each university by the~~
 3 ~~commission pursuant to its rules, to elect not to participate~~
 4 ~~in collective bargaining. In the event that a majority of such~~
 5 ~~voting employees at any university elect not to participate in~~
 6 ~~collective bargaining, they shall be removed from the~~
 7 ~~applicable Board of Regents bargaining unit. If, thereafter,~~
 8 ~~by election conducted by the commission pursuant to its rules,~~
 9 ~~a majority of such voting employees elect to participate in~~
 10 ~~collective bargaining, they shall be included again in the~~
 11 ~~applicable Board of Regents bargaining unit for such purpose.~~
 12 The board of trustees of a community college shall be deemed
 13 to be the public employer with respect to all employees of the
 14 community college. The district school board shall be deemed
 15 to be the public employer with respect to all employees of the
 16 school district. The Board of Trustees of the Florida School
 17 for the Deaf and the Blind shall be deemed to be the public
 18 employer with respect to the academic and academic
 19 administrative personnel of the Florida School for the Deaf
 20 and the Blind. The Governor shall be deemed to be the public
 21 employer with respect to all employees in the Correctional
 22 Education Program of the Department of Corrections established
 23 pursuant to s. 944.801.

24 (3) "Public employee" means any person employed by a
 25 public employer except:

26 (i) ~~Those persons enrolled as graduate students in the~~
 27 ~~State University System who are employed as graduate~~
 28 ~~assistants, graduate teaching assistants, graduate teaching~~
 29 ~~associates, graduate research assistants, or graduate research~~
 30 ~~associates and those persons enrolled as~~ undergraduate
 31 ~~students in a state university the State University System who~~

1 perform part-time work for the state university ~~State~~
2 ~~University System~~.

3 (4) "Managerial employees" are those employees who:

4 (a) Perform jobs that are not of a routine, clerical,
5 or ministerial nature and require the exercise of independent
6 judgment in the performance of such jobs and to whom one or
7 more of the following applies:

8 1. They formulate or assist in formulating policies
9 which are applicable to bargaining unit employees.

10 2. They may reasonably be required on behalf of the
11 employer to assist in the preparation for the conduct of
12 collective bargaining negotiations.

13 3. They have a role in the administration of
14 agreements resulting from collective bargaining negotiations.

15 4. They have a significant role in personnel
16 administration.

17 5. They have a significant role in employee relations.

18 6. They are included in the definition of
19 administrative personnel contained in s. 1012.01(3)

20 ~~228.041(10)~~.

21 7. They have a significant role in the preparation or
22 administration of budgets for any public agency or institution
23 or subdivision thereof.

24

25 However, in determining whether an individual is a managerial
26 employee pursuant to either paragraph (a) or paragraph (b),
27 above, the commission may consider historic relationships of
28 the employee to the public employer and to coemployees.

29 (10) "Legislative body" means the State Legislature,
30 the board of county commissioners, the district school board,
31 the governing body of a municipality, or the governing body of

1 an instrumentality or unit of government having authority to
 2 appropriate funds and establish policy governing the terms and
 3 conditions of employment and which, as the case may be, is the
 4 appropriate legislative body for the bargaining unit. For
 5 purposes of s. 447.403, the state university board of trustees
 6 shall be deemed to be the legislative body with respect to all
 7 employees of the state university. For purposes of s. 447.403
 8 the board of trustees of a community college shall be deemed
 9 to be the legislative body with respect to all employees of
 10 the community college.

11 (18) "Student representative" means the representative
 12 selected by each community college or university student
 13 government association ~~and the council of student body~~
 14 ~~presidents~~. Each representative may be present at all
 15 negotiating sessions that ~~which~~ take place between the
 16 appropriate public employer and an exclusive bargaining agent.
 17 ~~The said~~ representative must ~~shall~~ be enrolled as a student
 18 with at least 8 credit hours in the respective community
 19 college or university ~~or in the State University System~~ during
 20 his or her term as student representative.

21 Section 1009. Subsection (5) of section 447.301,
 22 Florida Statutes, is amended to read:

23 447.301 Public employees' rights; organization and
 24 representation.--

25 (5) ~~In negotiations over the terms and conditions of~~
 26 ~~service and other matters affecting the working environment of~~
 27 ~~employees, or the learning environment of students, in~~
 28 ~~institutions of higher education, one student representative~~
 29 ~~selected by the council of student body presidents may, at his~~
 30 ~~or her discretion, be present at all negotiating sessions~~
 31 ~~which take place between the Board of Regents and the~~

1 ~~bargaining agent for an employee bargaining unit.~~ In the case
 2 of community colleges and universities, the student government
 3 association of each community college or university shall
 4 establish procedures for the selection of, and shall select, a
 5 student representative to be present, at his or her
 6 discretion, at negotiations between the bargaining agent of
 7 the employees and the board of trustees. Each student
 8 representative shall have access to all written draft
 9 agreements and all other written documents pertaining to
 10 negotiations exchanged by the appropriate public employer and
 11 the bargaining agent, including a copy of any prepared written
 12 transcripts of any negotiating session. Each student
 13 representative shall have the right at reasonable times during
 14 the negotiating session to comment to the parties and to the
 15 public upon the impact of proposed agreements on the
 16 educational environment of students. Each student
 17 representative shall have the right to be accompanied by
 18 alternates or aides, not to exceed a combined total of two in
 19 number. Each student representative shall be obligated to
 20 participate in good faith during all negotiations and shall be
 21 subject to the rules and regulations of the Public Employees
 22 Relations Commission. The student representatives shall have
 23 neither voting nor veto power in any negotiation, action, or
 24 agreement. The state or any branch, agency, division, agent,
 25 or institution of the state, including community colleges and
 26 universities, may ~~shall~~ not expend any moneys from any source
 27 for the payment of reimbursement for travel expenses or per
 28 diem to aides, alternates, or student representatives
 29 participating in, observing, or contributing to any
 30 negotiating sessions between the bargaining parties; ~~however,~~
 31 ~~this limitation does not apply to the use of student activity~~

1 ~~fees for the reimbursement of travel expenses and per diem to~~
2 ~~the university student representative, aides, or alternates~~
3 ~~participating in the aforementioned negotiations between the~~
4 ~~Board of Regents and the bargaining agent for an employee~~
5 ~~bargaining unit.~~

6 Section 1010. Subsection (4) of section 447.403,
7 Florida Statutes, is amended to read:

8 447.403 Resolution of impasses.--

9 (4) If ~~In the event that either~~ the public employer or
10 the employee organization does not accept, in whole or in
11 part, the recommended decision of the special master:

12 (a) The chief executive officer of the governmental
13 entity involved shall, within 10 days after rejection of a
14 recommendation of the special master, submit to the
15 legislative body of the governmental entity involved a copy of
16 the findings of fact and recommended decision of the special
17 master, together with the chief executive officer's
18 recommendations for settling the disputed impasse issues. The
19 chief executive officer shall also transmit his or her
20 recommendations to the employee organization. ~~If the dispute~~
21 ~~involves employees for whom the Board of Regents is the public~~
22 ~~employer, the Governor may also submit recommendations to the~~
23 ~~legislative body for settling The disputed impasse issues;~~

24 (b) The employee organization shall submit its
25 recommendations for settling the disputed impasse issues to
26 such legislative body and to the chief executive officer;

27 (c) The legislative body or a duly authorized
28 committee thereof shall forthwith conduct a public hearing at
29 which the parties shall be required to explain their positions
30 with respect to the rejected recommendations of the special
31 master;

1 (d) Thereafter, the legislative body shall take such
2 action as it deems to be in the public interest, including the
3 interest of the public employees involved, to resolve all
4 disputed impasse issues; and

5 (e) Following the resolution of the disputed impasse
6 issues by the legislative body, the parties shall reduce to
7 writing an agreement which includes those issues agreed to by
8 the parties and those disputed impasse issues resolved by the
9 legislative body's action taken pursuant to paragraph (d). The
10 agreement shall be signed by the chief executive officer and
11 the bargaining agent and shall be submitted to the public
12 employer and to the public employees who are members of the
13 bargaining unit for ratification. If such agreement is not
14 ratified by all parties, pursuant to the provisions of s.
15 447.309, the legislative body's action taken pursuant to the
16 provisions of paragraph (d) shall take effect as of the date
17 of such legislative body's action for the remainder of the
18 first fiscal year which was the subject of negotiations;
19 however, the legislative body's action shall not take effect
20 with respect to those disputed impasse issues which establish
21 the language of contractual provisions which could have no
22 effect in the absence of a ratified agreement, including, but
23 not limited to, preambles, recognition clauses, and duration
24 clauses.

25 Section 1011. Paragraph (b) of subsection (5) of
26 section 450.081, Florida Statutes, is amended to read:

27 450.081 Hours of work in certain occupations.--

28 (5) The provisions of subsections (1)-(4) shall not
29 apply to:

30 (b) Minors who are within the compulsory school
31 attendance age limit who hold a valid certificate of exemption

1 issued by the school superintendent or his or her designee
2 pursuant to the provisions of s. 1003.21(3) ~~232-06~~.

3 Section 1012. Subsection (2) of section 450.121,
4 Florida Statutes, is amended to read:

5 450.121 Enforcement of Child Labor Law.--

6 (2) It is the duty of the department and its agents
7 and all sheriffs or other law enforcement officers of the
8 state or of any municipality of the state to enforce the
9 provisions of this law, to make complaints against persons
10 violating its provisions, and to prosecute violations of the
11 same. The department and its agents have authority to enter
12 and inspect at any time any place or establishment covered by
13 this law and to have access to age certificates kept on file
14 by the employer and such other records as may aid in the
15 enforcement of this law. A designated school representative
16 acting in accordance with s. 1003.26 ~~232-17~~ shall report to
17 the department all violations of the Child Labor Law that may
18 come to his or her knowledge.

19 Section 1013. Subsection (4) of section 458.3145,
20 Florida Statutes, is amended to read:

21 458.3145 Medical faculty certificate.--

22 (4) In any year, the maximum number of extended
23 medical faculty certificateholders as provided in subsection
24 (2) may not exceed 15 persons at each institution named in
25 subparagraphs (1)(i)1.-4. and at the facility named in s.
26 1004.43 ~~240-512~~ and may not exceed 5 persons at the
27 institution named in subparagraph (1)(i)5.

28 Section 1014. Subsection (1) and paragraph (a) of
29 subsection (2) of section 458.324, Florida Statutes, are
30 amended to read:

31

1 458.324 Breast cancer; information on treatment
2 alternatives.--

3 (1) DEFINITION.--As used in this section, the term
4 "medically viable," as applied to treatment alternatives,
5 means modes of treatment generally considered by the medical
6 profession to be within the scope of current, acceptable
7 standards, including treatment alternatives described in the
8 written summary prepared by the Florida Cancer Control and
9 Research Advisory Council in accordance with s. 1004.435(4)(m)
10 ~~240.5121(4)(m)~~.

11 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
12 physician treating a patient who is, or in the judgment of the
13 physician is at high risk of being, diagnosed as having breast
14 cancer shall inform such patient of the medically viable
15 treatment alternatives available to such patient; shall
16 describe such treatment alternatives; and shall explain the
17 relative advantages, disadvantages, and risks associated with
18 the treatment alternatives to the extent deemed necessary to
19 allow the patient to make a prudent decision regarding such
20 treatment options. In compliance with this subsection:

21 (a) The physician may, in his or her discretion:

22 1. Orally communicate such information directly to the
23 patient or the patient's legal representative;

24 2. Provide the patient or the patient's legal
25 representative with a copy of the written summary prepared in
26 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express a
27 willingness to discuss the summary with the patient or the
28 patient's legal representative; or

29 3. Both communicate such information directly and
30 provide a copy of the written summary to the patient or the
31

1 patient's legal representative for further consideration and
2 possible later discussion.

3
4 Nothing in this subsection shall reduce other provisions of
5 law regarding informed consent.

6 Section 1015. Subsection (1) and paragraph (a) of
7 subsection (2) of section 459.0125, Florida Statutes, are
8 amended to read:

9 459.0125 Breast cancer; information on treatment
10 alternatives.--

11 (1) DEFINITION.--As used in this section, the term
12 "medically viable," as applied to treatment alternatives,
13 means modes of treatment generally considered by the medical
14 profession to be within the scope of current, acceptable
15 standards, including treatment alternatives described in the
16 written summary prepared by the Florida Cancer Control and
17 Research Advisory Council in accordance with s. 1004.435(4)(m)
18 ~~240.5121(4)(m)~~.

19 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is
20 the obligation of every physician treating a patient who is,
21 or in the judgment of the physician is at high risk of being,
22 diagnosed as having breast cancer to inform such patient of
23 the medically viable treatment alternatives available to such
24 patient; to describe such treatment alternatives; and to
25 explain the relative advantages, disadvantages, and risks
26 associated with the treatment alternatives to the extent
27 deemed necessary to allow the patient to make a prudent
28 decision regarding such treatment options. In compliance with
29 this subsection:

30 (a) The physician may, in her or his discretion:
31

1 1. Orally communicate such information directly to the
2 patient or the patient's legal representative;

3 2. Provide the patient or the patient's legal
4 representative with a copy of the written summary prepared in
5 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express
6 her or his willingness to discuss the summary with the patient
7 or the patient's legal representative; or

8 3. Both communicate such information directly and
9 provide a copy of the written summary to the patient or the
10 patient's legal representative for further consideration and
11 possible later discussion.

12
13 Nothing in this subsection shall reduce other provisions of
14 law regarding informed consent.

15 Section 1016. Paragraph (c) of subsection (2) of
16 section 468.1115, Florida Statutes, is amended to read:

17 468.1115 Exemptions.--

18 (2) The provisions of this part shall not apply to:

19 (c) Persons certified in the areas of speech-language
20 impairment or hearing impairment in this state under chapter
21 1012 ~~231~~ when engaging in the profession for which they are
22 certified, or any person under the direct supervision of such
23 a certified person, or of a licensee under this chapter, when
24 the person under such supervision is performing hearing
25 screenings in a school setting for prekindergarten through
26 grade 12.

27 Section 1017. Section 468.607, Florida Statutes, is
28 amended to read:

29 468.607 Certification of building code administration
30 and inspection personnel.--The board shall issue a certificate
31 to any individual whom the board determines to be qualified,

1 within such class and level as provided in this part and with
2 such limitations as the board may place upon it. No person
3 may be employed by a state agency or local governmental
4 authority to perform the duties of a building code
5 administrator, plans examiner, or building code inspector
6 after October 1, 1993, without possessing the proper valid
7 certificate issued in accordance with the provisions of this
8 part. Any person who acts as an inspector and plans examiner
9 under s. 1013.37 ~~235-26~~ while conducting activities authorized
10 by certification under that section is certified to continue
11 to conduct inspections for a local enforcement agency until
12 the person's UBCI certification expires, after which time such
13 person must possess the proper valid certificate issued in
14 accordance with this part.

15 Section 1018. Subsection (3) of section 468.723,
16 Florida Statutes, is amended to read:

17 468.723 Exemptions.--Nothing in this part shall be
18 construed as preventing or restricting:

19 (3) A person employed as a teacher apprentice trainer
20 I, a teacher apprentice trainer II, or a teacher athletic
21 trainer under s. 1012.46 ~~232-435~~.

22 Section 1019. Section 471.0035, Florida Statutes, is
23 amended to read:

24 471.0035 Instructors in postsecondary educational
25 institutions; exemption from registration requirement.--For
26 the sole purpose of teaching the principles and methods of
27 engineering design, notwithstanding the provisions of s.
28 471.005(7), a person employed by a public postsecondary
29 educational institution, or by an independent postsecondary
30 educational institution licensed or exempt from licensure
31 pursuant to the provisions of chapter 1005 ~~246~~, is not

1 required to register under the provisions of this chapter as a
2 registered engineer.

3 Section 1020. Paragraph (c) of subsection (2) of
4 section 476.114, Florida Statutes, is amended to read:

5 476.114 Examination; prerequisites.--

6 (2) An applicant shall be eligible for licensure by
7 examination to practice barbering if the applicant:

8 (c)1. Holds an active valid license to practice
9 barbering in another state, has held the license for at least
10 1 year, and does not qualify for licensure by endorsement as
11 provided for in s. 476.144(5); or

12 2. Has received a minimum of 1,200 hours of training
13 as established by the board, which shall include, but shall
14 not be limited to, the equivalent of completion of services
15 directly related to the practice of barbering at one of the
16 following:

17 a. A school of barbering licensed pursuant to chapter
18 1005 246;

19 b. A barbering program within the public school
20 system; or

21 c. A government-operated barbering program in this
22 state.

23
24 The board shall establish by rule procedures whereby the
25 school or program may certify that a person is qualified to
26 take the required examination after the completion of a
27 minimum of 1,000 actual school hours. If the person passes the
28 examination, she or he shall have satisfied this requirement;
29 but if the person fails the examination, she or he shall not
30 be qualified to take the examination again until the
31 completion of the full requirements provided by this section.

1 Section 1021. Paragraph (a) of subsection (6) of
2 section 476.144, Florida Statutes, is amended to read:

3 476.144 Licensure.--

4 (6) A person may apply for a restricted license to
5 practice barbering. The board shall adopt rules specifying
6 procedures for an applicant to obtain a restricted license if
7 the applicant:

8 (a)1. Has successfully completed a restricted barber
9 course, as established by rule of the board, at a school of
10 barbering licensed pursuant to chapter 1005 246, a barbering
11 program within the public school system, or a
12 government-operated barbering program in this state; or

13 2.a. Holds or has within the previous 5 years held an
14 active valid license to practice barbering in another state or
15 country or has held a Florida barbering license which has been
16 declared null and void for failure to renew the license, and
17 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
18 for initial licensure; and

19 b. Has not been disciplined relating to the practice
20 of barbering in the previous 5 years; and

21
22 The restricted license shall limit the licensee's practice to
23 those specific areas in which the applicant has demonstrated
24 competence pursuant to rules adopted by the board.

25 Section 1022. Section 476.178, Florida Statutes, is
26 amended to read:

27 476.178 Schools of barbering; licensure.--No private
28 school of barbering shall be permitted to operate without a
29 license issued by the Commission for Independent State Board
30 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.

31 However, this section shall not be construed to prevent

1 certification by the Department of Education of barber
2 training programs within the public school system or to
3 prevent government operation of any other program of barbering
4 in this state.

5 Section 1023. Paragraph (d) of subsection (1) of
6 section 477.0132, Florida Statutes, is amended to read:

7 477.0132 Hair braiding, hair wrapping, and body
8 wrapping registration.--

9 (1)

10 (d) Only the board may review, evaluate, and approve a
11 course required of an applicant for registration under this
12 subsection in the occupation or practice of hair braiding,
13 hair wrapping, or body wrapping. A provider of such a course
14 is not required to hold a license under chapter 1005 ~~246~~.

15 Section 1024. Paragraph (c) of subsection (2) of
16 section 477.019, Florida Statutes, is amended to read:

17 477.019 Cosmetologists; qualifications; licensure;
18 supervised practice; license renewal; endorsement; continuing
19 education.--

20 (2) An applicant shall be eligible for licensure by
21 examination to practice cosmetology if the applicant:

22 (c)1. Is authorized to practice cosmetology in another
23 state or country, has been so authorized for at least 1 year,
24 and does not qualify for licensure by endorsement as provided
25 for in subsection (6); or

26 2. Has received a minimum of 1,200 hours of training
27 as established by the board, which shall include, but shall
28 not be limited to, the equivalent of completion of services
29 directly related to the practice of cosmetology at one of the
30 following:

1 a. A school of cosmetology licensed pursuant to
2 chapter 1005 246.

3 b. A cosmetology program within the public school
4 system.

5 c. The Cosmetology Division of the Florida School for
6 the Deaf and the Blind, provided the division meets the
7 standards of this chapter.

8 d. A government-operated cosmetology program in this
9 state.

10

11 The board shall establish by rule procedures whereby the
12 school or program may certify that a person is qualified to
13 take the required examination after the completion of a
14 minimum of 1,000 actual school hours. If the person then
15 passes the examination, he or she shall have satisfied this
16 requirement; but if the person fails the examination, he or
17 she shall not be qualified to take the examination again until
18 the completion of the full requirements provided by this
19 section.

20 Section 1025. Paragraph (b) of subsection (1) of
21 section 477.0201, Florida Statutes, is amended to read:

22 477.0201 Specialty registration; qualifications;
23 registration renewal; endorsement.--

24 (1) Any person is qualified for registration as a
25 specialist in any one or more of the specialty practices
26 within the practice of cosmetology under this chapter who:

27 (b) Has received a certificate of completion in a
28 specialty pursuant to s. 477.013(6) from one of the following:

29 1. A school licensed pursuant to s. 477.023.

30 2. A school licensed pursuant to chapter 1005 246 or

31 the equivalent licensing authority of another state.

1 3. A specialty program within the public school
2 system.

3 4. A specialty division within the Cosmetology
4 Division of the Florida School for the Deaf and the Blind,
5 provided the training programs comply with minimum curriculum
6 requirements established by the board.

7 Section 1026. Section 477.023, Florida Statutes, is
8 amended to read:

9 477.023 Schools of cosmetology; licensure.--No private
10 school of cosmetology shall be permitted to operate without a
11 license issued by the Commission for Independent State Board
12 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.
13 However, nothing herein shall be construed to prevent
14 certification by the Department of Education of cosmetology
15 training programs within the public school system or to
16 prevent government operation of any other program of
17 cosmetology in this state.

18 Section 1027. Subsection (9) of section 480.033,
19 Florida Statutes, is amended to read:

20 480.033 Definitions.--As used in this act:

21 (9) "Board-approved massage school" means a facility
22 which meets minimum standards for training and curriculum as
23 determined by rule of the board and which is licensed by the
24 Department of Education pursuant to chapter 1005 246 or the
25 equivalent licensing authority of another state or is within
26 the public school system of this state.

27 Section 1028. Paragraph (c) of subsection (1) of
28 section 481.229, Florida Statutes, is amended to read:

29 481.229 Exceptions; exemptions from licensure.--
30
31

1 (1) No person shall be required to qualify as an
2 architect in order to make plans and specifications for, or
3 supervise the erection, enlargement, or alteration of:

4 (c) Any other type of building costing less than
5 \$25,000, except a school, auditorium, or other building
6 intended for public use, provided that the services of a
7 registered architect shall not be required for minor school
8 projects pursuant to s. 1013.45 ~~235.211~~.

9 Section 1029. Section 488.01, Florida Statutes, is
10 amended to read:

11 488.01 License to engage in business of operating a
12 driver's school required.--The Department of Highway Safety
13 and Motor Vehicles shall oversee and license all commercial
14 driver's schools except truck driving schools. All commercial
15 truck driving schools shall be required to be licensed
16 pursuant to chapter 1005 ~~246~~, and additionally shall be
17 subject to the provisions of ss. 488.04 and 488.05. No
18 person, group, organization, institution, business entity, or
19 corporate entity may engage in the business of operating a
20 driver's school without first obtaining a license therefor
21 from the Department of Highway Safety and Motor Vehicles
22 pursuant to this chapter or from the State Board of Nonpublic
23 Career Education pursuant to chapter 1005 ~~246~~.

24 Section 1030. Subsections (12) and (13) of section
25 553.415, Florida Statutes, are amended to read:

26 553.415 Factory-built school buildings.--

27 (12) Such identification label shall be permanently
28 affixed by the manufacturer in the case of newly constructed
29 factory-built school buildings, or by the department or its
30 designee in the case of an existing factory-built building
31 altered to comply with provisions of s. 1013.20 ~~235.061~~.

1 (13) As of July 1, 2001, all newly constructed
2 factory-built school buildings shall bear a label pursuant to
3 subsection (12). As of July 1, 2002, existing factory-built
4 school buildings and manufactured buildings used as classrooms
5 and not bearing such label shall not be used as classrooms
6 pursuant to s. 1013.20 ~~235.061~~.

7 Section 1031. Subsection (5) of section 559.902,
8 Florida Statutes, is amended to read:

9 559.902 Scope and application.--This act shall apply
10 to all motor vehicle repair shops in Florida, except:

11 (5) Those located in public schools as defined in s.
12 1000.04 ~~228.041~~ or charter technical career centers as defined
13 in s. 1002.34 ~~228.505~~.

14
15 However, such person may voluntarily register under this act.

16 Section 1032. Section 589.09, Florida Statutes, is
17 amended to read:

18 589.09 Use of lands acquired.--All lands acquired by
19 the Division of Forestry on behalf of the state shall be in
20 the custody of and subject to the jurisdiction, management,
21 and control of the said division, and, for such purposes and
22 the utilization and development of such land, the said
23 division may use the proceeds of the sale of any products
24 therefrom, the proceeds of the sale of any such lands, save
25 the 25 percent of such proceeds which shall be paid into the
26 State School Fund as required by s. 1010.71(1) ~~228.151~~, and
27 such other funds as may be appropriated for use by the
28 division, and in the opinion of such division, available for
29 such uses and purposes.

30 Section 1033. Subsection (1) of section 627.733,
31 Florida Statutes, is amended to read:

1 627.733 Required security.--

2 (1) Every owner or registrant of a motor vehicle,
3 other than a motor vehicle used as a taxicab, school bus as
4 defined in s. 1006.25 ~~234.051~~, or limousine, required to be
5 registered and licensed in this state shall maintain security
6 as required by subsection (3) in effect continuously
7 throughout the registration or licensing period.

8 Section 1034. Subsection (2) of section 627.742,
9 Florida Statutes, is amended to read:

10 627.742 Nonpublic sector buses; additional liability
11 insurance coverage.--

12 (2) School buses subject to the provisions of chapter
13 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this
14 section.

15 Section 1035. Subsection (5) of section 627.912,
16 Florida Statutes, is amended to read:

17 627.912 Professional liability claims and actions;
18 reports by insurers.--

19 (5) Any self-insurance program established under s.
20 1004.24 ~~240.213~~ shall report in duplicate to the Department of
21 Insurance any claim or action for damages for personal
22 injuries claimed to have been caused by error, omission, or
23 negligence in the performance of professional services
24 provided by the state university board of trustees ~~Board of~~
25 ~~Regents~~ through an employee or agent of the state university
26 board of trustees ~~Board of Regents~~, including practitioners of
27 medicine licensed under chapter 458, practitioners of
28 osteopathic medicine licensed under chapter 459, podiatric
29 physicians licensed under chapter 461, and dentists licensed
30 under chapter 466, or based on a claimed performance of
31 professional services without consent if the claim resulted in

1 a final judgment in any amount, or a settlement in any amount.
2 The reports required by this subsection shall contain the
3 information required by subsection (3) and the name, address,
4 and specialty of the employee or agent of the state university
5 board of trustees ~~Board of Regents~~ whose performance or
6 professional services is alleged in the claim or action to
7 have caused personal injury.

8 Section 1036. Paragraph (b) of subsection (7) of
9 section 633.445, Florida Statutes, is amended to read:

10 633.445 State Fire Marshal Scholarship Grant
11 Program.--

12 (7) The criteria and procedures for establishing
13 standards of eligibility shall be recommended by the council
14 to the Department of Insurance. The council shall recommend
15 to the Department of Insurance a rating system upon which to
16 base the approval of scholarship grants. However, to be
17 eligible to receive a scholarship pursuant to this section, an
18 applicant must:

19 (b) Have graduated from high school, have earned an
20 equivalency diploma issued by the Department of Education
21 pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency
22 diploma issued by the United States Armed Forces Institute;

23 Section 1037. Paragraph (e) of subsection (1) of
24 section 633.50, Florida Statutes, is amended to read:

25 633.50 Division powers and duties; Florida State Fire
26 College.--

27 (1) The Division of State Fire Marshal of the
28 Department of Insurance, in performing its duties related to
29 the Florida State Fire College, specified in ss.
30 633.43-633.49, shall:

31

1 (e) Develop a staffing and funding formula for the
2 Florida State Fire College. The formula shall include
3 differential funding levels for various types of programs,
4 shall be based on the number of full-time equivalent students
5 and information obtained from scheduled attendance counts
6 taken the first day of each program, and shall provide the
7 basis for the legislative budget request. As used in this
8 section, a full-time equivalent student is equal to a minimum
9 of 900 hours in a technical certificate ~~vocational~~ program and
10 400 hours in a degree-seeking program. The funding formula
11 shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall
12 include procedures to document daily attendance, and shall
13 require that attendance records be retained for audit
14 purposes.

15 Section 1038. Paragraph (c) of subsection (2) of
16 section 732.402, Florida Statutes, is amended to read:

17 732.402 Exempt property.--

18 (2) Exempt property shall consist of:

19 (c) Florida Prepaid College Program contracts
20 purchased ~~under s. 240.551~~ and Florida College Savings
21 agreements established under part IV of chapter 1009 ~~s.~~
22 ~~240.553~~.

23 Section 1039. Section 784.081, Florida Statutes, is
24 amended to read:

25 784.081 Assault or battery on specified officials or
26 employees; reclassification of offenses.--Whenever a person is
27 charged with committing an assault or aggravated assault or a
28 battery or aggravated battery upon any elected official or
29 employee of: a school district; a private school; the Florida
30 School for the Deaf and the Blind; a university developmental
31 research school; a state university or any other entity of the

1 state system of public education, as defined in s. 1000.04
2 ~~228.041~~; an employee or protective investigator of the
3 Department of Children and Family Services; or an employee of
4 a lead community-based provider and its direct service
5 contract providers, when the person committing the offense
6 knows or has reason to know the identity or position or
7 employment of the victim, the offense for which the person is
8 charged shall be reclassified as follows:

9 (1) In the case of aggravated battery, from a felony
10 of the second degree to a felony of the first degree.

11 (2) In the case of aggravated assault, from a felony
12 of the third degree to a felony of the second degree.

13 (3) In the case of battery, from a misdemeanor of the
14 first degree to a felony of the third degree.

15 (4) In the case of assault, from a misdemeanor of the
16 second degree to a misdemeanor of the first degree.

17 Section 1040. Section 817.566, Florida Statutes, is
18 amended to read:

19 817.566 Misrepresentation of association with, or
20 academic standing at, postsecondary educational
21 institution.--Any person who, with intent to defraud,
22 misrepresents his or her association with, or academic
23 standing or other progress at, any postsecondary educational
24 institution by falsely making, altering, simulating, or
25 forging a document, degree, certificate, diploma, award,
26 record, letter, transcript, form, or other paper; or any
27 person who causes or procures such a misrepresentation; or any
28 person who utters and publishes or otherwise represents such a
29 document, degree, certificate, diploma, award, record, letter,
30 transcript, form, or other paper as true, knowing it to be
31 false, is guilty of a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083.
2 Individuals who present a religious academic degree from any
3 college, university, seminary, or institution which is not
4 licensed by the State Board of Independent Colleges and
5 Universities or which is not exempt pursuant to the provisions
6 of s. 246.085 shall disclose the religious nature of the
7 degree upon presentation.

8 Section 1041. Subsection (1) of section 817.567,
9 Florida Statutes, is amended to read:

10 817.567 Making false claims of academic degree or
11 title.--

12 (1) No person in the state may claim, either orally or
13 in writing, to possess an academic degree, as defined in s.
14 1005.02 ~~246.021~~, or the title associated with said degree,
15 unless the person has, in fact, been awarded said degree from
16 an institution that is:

17 (a) Accredited by a regional or professional
18 accrediting agency recognized by the United States Department
19 of Education or the Commission on Recognition of Postsecondary
20 Accreditation;

21 (b) Provided, operated, and supported by a state
22 government or any of its political subdivisions or by the
23 Federal Government;

24 (c) A school, institute, college, or university
25 chartered outside the United States, the academic degree from
26 which has been validated by an accrediting agency approved by
27 the United States Department of Education as equivalent to the
28 baccalaureate or postbaccalaureate degree conferred by a
29 regionally accredited college or university in the United
30 States;

31

1 (d) Licensed by the State Board of Independent
2 Colleges and Universities pursuant to ss. 1005.01-1005.38
3 ~~246.011-246.151~~ or exempt from licensure pursuant to s.
4 246.085; or

5 (e) A religious seminary, institute, college, or
6 university which offers only educational programs that prepare
7 students for a religious vocation, career, occupation,
8 profession, or lifework, and the nomenclature of whose
9 certificates, diplomas, or degrees clearly identifies the
10 religious character of the educational program.

11 Section 1042. Paragraph (a) of subsection (1) of
12 section 877.18, Florida Statutes, is amended to read:

13 877.18 Identification card or document purporting to
14 contain applicant's age or date of birth; penalties for
15 failure to comply with requirements for sale or issuance.--

16 (1) It is unlawful for any person, except a
17 governmental agency or instrumentality, to sell or issue, or
18 to offer to sell or issue, in this state any identification
19 card or document purporting to contain the age or date of
20 birth of the person in whose name it was issued, unless:

21 (a) Prior to selling or issuing such card or document,
22 the person has first obtained from the applicant and retains
23 for a period of 3 years from the date of sale:

24 1. An authenticated or certified copy of proof of age
25 as provided in s. 1003.21(4) ~~232.03~~; and

26 2. A notarized affidavit from the applicant attesting
27 to the applicant's age and that the proof-of-age document
28 required by subparagraph 1. is for such applicant.

29 Section 1043. Paragraph (a) of subsection (1) of
30 section 921.187, Florida Statutes, is amended to read:

31

1 921.187 Disposition and sentencing; alternatives;
2 restitution.--

3 (1) The alternatives provided in this section for the
4 disposition of criminal cases shall be used in a manner that
5 will best serve the needs of society, punish criminal
6 offenders, and provide the opportunity for rehabilitation.

7 (a) If the offender does not receive a state prison
8 sentence, the court may:

9 1. Impose a split sentence whereby the offender is to
10 be placed on probation upon completion of any specified period
11 of such sentence, which period may include a term of years or
12 less.

13 2. Make any other disposition that is authorized by
14 law.

15 3. Place the offender on probation with or without an
16 adjudication of guilt pursuant to s. 948.01.

17 4. Impose a fine and probation pursuant to s. 948.011
18 when the offense is punishable by both a fine and imprisonment
19 and probation is authorized.

20 5. Place the offender into community control requiring
21 intensive supervision and surveillance pursuant to chapter
22 948.

23 6. Impose, as a condition of probation or community
24 control, a period of treatment which shall be restricted to a
25 county facility, a Department of Corrections probation and
26 restitution center, a probation program drug punishment
27 treatment community, or a community residential or
28 nonresidential facility, excluding a community correctional
29 center as defined in s. 944.026, which is owned and operated
30 by any qualified public or private entity providing such
31 services. Before admission to such a facility, the court shall

1 obtain an individual assessment and recommendations on the
 2 appropriate treatment needs, which shall be considered by the
 3 court in ordering such placements. Placement in such a
 4 facility, except for a county residential probation facility,
 5 may not exceed 364 days. Placement in a county residential
 6 probation facility may not exceed 3 years. Early termination
 7 of placement may be recommended to the court, when
 8 appropriate, by the center supervisor, the supervising
 9 probation officer, or the probation program manager.

10 7. Sentence the offender pursuant to s. 922.051 to
 11 imprisonment in a county jail when a statute directs
 12 imprisonment in a state prison, if the offender's cumulative
 13 sentence, whether from the same circuit or from separate
 14 circuits, is not more than 364 days.

15 8. Sentence the offender who is to be punished by
 16 imprisonment in a county jail to a jail in another county if
 17 there is no jail within the county suitable for such prisoner
 18 pursuant to s. 950.01.

19 9. Require the offender to participate in a
 20 work-release or educational or technical ~~vocational~~ training
 21 program pursuant to s. 951.24 while serving a sentence in a
 22 county jail, if such a program is available.

23 10. Require the offender to perform a specified public
 24 service pursuant to s. 775.091.

25 11. Require the offender who violates chapter 893 or
 26 violates any law while under the influence of a controlled
 27 substance or alcohol to participate in a substance abuse
 28 program.

29 12.a. Require the offender who violates any criminal
 30 provision of chapter 893 to pay an additional assessment in an
 31

1 amount up to the amount of any fine imposed, pursuant to ss.
2 938.21 and 938.23.

3 b. Require the offender who violates any provision of
4 s. 893.13 to pay an additional assessment in an amount of
5 \$100, pursuant to ss. 938.25 and 943.361.

6 13. Impose a split sentence whereby the offender is to
7 be placed in a county jail or county work camp upon the
8 completion of any specified term of community supervision.

9 14. Impose split probation whereby upon satisfactory
10 completion of half the term of probation, the Department of
11 Corrections may place the offender on administrative probation
12 pursuant to s. 948.01 for the remainder of the term of
13 supervision.

14 15. Require residence in a state probation and
15 restitution center or private drug treatment program for
16 offenders on community control or offenders who have violated
17 conditions of probation.

18 16. Impose any other sanction which is provided within
19 the community and approved as an intermediate sanction by the
20 county public safety coordinating council as described in s.
21 951.26.

22 17. Impose, as a condition of community control,
23 probation, or probation following incarceration, a requirement
24 that an offender who has not obtained a high school diploma or
25 high school equivalency diploma or who lacks basic or
26 functional literacy skills, upon acceptance by an adult
27 education program, make a good faith effort toward completion
28 of such basic or functional literacy skills or high school
29 equivalency diploma, as defined in s. 1003.435 ~~229.814~~, in
30 accordance with the assessed adult general education needs of
31 the individual offender.

1 Section 1044. Subsection (15) of section 943.10,
2 Florida Statutes, is amended to read:

3 943.10 Definitions; ss. 943.085-943.255.--The
4 following words and phrases as used in ss. 943.085-943.255 are
5 defined as follows:

6 (15) "Public criminal justice training school" means
7 ~~any school defined in s. 228.041, or~~ any academy operated by
8 an employing agency, that is certified by the commission to
9 conduct criminal justice training courses.

10 Section 1045. Paragraph (c) of subsection (1) of
11 section 943.22, Florida Statutes, is amended to read:

12 943.22 Salary incentive program for full-time
13 officers.--

14 (1) For the purpose of this section, the term:

15 (c) "Community college degree or equivalent" means
16 graduation from an accredited community college or having been
17 granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or
18 successful completion of 60 semester hours or 90 quarter hours
19 and eligibility to receive an associate degree from an
20 accredited college, university, or community college.

21 Section 1046. Paragraphs (b), (c), and (i) of
22 subsection (3) of section 944.801, Florida Statutes, are
23 amended to read:

24 944.801 Education for state prisoners.--

25 (3) The responsibilities of the Correctional Education
26 Program shall be to:

27 (b) ~~In cooperation with the Department of Education,~~
28 ~~pursuant to s. 229.565,~~ Monitor and assess all inmate
29 education program services and report the results of such
30 evaluation in the annual report of activities.

31

1 (c) ~~In cooperation with the Department of Education,~~
2 ~~pursuant to s. 229.8075,~~ Develop complete and reliable
3 statistics on the educational histories, the city/intracity
4 area and school district where the inmate was domiciled prior
5 to incarceration, the participation in state educational and
6 training programs, and the occupations of inmates confined to
7 state correctional facilities. The compiled statistics shall
8 be summarized and analyzed in the annual report of
9 correctional educational activities required by paragraph (f).

10 (i) Ensure that every inmate who has 2 years or more
11 remaining to serve on his or her sentence at the time that he
12 or she is received at an institution and who lacks basic and
13 functional literacy skills as defined in s. 1004.02 ~~239.105~~
14 attends not fewer than 150 hours of sequential instruction in
15 a correctional adult basic education program. The basic and
16 functional literacy level of an inmate shall be determined by
17 the average composite test score obtained on a test approved
18 for this purpose by the State Board of Education.

19 1. Upon completion of the 150 hours of instruction,
20 the inmate shall be retested and, if a composite test score of
21 functional literacy is not attained, the department is
22 authorized to require the inmate to remain in the
23 instructional program.

24 2. Highest priority of inmate participation shall be
25 focused on youthful offenders and those inmates nearing
26 release from the correctional system.

27 3. An inmate shall be required to attend the 150 hours
28 of adult basic education instruction unless such inmate:

29 a. Is serving a life sentence or is under sentence of
30 death.

31

1 b. Is specifically exempted for security or health
2 reasons.

3 c. Is housed at a community correctional center, road
4 prison, work camp, or vocational center.

5 d. Attains a functional literacy level after
6 attendance in fewer than 150 hours of adult basic education
7 instruction.

8 e. Is unable to enter such instruction because of
9 insufficient facilities, staff, or classroom capacity.

10 4. The Department of Corrections shall provide classes
11 to accommodate those inmates assigned to correctional or
12 public work programs after normal working hours. The
13 department shall develop a plan to provide academic and
14 vocational classes on a more frequent basis and at times that
15 accommodate the increasing number of inmates with work
16 assignments, to the extent that resources permit.

17 5. If an inmate attends and actively participates in
18 the 150 hours of instruction, the Department of Corrections
19 may grant a one-time award of up to 6 additional days of
20 incentive gain-time, which must be credited and applied as
21 provided by law. Active participation means, at a minimum,
22 that the inmate is attentive, responsive, cooperative, and
23 completes assigned work.

24 Section 1047. Paragraphs (a) and (b) of subsection (9)
25 of section 948.03, Florida Statutes, are amended to read:

26 948.03 Terms and conditions of probation or community
27 control.--

28 (9)(a) As a condition of community control, probation,
29 or probation following incarceration, require an offender who
30 has not obtained a high school diploma or high school
31 equivalency diploma or who lacks basic or functional literacy

1 skills, upon acceptance by an adult education program, to make
 2 a good faith effort toward completion of such basic or
 3 functional literacy skills or high school equivalency diploma,
 4 as defined in s. 1003.435 ~~229.814~~, in accordance with the
 5 assessed adult general education needs of the individual
 6 offender. The court shall not revoke community control,
 7 probation, or probation following incarceration because of the
 8 offender's inability to achieve such skills or diploma but may
 9 revoke community control, probation, or probation following
 10 incarceration if the offender fails to make a good faith
 11 effort to achieve such skills or diploma. The court may grant
 12 early termination of community control, probation, or
 13 probation following incarceration upon the offender's
 14 successful completion of the approved program. As used in
 15 this subsection, "good faith effort" means the offender is
 16 enrolled in a program of instruction and is attending and
 17 making satisfactory progress toward completion of the
 18 requirements.

19 (b) A juvenile on community control who is a public
 20 school student must attend a public adult education program or
 21 a dropout prevention program, pursuant to s. 1003.53 ~~230.2316~~,
 22 which includes a second chance school or an alternative to
 23 expulsion, if the school district where the juvenile is
 24 enrolled offers such programs, unless the principal of the
 25 school determines that special circumstances warrant
 26 continuation in the regular educational school program.

27 Section 1048. Paragraph (b) of subsection (9) and
 28 subsection (27) of section 984.03, Florida Statutes, are
 29 amended to read:

30 984.03 Definitions.--When used in this chapter, the
 31 term:

1 (9) "Child in need of services" means a child for whom
2 there is no pending investigation into an allegation or
3 suspicion of abuse, neglect, or abandonment; no pending
4 referral alleging the child is delinquent; or no current
5 supervision by the Department of Juvenile Justice or the
6 Department of Children and Family Services for an adjudication
7 of dependency or delinquency. The child must also, pursuant to
8 this chapter, be found by the court:

9 (b) To be habitually truant from school, while subject
10 to compulsory school attendance, despite reasonable efforts to
11 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
12 1003.27 ~~232.19~~ and through voluntary participation by the
13 child's parents or legal custodians and by the child in family
14 mediation, services, and treatment offered by the Department
15 of Juvenile Justice or the Department of Children and Family
16 Services; or

17 (27) "Habitually truant" means that:

18 (a) The child has 15 unexcused absences within 90
19 calendar days with or without the knowledge or justifiable
20 consent of the child's parent or legal guardian, is subject to
21 compulsory school attendance under s. 1003.21(1) and (2)(a)
22 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
23 1003.24 ~~232.09~~, or any other exemptions specified by law or
24 the rules of the State Board of Education.

25 (b) Activities to determine the cause, and to attempt
26 the remediation, of the child's truant behavior under ss.
27 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

28
29 If a child who is subject to compulsory school attendance is
30 responsive to the interventions described in ss. 1003.26
31 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the

1 necessary requirements to pass the current grade as indicated
2 in the district pupil progression plan, the child shall not be
3 determined to be habitually truant and shall be passed. If a
4 child within the compulsory school attendance age has 15
5 unexcused absences within 90 calendar days or fails to enroll
6 in school, the State Attorney may, or the appropriate
7 jurisdictional agency shall, file a child-in-need-of-services
8 petition if recommended by the case staffing committee, unless
9 it is determined that another alternative action is
10 preferable. The failure or refusal of the parent or legal
11 guardian or the child to participate, or make a good faith
12 effort to participate, in the activities prescribed to remedy
13 the truant behavior, or the failure or refusal of the child to
14 return to school after participation in activities required by
15 this subsection, or the failure of the child to stop the
16 truant behavior after the school administration and the
17 Department of Juvenile Justice have worked with the child as
18 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall
19 be handled as prescribed in s. 1003.27 ~~232.19~~.

20 Section 1049. Section 984.05, Florida Statutes, is
21 amended to read:

22 984.05 Rules relating to habitual truants; adoption by
23 Department of Education and Department of Juvenile
24 Justice.--The Department of Juvenile Justice and the
25 Department of Education shall work together on the development
26 of, and shall adopt, rules as necessary for the implementation
27 of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and 1003.27.

28 Section 1050. Subsection (1) of section 984.151,
29 Florida Statutes, is amended to read:

30 984.151 Truancy petition; prosecution; disposition.--
31

1 (1) If the school determines that a student subject to
2 compulsory school attendance has had at least five unexcused
3 absences, or absences for which the reasons are unknown,
4 within a calendar month or 10 unexcused absences, or absences
5 for which the reasons are unknown, within a 90-calendar-day
6 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had
7 more than 15 unexcused absences in a 90-calendar-day period,
8 the superintendent of schools may file a truancy petition.

9 Section 1051. Subsection (3) of section 984.19,
10 Florida Statutes, is amended to read:

11 984.19 Medical, psychiatric, and psychological
12 examination and treatment of child; physical or mental
13 examination of parent, guardian, or person requesting custody
14 of child.--

15 (3) A judge may order that a child alleged to be or
16 adjudicated a child in need of services be examined by a
17 licensed health care professional. The judge may also order
18 such child to be evaluated by a psychiatrist or a
19 psychologist, by a district school board educational needs
20 assessment team, or, if a developmental disability is
21 suspected or alleged, by the developmental disability
22 diagnostic and evaluation team of the Department of Children
23 and Family Services. The judge may order a family assessment
24 if that assessment was not completed at an earlier time. If
25 it is necessary to place a child in a residential facility for
26 such evaluation, then the criteria and procedure established
27 in s. 394.463(2) or chapter 393 shall be used, whichever is
28 applicable. The educational needs assessment provided by the
29 district school board educational needs assessment team shall
30 include, but not be limited to, reports of intelligence and
31 achievement tests, screening for learning disabilities and

1 other handicaps, and screening for the need for alternative
2 education pursuant to s. 1003.53 ~~230-2316~~.

3 Section 1052. Paragraph (b) of subsection (8) and
4 subsection (25) of section 985.03, Florida Statutes, are
5 amended to read:

6 985.03 Definitions.--When used in this chapter, the
7 term:

8 (8) "Child in need of services" means a child for whom
9 there is no pending investigation into an allegation or
10 suspicion of abuse, neglect, or abandonment; no pending
11 referral alleging the child is delinquent; or no current
12 supervision by the Department of Juvenile Justice or the
13 Department of Children and Family Services for an adjudication
14 of dependency or delinquency. The child must also, pursuant to
15 this chapter, be found by the court:

16 (b) To be habitually truant from school, while subject
17 to compulsory school attendance, despite reasonable efforts to
18 remedy the situation pursuant to ss. 1003.26 ~~232-17~~ and
19 1003.27 ~~232-19~~ and through voluntary participation by the
20 child's parents or legal custodians and by the child in family
21 mediation, services, and treatment offered by the Department
22 of Juvenile Justice or the Department of Children and Family
23 Services; or

24 (25) "Habitually truant" means that:

25 (a) The child has 15 unexcused absences within 90
26 calendar days with or without the knowledge or justifiable
27 consent of the child's parent or legal guardian, is subject to
28 compulsory school attendance under s. 1003.21(1) and (2)(a)
29 ~~232-01~~, and is not exempt under s. 1003.21(3) ~~232-06~~, s.
30 1003.24 ~~232-09~~, or any other exemptions specified by law or
31 the rules of the State Board of Education.

1 (b) Escalating activities to determine the cause, and
 2 to attempt the remediation, of the child's truant behavior
 3 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been
 4 completed.

5
 6 If a child who is subject to compulsory school attendance is
 7 responsive to the interventions described in ss. 1003.26
 8 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary
 9 requirements to pass the current grade as indicated in the
 10 district pupil progression plan, the child shall not be
 11 determined to be habitually truant and shall be passed. If a
 12 child within the compulsory school attendance age has 15
 13 unexcused absences within 90 calendar days or fails to enroll
 14 in school, the state attorney may file a
 15 child-in-need-of-services petition. Prior to filing a
 16 petition, the child must be referred to the appropriate agency
 17 for evaluation. After consulting with the evaluating agency,
 18 the state attorney may elect to file a
 19 child-in-need-of-services petition.

20 (c) A school representative, designated according to
 21 school board policy, and a juvenile probation officer of the
 22 Department of Juvenile Justice have jointly investigated the
 23 truancy problem or, if that was not feasible, have performed
 24 separate investigations to identify conditions that could be
 25 contributing to the truant behavior; and if, after a joint
 26 staffing of the case to determine the necessity for services,
 27 such services were determined to be needed, the persons who
 28 performed the investigations met jointly with the family and
 29 child to discuss any referral to appropriate community
 30 agencies for economic services, family or individual
 31

1 counseling, or other services required to remedy the
2 conditions that are contributing to the truant behavior.

3 (d) The failure or refusal of the parent or legal
4 guardian or the child to participate, or make a good faith
5 effort to participate, in the activities prescribed to remedy
6 the truant behavior, or the failure or refusal of the child to
7 return to school after participation in activities required by
8 this subsection, or the failure of the child to stop the
9 truant behavior after the school administration and the
10 Department of Juvenile Justice have worked with the child as
11 described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as
12 prescribed in s. 1003.27 ~~232.19~~.

13 Section 1053. Paragraph (b) of subsection (7) of
14 section 985.04, Florida Statutes, is amended to read:

15 985.04 Oaths; records; confidential information.--

16 (7)

17 (b) Notwithstanding paragraph (a) or any other
18 provision of this section, when a child of any age is formally
19 charged by a state attorney with a felony or a delinquent act
20 that would be a felony if committed by an adult, the state
21 attorney shall notify the superintendent of the child's school
22 that the child has been charged with such felony or delinquent
23 act. The information obtained by the superintendent of schools
24 pursuant to this section must be released within 48 hours
25 after receipt to appropriate school personnel, including the
26 principal of the school of the child. The principal must
27 immediately notify the child's immediate classroom teachers.
28 Upon notification, the principal is authorized to begin
29 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232.26~~.

30 Section 1054. Subsection (5) of section 985.316,
31 Florida Statutes, is amended to read:

1 985.316 Conditional release.--

2 (5) Participation in the educational program by
3 students of compulsory school attendance age pursuant to s.
4 1003.21(1) and (2)(a) ~~232.01~~ is mandatory for juvenile justice
5 youth on conditional release or postcommitment probation
6 status. A student of noncompulsory school-attendance age who
7 has not received a high school diploma or its equivalent must
8 participate in the educational program. A youth who has
9 received a high school diploma or its equivalent and is not
10 employed must participate in workforce development or other
11 career ~~vocational~~ or technical education or attend a community
12 college or a university while in the program, subject to
13 available funding.

14 Section 1055. Subsection (3) of section 985.412,
15 Florida Statutes, is amended to read:

16 985.412 Quality assurance and cost-effectiveness.--

17 (3) The department shall annually collect and report
18 cost data for every program operated or contracted by the
19 department. The cost data shall conform to a format approved
20 by the department and the Legislature. Uniform cost data shall
21 be reported and collected for state-operated and contracted
22 programs so that comparisons can be made among programs. The
23 department shall ensure that there is accurate cost accounting
24 for state-operated services including market-equivalent rent
25 and other shared cost. The cost of the educational program
26 provided to a residential facility shall be reported and
27 included in the cost of a program. The department shall submit
28 an annual cost report to the President of the Senate, the
29 Speaker of the House of Representatives, the Minority Leader
30 of each house of the Legislature, the appropriate substantive
31 and fiscal committees of each house of the Legislature, and

1 the Governor, no later than December 1 of each year.
 2 Cost-benefit analysis for educational programs will be
 3 developed and implemented in collaboration with and in
 4 cooperation with the Department of Education, local providers,
 5 and local school districts. Cost data for the report shall
 6 include data collected by the Department of Education for the
 7 purposes of preparing the annual report required by s.
 8 1003.52(20) ~~230.23161(21)~~.

9 Section 1056. The purpose of the Legislature in
 10 revising this education code is to rearrange, renumber,
 11 reword, reorder, streamline, consolidate, and update the code
 12 consistent with current law and the new K-20 education
 13 governance structure. It is not the purpose of the Legislature
 14 in revising the education code to affect existing judicial or
 15 administrative law.

16 Section 1057. Effective upon this act becoming a law,
 17 the Secretary of Education, in consultation with the
 18 Commissioner of Education, may establish, abolish, or
 19 consolidate bureaus, sections, and subsections and may
 20 reallocate duties and functions within the Department of
 21 Education in order to promote effective and efficient
 22 operation of the department and to implement changes to the
 23 state system of education initiated by the adoption of the
 24 1998 amendment to Art. IX of the State Constitution as
 25 implemented by the Legislature in chapter 2001-170, Laws of
 26 Florida. Authorized positions and appropriations may be
 27 transferred from one budget entity to another as required to
 28 implement the reorganization. This section is repealed
 29 December 31, 2002.

30 Section 1058. Subsection (1) of section 187.201,
 31 Florida Statutes, is repealed.

1 Section 1059. Section 2 of chapter 2000-181, Laws of
2 Florida, is repealed.

3 Section 1060. Part I of chapter 243 and chapters 228,
4 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241,
5 242, 244, and 246, Florida Statutes (2001), are repealed.

6 Section 1061. In editing the manuscript for the 2002
7 Florida Statutes, the Division of Statutory Revision is
8 directed to incorporate any amendments, by laws passed during
9 the 2002 Regular Session of the Legislature or any 2002
10 Special Sessions of the Legislature, to provisions repealed by
11 this act into the parallel successor provisions created by
12 this act. The division is further directed to transfer any
13 provisions enacted within part I of chapter 243 or chapters
14 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,
15 241, 242, 244, and 246, Florida Statutes, by 2002 legislation
16 to parallel locations in accordance with this act.

17 Section 1062. (1) Chapters 1000, 1001, 1002, 1003,
18 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and
19 1013, Florida Statutes, as created by this act, shall be
20 reviewed by the Legislature in the 2003 Regular Session of the
21 Legislature.

22 (2) This section is repealed July 1, 2003.

23 Section 1063. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity shall not affect other provisions or applications
26 of the act which can be given effect without the invalid
27 provision or application, and to this end the provisions of
28 this act are declared severable.

29 Section 1064. Except as otherwise provided herein,
30 this act shall take effect January 7, 2003.

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